

Judge to See Place Where Car Crashed

Testimony in Fatal Accident Case Heard in District Court Here — Auto Hit Pole in Dracut

1940

Before he makes a finding on police charges brought against John D. Ireland, aged 17, of Pelham, N. H., Judge Patrick J. Reynolds will view the scene of a fatal accident at Bridge street and Marsh Hill road in Dracut. Ireland appeared in District court Saturday morning.

Ireland was the operator of a beach wagon which struck a pole Dec. 21, 1940, resulting in the death of Russell Hayes, aged 18, and injuries to Miss Ilda Hardy, aged 23 and Roy E. Hardy, aged 26, all of Pelham, N. H., and passengers in the beach wagon.

The defense produced the driver of another automobile Robert Sykes of Methuen, who testified that the beach wagon was going 60 miles an hour when both machines crossed on the narrow two-lane highway. Sykes and a companion passenger told of getting out of their automobile after witnessing the accident and assisting the injured.

Police Chief Vincent D. O'Leary reported on conditions at the scene of the accident and information received from the defendant during an investigation. He denied the contention of the defense that one side of the road was narrowed by a snow bank, that part of the macadam on the edge of the road was broken off, and that the rain had washed part of the dirt of Marsh Hill road into Bridge street to form a hump or rise on the edge of the highway.

Ireland in his defense declared that he was driving about 40 miles an hour when he saw the Sykes machine approach on the slight curve of Bridge street, near the intersection of Marsh Hill road. The defendant said that it appeared as if Sykes was going to enter Marsh Hill road, his automobile being on the wrong side of the road. He added that he slowed his car slightly and was forced to change the course of his automobile when Sykes went suddenly to his own side of the road. Ireland then decided to go onto the

shoulder of the road to avoid hitting the oncoming machine.

Ireland told the court that if Sykes had driven into Marsh Hill road, as appeared to be his intention, the beach wagon would have safely passed between the Sykes machine and the pole. He added that the front of his machine passed the Sykes car, the rear wheels struck the rise formed in the road by the wash dirt, throwing the rear of the beach wagon against the pole. Ireland told the court that he felt the rear section of the beach wagon being sheared-off. According to Ireland, the victim Hayes had been thrown into the roadway, Miss Hardy had been thrown to the floor and Hardy was standing in the road, when he looked over the situation after the accident. He saw that all injured parties were removed to the hospital and was then taken home by a neighbor who arrived in an automobile.

Roy E. Hardy, who was seated in the rear of the beach wagon with the victim Hayes, corroborated Ireland's testimony. When questioned by Judge Reynolds, he said that no one in the party had been drinking during their shopping tour in Lowell or any time prior, that there was no playing in the car, but admitted that his sister, Miss Hardy, was passing cookies to the rear of the beach wagon momentarily before the accident.

Although he considered that the speed of the beach wagon on a narrow road approaching an intersection on a curve constituted a danger in operation, at the insistence of defense counsel, Judge Reynolds agreed to view the scene of the accident at the convenience of the defense and government when the weather permits.