



## **Alleged Incapable of Driving Car: East Knoyle Farmer Found Not Guilty**

George Miller (47), farmer of East Knoyle, was charged with being drunk in charge of a motor-car at Mere on November 6th last. He pleaded not guilty. Mr. Kenneth Bain was for the prosecution and Mr. Cyril Williams defended.

Mr. Bain said that at 10.5 p.m. on the date named Police Sergeant Kemp and Special Constable Welch were on duty in the Square at Mere when they saw three cars parked outside the Talbot Hotel. Their attention was attracted to one of the cars which was being slowly backed out of the car-park towards the Angel Hotel. The rear wheels of the car mounted the pavement outside the Angel, coming to rest about one foot from the wall of the "Angel," and then it was driven slowly forward and collided with one of the cars which were still stationary outside the "Talbot." The Police officers thought this peculiar, as there was plenty of room, and went to the car. The defendant was at the steering-wheel, and when the Sergeant asked him what the trouble was he could not get any answer that made sense. The Sergeant asked the defendant his name, and he replied "Miller," and the Sergeant then asked him to get out of the car, which he did. The Sergeant then observed that he was unsteady on his feet and incapable of standing without assistance, and on taking his arm noticed that the defendant's breath smelt strongly of whisky. The Sergeant told the defendant he was under the influence of drink, but got no reply, and the cars having been "straightened out" with the assistance of two soldiers, the accused was taken 200 yards along the road to the Police Station, being still unsteady and supported by the Sergeant. On the way the accused said "What is this all about?" and the Sergeant said "Do you realise you have collided with another car?" and he replied "No." At 10.20 accused was examined by Dr. Whitby, who found his eye reflexes almost non-existent and the eyes losing focus and squinting. Subsequently the accused was taken to Tisbury Police Station where Inspector Townsend at 11.20 formed the opinion that he was still under the influence of drink and not in a fit state to have proper control of a car. He was there cautioned and charged, and replied "I am sorry."

Evidence was given by the Police officers named above, by Dr. Whitby and by Miss P. Thornhill, a member of the Women's Auxiliary Police Corps, who said she was in the Talbot Hotel and saw the accused there, noticing that he was unsteady on his feet.

Giving evidence, the accused said he was working on his farm all day from 6 a.m. until 7 p.m. and then went to Semley to get his car brakes attended to. The work could not be done that night, and the garage proprietor decided to drive him to Gillingham and then to his home, then to drive the car back to Semley and complete the repairs in the morning. He (Miller) had a half-pint of beer at Motcombe on the way to Gillingham. That was the first intoxicating drink he had had that day, and he had no more until they had been to Gillingham and got back to the Talbot at Mere, where they arrived after nine-thirty. There he had two small whiskies. He was anxious to get home, and as Mr. Langford, the garage proprietor, who had driven the car since they left Semley, was talking business in the Talbot, he left

with the intention of getting the car out ready for Langford. He backed the car across the Square but never mounted the pavement, and he just touched another car when he came back to pull up outside the Talbot and wait for Langford. He was surprised when the Police came, but he made no protest when they took his arm and took him to the Police Station. There was no need for the Police-Sergeant to take his arm. He was never asked if he was prepared to be examined by a doctor. He was at all times quite sober.

Herbert Sidney Langford, of Semley, corroborated the accused's evidence, and said he shewed no sign of being the worse for drink at any time. He followed to Mere Police Station, and from that time was with the accused until he took him home from Tisbury after he had been bailed.

Addressing the jury, Mr. Williams stressed the fact that Dr. Whitby in his evidence, while he was suspicious as to the condition of the accused, he was not prepared to swear that he was not fit to drive a car by reason of his consumption of alcohol. He submitted that it would not be safe for any jury to convict this man in view of that evidence.

Summing up, the Chairman told the jury that they were entitled to judge this case on the evidence of the Police officers only, but if they believed the evidence of the accused and Mr. Langford as to the amount of drink consumed by the accused it would be difficult to say that a man could be under the influence of drink to such an extent as to be unfit to drive.

The jury, without retiring, after brief consultation found the accused not guilty and he was discharged. The hearing occupied nearly four hours.

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