

**GALLUP INQUEST – 1930**Isle of Thanet Gazette 19<sup>th</sup> April 1930

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**LITTLE GIRL KILLED****A DANGEROUS BIRCHINGTON ROAD**

Criticism of the narrowness of the main Canterbury Road at Birchington and of the absence of a continuous footpath was embodied in a rider added by the jury to their verdict of "Accidental death" at the inquest held at the Town Hall, Margate, by the Borough Coroner (Mr J. S. Wilson Price) on Friday last, on the body of Mavis Anne Dulcie Gallup, aged six, who was knocked down by a motor lorry at Birchington on April 8<sup>th</sup>, sustaining injuries from which she afterwards died at Margate Cottage Hospital.

Mr Barker was the foreman of the jury.

Mr P. Bracher Jun., appeared for the driver of the lorry.

Evidence of identification was given by the child's father, Edward Stephen Gallup, a lorry driver of Hillbrow Terrace, Birchington. He stated that his daughter was six years and eleven months old. She died in his presence.

Horace Hudson of "Lansdown", Paddock Road, Birchington, said that at 3.55pm on April 8<sup>th</sup> he was standing outside his shop in Canterbury Road, Birchington, watching the children as they went home from school. Children often came onto the forecourt of his shop to see what he had for sale and on that afternoon three children – the deceased and two little boys were there for five or ten minutes. The children watched some ferrets which witness kept in his yard and then moved off. The boys picked up some stones which had been turned up in the course of drainage operations which were taking place in the vicinity and threw them into the pond. When witness left the spot, the little girl was standing on the path, which was not very wide. Witness saw the children go up the road towards Canterbury for a little way, and then saw them cross the road. He did not see what happened to the other little boy but the girl began to walk "caterwise"<sup>1</sup> across the road. She could not see whether anything was approaching unless she turned round. A lorry coming from the direction of Margate had passed the spot where witness was standing and was almost level with the girl when she began to cross the road. Witness thought she had managed to get clear, but she must have stopped, for the near front wheel ran right over her. The back wheel dragged her along for about a yard before the lorry stopped. The driver jumped down and picked the child up.

The Coroner - "How fast was the lorry travelling?"

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<sup>1</sup> Caterwise = diagonally

Witness - "Very slowly, really, and slightly downhill at that spot. The lorry had reached the bottom of one hill and was about to ascend another.

C - How far were the near-side wheels of the lorry from the kerb?

W - About a yard – but not much more, at any rate.

C - Do you think the driver could have avoided running into the child?

W – No

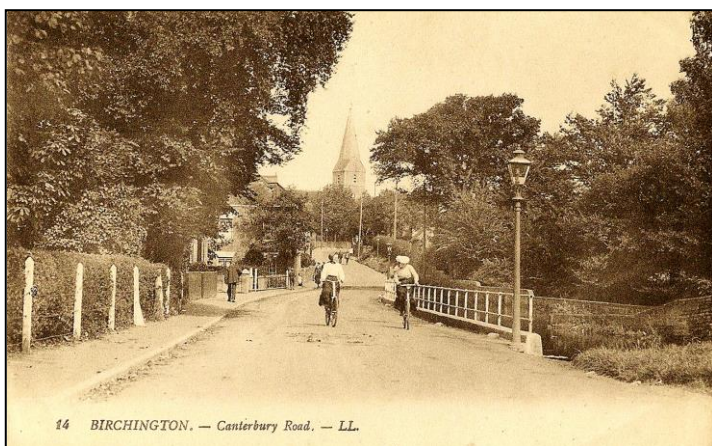
C – Why

W – She was right on to him. I don't think the driver could have done anything to avoid her. He pulled up very quickly.

The Foreman of the jury asked whether there was any traffic before or behind the lorry at the time of the accident, and witness replied that a car drew up behind the lorry. There were no cars travelling in the opposite direction at the time.

P.C. Giggins K.C.C., stationed at Birchington, said he did not see the accident, but arrived on the scene at about 4.10 pm. He saw a two-ton goods lorry standing on the near-side of the road, facing in the direction of Canterbury. He was informed by the driver that the lorry had not been moved. The road was twenty feet in width and the distance from the near-side back wheel of the lorry to the roadside was four feet. There was a short skid mark just behind the rear wheel of the lorry and also a bloodstain. The lorry was parallel to the side of the road. The distance from the bloodstain to the front of the lorry was twenty-two feet and the stain was just behind the rear wheel. The footpath on the off side of the road was 3ft. 6in. wide. The lorry was eighteen feet in length and six feet wide.

In reply to Mr Bracher, witness restated that the blood mark was behind the rear wheel of the lorry. He concluded that either both a front and rear wheel of the lorry had gone over the child or that he had been dragged along. The rear skid mark was obviously made by lorry and that showed the brakes had been applied hardly. There was no footpath on the near side of the road, which was bordered by railings [*beside the pond*].



The Coroner – Is that considered a dangerous spot?

Witness – Very dangerous, Sir.

C – Why is it dangerous?

B – It is so narrow. There is just room for two large vehicles to pass and anyone stepping off the path could be knocked down. That side of the road is very narrow.

C - Is there a footpath continuously from the Square on one side of the road?

W - No. There is no footpath on either side from the Square until just below the church. Then there is a footpath on the left hand side until just below the Church House. You have to cross the road there along by the pond and there is a footpath up to Park Avenue. There it finishes, and you have to cross the road again to reach a footpath.

C. - Do I understand then, that anyone coming from the Square has to walk on the roadway, then to go onto a footpath on the left, then to the right hand side, then cross to the left again where that ends? And you say that the road is narrow?

W. - Yes.

Replying to the Foreman, witness said that the twenty feet he had mentioned did not include the width of the path.

Dr Edmund Etienne Louis Burnier, Medical Practitioner, said he was driving in his car along the Canterbury Road at about 3.55pm on April 8<sup>th</sup>. He was travelling behind the lorry and was a witness of the accident. From a distance of about ten yards behind the lorry he saw first the boy cross the road from the footpath on the witness's right hand side. He saw the little girl run after the boy and then the lorry attempt to avoid the girl by pulling over to the middle of the road in order to give her more time to cross. He thought he saw the near-side front wheel of the lorry hit the child but he could not be sure. The little girl lay on her back on the road and the nearside rear wheel went over the middle of her body. Then the lorry stopped and the driver jumped out. Witness also pulled up.

The Coroner – How far did the lorry go after the front wheel touched the child?

Witness – It travelled its own length. I wondered at the time whether it would be able to pull up fast enough to prevent the back wheel from going over the child, but it just went over her. After the back wheel had gone over the child, the lorry only went on for two yards, possibly less. I do not think that the rear wheel dragged the child along at all. After the accident the near-side wheels of the lorry were about three feet from the side of the road.

C - At what speed was the lorry travelling?

W - About ten to fifteen miles an hour. It was not going at all fast.

Foreman – Did the lorry driver signal to you to pass him?

Witness – No.

Coroner – Do you think the lorry driver could have avoided hitting the child?

Witness replied - I don't think so.

C - Why?

W - Because the girl was so close to him when she ran across the road. She just threw herself under his wheels. He could not do anything.

Continuing his evidence, witness said he took the child into a shop and made a rough examination of her. He sent for the ambulance. Then he bandaged her leg which must have been hit by the front wheel of the lorry. Witness did not go to the Hospital. He first thought of taking her there in his car, but she looked too ill, so he sent for the ambulance. He rang up the hospital when he returned from Canterbury. Apart from the leg he could tell there were internal injuries, but he could not ascertain the exact nature of them. They were sufficient to cause death. When the witness saw the child she was blue, and death was near. He did not think she would reach the Hospital. The leg was not broken, but the flesh was stripped to the bone from hip to ankle.

William Tester, 21 Grove Road, Mangravet Estate, Maidstone, said he was the driver of the lorry. It was a two-ton goods lorry and at about 3.55 pm he was driving through Birchington in the direction of Canterbury. He had passed the church and had nearly reached the bottom of the hill, level with the pond, when the accident occurred. There were several children about and two that had run across the road were on the off-side of it. Then a boy ran across followed by a little girl. She ran so close to witness that he could not possibly pull up. In an effort to avoid the child, witness drove out more into the middle of the road. He had his brakes on and pulled up as quickly as he possibly could. The near-side wing or the lamp on the wing must have caught the child and knocked her down for the front wheel went over her. He did not know whether the back wheel went over the child. She was very close to the back wheel, but witness did not know her exact position or whether she was behind or in front of the back wheel. A gentleman from a car behind the lorry came up and the child was taken into a shop. An A.A. scout telephoned for the ambulance.

The Coroner – How far were you from the near side of the road?

Witness – About four feet.

C – How fast were you going?

W – From ten to fifteen mile an hour.

C – Where were you when you saw the child leave the footpath?

W – I was right close to her then. She was nearly level with the front of my lorry, which is six feet wide.

C – You were four feet from the roadside and your vehicle is six feet wide. That means that the child was ten feet from the lorry, when she left the path. Did she walk or run across the road?

W – She ran.

C – I am not trying to trip you up, but I cannot see why you did not have time to pull up at all.

W – I don't think I saw her when she actually left the footpath – she was more in the gutter.

C – You mean she was walking in the gutter before?

W – Yes. Well there is hardly any path there at all.

C – Do you think you could have avoided the accident?

W – I couldn't possibly have avoided it.

C. - How far did the lorry travel after it touched the child?

W – I only know the policeman's measurements. It was only a short distance.

Questioned by Mr Bracher, witness said he had driven vehicles of the same type as the one in which he was riding at the time of the accident for fourteen years. During the whole of that time he had been employed by Messrs Jackson and Smith. His licence was perfectly clear. The accident happened very suddenly, and he had no reason to suppose that the children intended to run across the road. In the emergency in which he was placed, he did all that he possibly could to avoid an accident. His idea in pulling across towards the centre of the road was to give the girl a little more time in which to get across the road.

Summing up, the coroner said he did not think the jury would have any difficulty in coming to the conclusion that the child died as a result of injuries sustained as a result of being knocked down by the lorry. In a case such as the one which they were dealing with, their sympathies were naturally aroused for the child and its relatives, but in considering whether the driver was responsible for it in a criminal way, they must disregard all questions of sympathy. It might be that they would come to the conclusion that the driver did everything that he could to avoid the accident. In most cases, drivers contended that they were not travelling at more than from ten to fifteen miles an hour, but this time they would not hesitate to accept that statement, for Dr Burnier said the same thing. The jury might possibly care to add a rider to their verdict on the subject of the narrowness of the road and the absence of a continuous footpath.

Unquestionably it was a road that was dangerous at the spot at which the accident occurred, not only on account of its footpaths, but because there was not room for more than two vehicles to pass at the same time. There was no evidence that the lorry was on the wrong side of the road – in fact the evidence pointed very much to the opposite conclusion. The lorry did not appear to have travelled very far, and they would realise that being a heavy vehicle, it could not be pulled up immediately. The driver seemed to have



done everything that he could to avoid the accident. Children were impulsive at times and ran across the road. The jury would probably come to the conclusion that the accident was attributable to the impulsiveness of the child in running across the road without ascertaining whether it was clear.

The jury returned a verdict of “Accidental death” as the result of injuries sustained by the child, when she was knocked down by a lorry, while running across the road. The accident could not have been avoided by the driver. The jury desired to express sympathy with the relatives of the deceased and with the driver, who they were certain had done everything he possibly could to avoid the accident. The jury added a rider to the effect that they were of the opinion that the road should be widened and that a continuous footpath be provided, such a rider to be forwarded to the Kent County Council. A member of the jury said the approach to the Square was very dangerous and should be widened.

P.C. Giggins said the widening of the road from the Square to a point near Park Avenue had been considered by the K.C.C. He understood the work was to be done.

The Coroner – It seems to me that the footpaths are a danger.

P.C. Giggins – There are a lot of children living in that district.

Mr Bracher sympathised with the relatives of the child on behalf of the driver – Mr Tester, he said, felt it all very much, for he was a father himself. The father and the driver of the lorry shook hands.

The coroner associated himself with the expressions of sympathy with the relatives of the deceased and with the driver.



Birchington-on-Sea. The Village Pond.

c. 1930