The Price of Gold

By Olwen Fenton & Ian Belmont May 2019

While researching and compiling stories and obituary lines for our Bendigo cemeteries compilation, we came across the headline in the online newspaper site of TROVE:

_Another Mining Catastrophe._

The present year of 1883 has been a very unfortunate one for the miners, for accidents of a shocking character have been alarmingly frequent.

From reading the burial lists for our cemeteries, we knew there were many accidents involving men working in the mines of Bendigo, as they laboured in the quest for the precious metal. And as with the death toll on today's roads, just the death numbers are not the full story. There are also many more who are injured but go onto survive but with a much poorer quality of life.

So in the mining industry of the 1860's to the 1890's when accidents did happened fairly often, to read a headline story in the local paper of the Bendigo Advertiser, about accidents and the death of miners becoming alarmingly frequent, we thought we would detail some these accidents during 1883 that made the editor write this headline for his story.

But first a small story written in the Bendigo Advertiser Supplement of Saturday 10th Sep 1858 with the title:

_Mining Accidents._

PICTURE THE FIRST.

A crowd of awe-struck, anxious looking faces gathered round the top of a shaft, watching with straining eyes the slow progress of the ascending rope, on which is suspended the bruised and mangled form of him who was but now one of themselves, who had but one brief hour ago gone down that shaft to his daily labour as full of life and of hope as any one of those who now are watching so intently for all that is left of him - his bruised and mangled corpse.

But how did it happen? How is it that that man but now in the flush of youth, or in the vigour of more matured manhood, has been so prematurely snatched without a moment's warning from all he held dear on earth?

It is a common story. A prop has given way, and a few tons of stuff fallen in, and crushed him; some part of the windlass has broken, and the rope on which he is ascending the shaft jerks, and he is precipitated to the bottom; or he has been working on a scaffold, and it, through some cause, gives way, and he falls into a well, and so is drowned. A hundred ways there are to knock a man's brains out, and to squeeze the soul out of his body, in the occupation of a miner.
PICTURE THE SECOND.

A miserable room in a small house in one of the crowded thoroughfares of a great city is the old country is where our second picture is taken from.

It is winter. See that pale, care-worn woman seated by what is meant for a fire, but the very sight of which makes the blood of a healthy man run cold, it seems so like a mockery of comfort. Alas! to that poor weary soul sitting there, stitch, stitch, stitch, from morning to night, for bare sustenance, it is a boon, - oh! what a boon! (meaning a question asked - is this very helpful, does it improve the quality of life).

In the room are three children, all of whom wear upon their faces the same careworn aspect the sits upon the countenance of the woman, who is their mother. See, she has fallen into a slumber; her tired limbs refuse longer to perform their functions. She sleeps, and as she sleeps she dreams - dreams of the absent one, who far away from her is plodding on to get money enough, as he said in his last letter to her, to send for them, his wife and little ones, to Australia.

She dreams of their re-union, and her wonder at life in the bush, and of a hundred other things, which seem too happy for her who has known so much of sorrow. Sleep on poor thing, for in that sleep all of human happiness you ever knew will fade from your gaze. She is awoke by the postman's knock, who brings a letter to tell her that all is over! - her husband has been killed in one of the rich claims on the Victorian Goldfields. We need go no further with this, it speaks for itself.

These are no exaggerated pictures, would that they were; would there were less of truth and more of fiction in them. Who can tell the scenes of privation and of suffering, and afterwards of sorrow and dark despair passed through by the friends of those who die in our midst unheeded and unmourned, except by a passing shrug or exclamation of pity.

The number of deaths by mining accidents throughout the goldfields of this colony are daily increasing. Scarce a day passes but we hear of some poor fellow being struck down in his prime by one or other of the numerous accidents to which the miner is continually exposed.

In the majority of instances the cause of the accident arises from carelessness, of times the men who are killed but fall victims to their own want of thought, while at others it happens that accidents occur through some defects in machinery, or something of that sort.

It was but as it were yesterday that Mr Fulton met his death on the Victoria Reef, where now today another victim is added to the already far too long lists of deaths by mining accidents. Will the miners ever take warning, or will they still continue working in the same old slip-shod style as heretofore, while they are daily undergoing risks which makes one tremble even to contemplate!
This is a question for the serious consideration of all miners, and it is one which calls for especial attention from the hands of large claim holders, as much damage to life and limb would be prevented if they would but see that in all cases the tackle used in their claims was of sufficient strength to perform the work expected of it.

Were every man to think but for a moment as with a careless air he exclaims, "Oh, let it be, its strong enough," of the misery, the suffering, and the pain that "let it be" policy may entail on him or his, or on those with whom he is connected, he would cut his tongue out ere he again used those words which have often been the cause of much mischief - let it be!

HUMANITY.

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The following are an Outline of selected accidents.

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Table of Contents

**TERRIBLE MINING ACCIDENT**

ELLENBOROUGH MINE APRIL 23, 1883, TWO MINERS DENNIS & ANDREW KILLED

**CRESWICK MINE DISASTER**

BRIEF SUMMARY OF THE WORST MINING ACCIDENT IN AUSTRALIA 22 DIE.

**Editorial**

EDITORIAL ON INCREASING THE NUMBER OF MINING INSPECTORS

**ANOTHER FATAL MINING ACCIDENT**

LADY BARKLY COMPANY MINE APRIL 27, 1883 MINER NOONAM KILLED

**DREADFUL MINING ACCIDENT**

NEW GARDEN GULLY MINE May 11, 1883 TWO MINERS STREADER & SCHNELLBACK KILLED

**FATAL MINING ACCIDENT**

ROYAL HUSTLER'S MINE JUNE 9, 1883, MINER THOMAS PIERCE KILLED

**ANOTHER MINING CATASTROPHE**

UNICORN TRIBUTE MINE JUNE 26, 1883, TWO MINERS LAWSON AND NOBLE KILLED.

**SERIOUS MINING ACCIDENT**

LADY BARKLY COMPANY JUNE 15, 1883 MINER RICHARD WHITE DIED IN HOSPITAL
The Ellenborough mine accident in 23rd April 1883 where 2 miners died. They were John Frederick Dennis & James Andrew. They are both buried at the Eaglehawk Cemetery.

Bendigo Advertiser (Vic. : 1855 - 1918) Tue 24 Apr 1883 Page 3

TERRIBLE MINING ACCIDENT.
SHOCKING CALAMITY AT THE ELLENBOROUGH MINE.
HEAVY FALL OF GROUND.
TWO MEN KILLED AND THREE INJURED.
FEARFUL MUTILATION OF THE BODIES.

The borough of Eaglehawk was thrown into a state of intense excitement last night by the report of a calamity at the Ellenborough mine, the like of which for the shocking character of the details has not been equalled in this district for many a year, and has only been eclipsed in the colony by the never to be forgotten Creswick disaster.

The news spread like wildfire, and before the particulars were known the excitement was intense, especially among those who had relatives or friends working in the mine. A rush was made for the mine from all parts of the township, and anxious wives, mothers and sisters could be seen rushing frantically with deep seated distress plainly visible in their countenances, towards the mine to learn the truth. Before long the brace was crowded, and there must have been close on a thousand persons assembled round the shaft. By this time the facts of the case were pretty well known, and it was ascertained that the lives of two fine young fellows had been sacrificed, while the escape of several others was truly miraculous.

The accident was caused by a fall of ground, an occurrence very frequent in this mine since they have been working on the big reef discovered about three years ago. None of the falls previously had resulted in serious injury, though about two years ago in December, several men were imprisoned for 14 hours owing to the collapse of a large portion of the reef.
On that occasion the excitement was intense, as the fate of the men was not known for several hours. But last night the suspense was not long, for the worst was known in a very short time, and therefore the excitement cooled down considerably, and many of the people left, while several hundreds lingered round, waiting with bated breath, or conversing in low whispers, until the bodies were brought up.

THE ACCIDENT.
Occurred at about half-past six. The exact position was in the stopes above the 720 feet level, south of the crosscut, and immediately south of the west winze connecting the 640 and 720 feet levels. The place in which the men were working was about 40 or 45 feet above the level, the stopes having been carried north and south from the winze. The reef had been worked out on the west side here, and stacks of timber had been built up to support it. Preparations were just being made to timber up, and support the eastern side of the level in a similar manner, leaving, of course, the usual passage way.

Everything appeared perfectly right, and there were no unusual symptoms of danger, though it has always been necessary to secure the ground as quickly as possible.

At this time there were eight men working in this part of the mine, their names being: Alexander Dorratt (boss of the shift), James Andrew, John Dennis, William Richmond, James Proud, John Hoskin, Alfred Raglus, and William Hall.

There were other men working in the level below providing timber. Hall was working at the north end, and Dorratt was near him, and had just taken the pick from Hall's hand. Richmond had been sent down for picks, and had just returned. Andrew, Dennis, Raglus and the others were on the east side. The ground overhead had been sounded, and appeared all right. The mulloch had been cleared away, and the first log or two had been laid, when all of a sudden a rumbling noise was heard, and almost before the men had time to cry out an immense block of stone fell. Dorratt, Hall, and Richmond ran across to the west side where the ground was secured by the stacks of timber, and escaped freely save Hall, who received some severe cuts.

Hoskin was severely bruised, but he and Proud also got away. Raglus, Andrew, and Dennis sought the eastern side, but the body of stone was right over them, and they had scarcely time to move before it was upon them. Raglus was pinned against the eastern wall, and unable to move. The two other unfortunate men were completely covered.

AFTER THE ACCIDENT.
The scene after the accident, and as soon as light was procured, was terrible and awe-inspiring. The immense block of quartz and mulloch, hardly broken by its fall, lay immediately in front of the top of the rise. It was 8 feet high, 10 feet across at the bottom, and 5 feet across the top, and about 8 or 10 foot long. It must have weighed 50 tons. Shortly afterwards a large quantity of loose ground fell, and the fall extended north of the winze, crushing the timber in it down with it. Raglus could be seen pinned against the wall, perfectly sensible, but unable to move. Of the other two men nothing could be seen, as they were completely covered.
RECOVERING THE BODIES.
The alarm was soon given, and men from all parts of the mine were on the spot. Work was suspended in the Eastwood's, and the whole of the men came to help. The men from the Sadown (including Mr Humphries, the manager), the Belmont, with Mr Hall, the manager; and from the La Belle also rendered assistance. Mr Kirkwood, the legal manager, Mr J Caldwell, a director, and Mr H E Tolhurst, who gave good assistance as surveyor, with the mining manager, Mr Amos Arblaster, directed operations, and Mr W H Grainger, the Inspector of Mines, was soon on the scene.

The men who escaped at once, after propping up the ground overhead, at once started to release Raglus, but the task was difficult and dangerous, and was not accomplished for two hours. Then willing hands were energetically at work to disentomb the two unfortunate men below. After over three hours' hard work, Dennis's hand was seen, and it was found that he was right under the block. Shortly afterwards, Andrew's body was seen.

When a few loads of stone had been removed the sight was a horrible one. Dennis was laying stiff and rigid. Andrew had fallen face downwards, with his cheat across a piece of timber, and was flattened out in a frightful manner. Dennis was got out first, and his body was sent to the level below, and tied up in bags at five minutes past eleven. Owing to Andrew's awkward position, several logs had to be sawn through before he was got out, which was accomplished at 11.50. The sight was then so horrible that he was immediately covered up and sent below.

BRINGING THE BODIES UP.
On being brought to the level the bodies were placed on trolleys and convoyed to the shaft. They were then securely tied in bags and placed in trucks, and taken separately to the surface, the mining manager accompanying each. The crowd above pressed round the shaft in awe-stricken silence, save when a murmur of sympathy ran through them as the bodies reached the surface. They were then conveyed to the office close by.

Here the bags were removed, for the doctor's examination, and the scene was heart-rending as several of the relatives gathered round to catch a glimpse of those so suddenly taken from them. Fr Thom and the Rev J Ingham, Wesleyan minister, to whose congregation both men belonged were present.

THE DEAD MEN.
Dr Thom examined both men, and readily arrived at the cause of death. Dennis's head and face were fearfully crushed, but the skull was not fractured. The left arm was broken. The chest was crushed severely, and this was the cause of death. Andrew's body was frightfully mutilated. The head was completely smashed up, and was hanging in pieces. The left breast was penetrated by a big hole, and all the nibs were smashed. Both arms and legs were broken; in fact, the doctor said that every bone in his body was smashed.

In both cases death must have been instantaneous. Dennis was aged 30, unmarried, and was living with his mother and brothers. His father lives in the Castlemaine district.
Andrew's case was very sad. Only three weeks ago today he was married, and had only been two weeks at work.

His wife was not allowed near the mine last night, but her grief must have been heart-breaking. Both were fine strapping young men, in the full pride and vigour of manhood.

THE INJURIES OF THE SURVIVORS.
Dr Thom very shortly after the accident was reported in Eaglehawk, arrived on the mine, and when Hall, Hoskin and Raglus were brought to the surface, their injuries were examined in the changing room. It was found that Hall's injuries, although rather slight, consists of cuts and bruises about the calves of the legs, caused by the pieces of rock falling on him, and he had also received a nasty although small wound on the left hand.

Hoskin had a severe bruise or crush on the lower part of the spine, but the injury is not likely to interfere with his backbone. Raglus, who was suffering from shock to the system, had a very severe bruise on the thigh, and other bruises on the lower portions of his legs.

THE SCENE ON THE SURFACE.
When the news of the terrible calamity, made more calamitous by rumour being circulated from mouth to mouth, reached Eaglehawk crowds of people rushed towards the mine, and about an hour after there were upwards of 1,000 persons, one third of which were females, congregated around the mouth of the mine.

Work was almost entirely suspended in the neighbouring mines, and numbers of miners willing to assist in extricating the men came forward. Most exaggerated statements of the accident had been handed around, and fully half of those who arrived on the mine were led to at first believe that the whole mine had caved in. Most exciting and affecting scenes of grief and wildest despair were witnessed on all sides, and females whose relations and friends were engaged in the mine, and who were not near that portion of the mine where the accident occurred, could not be assured that their loved ones were not either killed or injured.

When the names of the injured men were known and that three of them were not at all seriously hurt, expressions of congratulation mingled with sorrowful feelings for the two poor fellows who it was certain must have been killed instantly, were on all sides heard. Men employed on the same portion of the mine as where the accident occurred and who came off work the previous shift to that in which the accident happened, stood in groups near the mouth of the shaft and with husky voices spoke of the narrow escape they had.

After the three injured men had been got up there was a long suspense caused by the time occupied in clearing away the mass of quartz from the bodies of Dennis and Andrew. Men and women stood around taking in whispers, and although late in the evening, when there were still several hundred people about, not the slightest noise could be heard a comparatively short distance from the mouth of the shaft. The electric light reflecting on the silent group made the scene, to anyone acquainted with the occasion for the assemblage, a most weird one, and one not likely to be forgotten.
About twelve o'clock when the news reached the surface that the two bodies had been extricated and were coming up, eager but orderly endeavours were made to obtain positions around the stretcher which was to receive the bodies. Many of the females mounted the wood stacks around about the mine, and their forms looked like so many spectres. The first body to come up was that of Dennis, and as the remains of the unfortunate young man were being taken from the cage and conveyed to the changing house numbers of the men and women sobbed aloud. Then came the mangled form of poor young Andrew, who led his wife to the altar only three weeks ago. The scene was, perhaps, one of the saddest ever seen in Sandhurst.

THE CAUSE.
No blame appears to attach to the manager, who used every precaution in timbering. Ten out of the twelve men in the level were timbering.

MR DORRATT'S STATEMENT.
Alexr Dorrat, the boss of the shift, states that he heard two or three tremendous groans from the reef overhead, and heard Hall cry out, "The whole b--- place is coming down." They had barely time to run away when the stone fell. He then described the position of the others, and the rescue of Raglus.

RICHMOND'S STATEMENT.
Richmond, who just went up when the stone fell, states that they were just starting to build the stack when the collapse took place. He pulled Hall out by the legs. Hoskin was lying against the hanging wall. Both had to be carried up.

WILLIAM HALL'S STATEMENT.
William Hall, who was struck by the falling stone, states that he and the underground boss were preparing to put in a stack, and near where they were working on the north side of the pass there was some bad ground, and he asked Dorratt whether he should knock it down.

Dorratt took a pick from him, and started to knock the bad ground away. Almost immediately after Dorratt took the pick he heard a crack, and called out to Jim Andrew to stand back, as he thought that something was coming. Immediately afterwards some small pieces of rock began to fall, then a large lump came away.

They ran, Dorratt and Richmond getting behind the stack on the west side. He (Hall) could not reach the stack before he was struck on the right leg. A piece of quartz caught him on the leg, but he managed to extricate himself by tugging, the rock rolling off his leg. It at first pinned him down, and it took him a few minutes to get himself free. When he was struck down he heard Raglus sing out to John Hoskin. Raglus appeared to be jammed up against the footwall. Could not see him. He heard him sing out, "Billy, I'm all right, and I can see a light."

He (Hall) had no light, and he might have seen the light in the stopes through the crevice. After the first heavy fall of quartz the noise was awful, for it rumbled and tumbled no mistake about it. I never heard Dennis or Andrew speak, and he know that it was all over with them. Aleck Dorratt sang out for a light, and while he struck a match, Dorratt, however,
lit his candle from another source, and then we could see the men." He thought they were Smith and Arblaster, coming from the south end.

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Bendigo Advertiser (Vic. : 1855 - 1918) Wed 25 Apr 1883 Page 3

THE ACCIDENT AT THE ELLENBOROUGH MINE.
The details of the terrible accident which happened on Monday evening at the mine of the Ellenborough Company, Eaglehawk, have been read with horror, and on all aides much pity is expressed for the lamentable and terribly sudden end of the young men Dennis and Andrew.

The question is freely asked, "Who is to blame?" For although it is admitted that the authorities were particularly careful in respect to timbering and otherwise making secure the mine, still there is a pretty general belief that for some time the lives of the miners working in the portion of the mine where the accident occurred have been exposed to great danger.

This question will, no doubt, be thoroughly investigated at the inquest. When the mine was inspected yesterday by the jurymen who were empanelled for the inquest, it was found that no further fall of stone had taken place, and as no work has since been done in the mine where the accident occurred everything remains as it was when the bodies were entombed.

In Eaglehawk the shutters of all the business premises were partly put up, and the same token of respect to the deceased men was shown by the flying of half-mast flags.

The injured men are progressing very well. Hoskin is still suffering much pain from the injury to his back, and Raglus and Hall were rather stiff yesterday morning. However, all the patients will be able to get about in a week or so.

The funerals of the two unfortunate miners, James Andrew and John F Dennis, will take place this afternoon at four o'clock. The place of interment will be at the Eaglehawk Cemetery.

STATEMENT OF ALFRED RAGLUS.
Raglus, who is a married man with five children, and resides in Panton Street, Eaglehawk, is 30 years of age, and gives his statement of the calamitous occurrence as follows: - I was working right against the hanging wall on the eastern side, making preparations to put up a stack south east of the winze, Andrew and Dennis being between me and Richmond and Hall and Dorratt, who were on the other side. I was quite close to Dennis and Andrew, being only about three feet from Dennis.

I heard the ground crack, and I cried out to Dennis and Hall, but the words were hardly out of my mouth when down it came. I never had a chance to escape, because I was knocked down at once. I don't think I could have moved hardly one inch from where I was standing when she came away. I was knocked against the hanging wall, which saved my life. A perpendicular piece of the mass slid down, jamming my feet and forcing me under the
underlay. I was jammed up in a little cave of just sufficient size to permit of containing my body, and I was awfully anxious lest the piece should fall on my body.

I could see the light through the crevices of the rock, and I sang out to Hoskin that I was all right, but I was greatly afraid that the men would not find me, as I lay in such a peculiar position. I kept singing out but no one seemed to hear me; but soon afterwards I heard the men whom I knew had come to rescue us, and they found out where I lay, but I was again fearful that in their endeavours to get me out that they would knock down some of the rocks above and around on top of me. I tried then to pull my legs from where they were caught by the edge of the piece of rock, which had slid down between me and the hanging wall, but I could not do so.

The air was good enough, and I sang out to the men and gave them instructions how to get me out without knocking the piece of rock over on to me. One of the men passed a drill which was inserted between the rock and the hanging wall, and that kept it away from me while the men were taking away the other rock. (Excitedly)

- There is no doubt but that that perpendicular piece of rock was the salvation of me. Poor Dennis and Andrews were crushed to atoms by the very rock which was the very salvation of me. I think I was confined in the small cave about one hour and a half.

Raglus, who was very low and faint when he was conveyed to his home, was rather feverish when visited some hours afterwards, and when relating the circumstances of the accident became very excited.

JOHN HOSKIN'S STATEMENT.
Hoskin, who is about fifty years of age, is a married man with seven children, and resides near Bright's slaughter-yards, Eaglehawk. His statement, which was given while he was being conveyed to his home, corroborates that of Hall. He was, as above stated, not much hurt, but in a very excited state. When proceeding along in the cab some friends sang out to the cabman "What is up; has there been an accident," and Hoskin replied "Yes, and I am hurt; I think I have been potted this time." He was carefully tended to when he reached home, and last night was in a more calm condition.

THE INQUEST. Day 1
The inquiry into the cause of the death of the two unfortunate miners James Andrew and John Frederick Dennis was commenced yesterday before the coroner, Mr R Strickland, at the Lady Barkly Hotel, Upper Road, California Gully. Sergeant Gleeson appeared on behalf of the Crown, Mr Kirby on behalf of the Ellenborough Company, and Mr Grainger, Inspector of Mines, on behalf of the Mining Department.

Before the jury were sworn in Mr Strickland stated that he did not wish to have any person on the jury who were connected with the mine, or who held scrip in the company. He would excuse those who had to go on the afternoon shift. One person who had been summoned stated that he was a scrip-holder and he was discharged, whilst another stated he had to go to go to work at three o'clock.
Mr Strickland remarked that he required twelve jurymen, for he wished to have a verdict from twelve jurymen. He had heard nothing of the accident, but at the same time he would have to be careful after the sad calamity at Creswick. The jury would have to go below and inspect the workings to see if they considered everything was safe. He, therefore, did not see the probability of finishing the inquiry that evening.

Mr Grainger remarked that the two witness Raglus and Hall were present, and he thought their examination would each last an hour. He, therefore, thought the best plan would be to adjourn. In the meantime the two witnesses would in all probability recover sufficient to give their evidence.

The coroner stated that the jury could go below. He had to go, and he thought it would be better to adjourn, although he was against adjournments for the jurymen’s sakes. Dr Thom stated that the two men present in room was not sufficiently recovered to give evidence.

The coroner then advised the jurymen to visit the bodies, and afterwards go below and inspect the workings.

The following jury were empanelled: John Heffil (foreman), James Bryce, Josiah Inch, Robert Hall, Matthew Mann, Jabez Robbins, James Picken, Thomas Burns, Henry Hammer, Ralph Watson, Thomas Stewart, Charles James, James Mitchell, Francis Taylor and Edward Hackett. The coroner considered it advisable to take the doctor’s evidence, and the following was taken:

Dr J J Thorn deposed: At about twelve o’clock on Monday night, I was present at the Ellenborough Company’s mine, waiting for the two men, James Andrew and John Frederick Dennis, to be brought to the surface. They had both been dead some time. Upon examination of James Andrew I found the skull entirely smashed, and a large wound had penetrated into the interior of the chest, and all the ribs were broken. His legs and arms were also all broken. The cause of death were those injuries.

I then saw the body of Dennis. He was also very much injured on the head and face by a violent blow, which caused concussion of the brain. His chest had also been under very heavy compression, for the ribs were broken. His death must have been instantaneous from the injuries described.

The inquest was then adjourned to the 2nd of May, at the Camp Hotel, Eaglehawk.

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*The Ellenborough Funerals*

*The Ellenborough Funerals*

THE ELENBOROUGH FATAL MINING ACCIDENT.

FUNERAL OF THE VICTIMS.

The interment of the two unfortunate men James Andrew and John F Dennis, who were killed by a fall of stone in the Ellenborough Company on Monday evening, took place at the
Eaglehawk cemetery yesterday. Andrew resided near the Eaglehawk slaughter yards, and Dennis with his mother at Specimen Hill, Sailor’s Gully, and the funerals were appointed to leave the different residences at four o’clock, and proceed to the centre of the town opposite the Camp Hotel, where both corteges would form into one and wend its way to the cemetery.

The funeral of Dennis was the first to reach the town. The hearse was preceded by upwards of 200 miners and others, who walked four deep, followed by two mourning coaches and other vehicles. The coffin, which could be observed through the glass sides of the hearse, was covered with garlands of flowers and immortelles, and the white plumage of the hearse deckings denoted that it was the funeral of a person who had not experienced the winter of life.

A few minutes after this cortege arrived apposite the Camp Hotel, the funeral of Andrew came in sight, proceeding slowly along the Mount Korong Road. The members of the Court Happy Valley A.O.F., of which order Andrew was connected, headed the procession, then came fully two hundred persons, immediately followed by the male members of the Wesleyan Church choir, then the hearse and pall bearers, who were members of the Foresters, the mourning coaches, the first containing Andrew’s young wife, and then a number of private vehicles.

The singing of the choir, who continued to chant a most impressive requiem, was productive of feelings of emotion, the solemnity of the ceremony being plainly depicted in the appearance of those taking part in the proceedings. With the utmost order and regularity the two bodies of mourners on foot formed together, making a procession of several hundred yards in length, the Foresters following with their mourning regalia, and the members of the choir lifting up their voices in most tuneful, yet sorrowful tones.

Then came both hearses abreast of each other, the five mourning coaches preserving the same order. The directors of the Ellenborough occupied the next conveyance, and the legal manager (Mr H Kirkwood) and the mining manager (Mr A Arblaster) followed, with a number of private vehicles, conveying some of the prominent townsmen, although as a special mark of respect for the deceased many of the business people, who had closed their shops joined in the procession with the miners. When the cemetery was reached the foot mourners fell away on each side, allowing the coffins to be taken from the hearses, and carried to the graves by the comrades of the deceased men.

Following the Rev J H Ingham, the Wesleyan Church minister, of which denomination both the deceased men were connected, came the two coffins, then the friends of the unfortunate young men, including Mrs Andrew, who was extremely affected, and the mother of Dennis, supported by her husband and other sons. When the graves, which are situated in the Wesleyan portion of the cemetery, and at a short distance from each other, were reached, nearly 1,000 persons had congregated there. Mr Ingham, who was accompanied by the Rev R Lewers, then read the burial service over both graves, and the service peculiar to the Order of Foresters was rendered by Mr W H James, the C.R. of the lodge.
The choir then sang a most appropriate hymn, and the remaining portion of the ceremony was left to the sexton and his assistants. When the earth was being cast down on the coffins, and in fact throughout all the ceremony there was scarcely a dry eye among the assemblage, the grief of Andrew’s wife and Dennis’s mother being very great.

The funeral arrangements were most efficiently carried out by Messrs E C Brown and James Houston.

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A summary of the Ellenborough inquest.

Bendigo Advertiser (Vic. : 1855 - 1918) Thu 17 May 1883 Page 2

The Ellenborough Accident.

Next in importance to the Creswick disaster has been the Ellenborough fatality, whereby the two miners Dennis and Andrew lost their lives by a fall of earth. The enquiry occupied five days, and during that time voluminous evidence was taken.

Sixteen witnesses were examined, the examination of some lasting four and a half hours, whilst the majority lasted for two hours. The jurymen sat on each day from 10 o'clock in the morning until 5 o'clock at night, and paid the greatest attention to the evidence. Their questions were put in a straightforward manner, and owing to the fact that the majority of jury were miners who had had a number of years’ experience in mining, the greatest interest was taken in the answers, which materially assisted the coroner and police.

After the second day’s adjournment it was evident that the minds of most of the jurymen had been made up as to their verdict, and consequently they took very little time in arriving at a decision. They deliberated for an hour and a half, and returned a verdict of manslaughter. The coroner thanked the jurymen for their attendance, but before closing the foreman asked the coroner if something could not be done with Mr Moorhead, who had made use of certain words reflecting on the ability of the jurymen.

The jury could produce witnesses to prove on oath that the remark was made, notwithstanding that Mr Moorhead had denied it. The coroner informed the jury that he could do nothing, after which the matter of payment for their attendance was referred to by the foreman. Mr Strickland promised that he would do his best, and would make application for the payment.

The foreman on behalf of the jury thanked the Coroner, the Inspector of Mines, Sergeant Gleeson, and the solicitors for their kind attention during the enquiry, and the proceedings terminated.

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Paper Editorial

Bendigo Advertiser (Vic. : 1855 - 1918) Tue 1 May 1883 Page 2

The Ellenborough Accident.

The whole of the fall of stone which took place in the Ellenborough Company on yesterday
The Price of Gold

Page | 14 of 56

week, and which caused the death of two miners, has been removed, and the ordinary work in that portion of the mine where the accident occurred resumed. The inquest will be commenced tomorrow, when a thorough investigation will be made. While little or no blame has been attached to the company, it is stated that "since the stone has been cleared away, it does not look so nice." and

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Preventable Mining Accidents.

The M.A. Mail says:- Mining at best is a perilous occupation, but it is far more fatal than need be to the men engaged in it. Admitting that with every precaution a certain percentage of deaths and injuries among those who delve in the bowels of the earth is as inevitable as among all who follow like avocations, the number of accidents is unnecessarily large. And in proof of the truth of the assertion we may point out that one of the two fatal casualties last week, as well as the Creswick disaster, was preventable.

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Compensation

Bendigo Advertiser (Vic. : 1855 - 1918) Sat 12 May 1883 Page 2

Compensation in the Ellenborough Accident. The parties interested have come to a satisfactory arrangement with regard to the compensation to be paid consequent on the death of the two miners Andrew and Dennis.

The Ellenborough Company paid Andrew's widow £300, and Dennis' mother £250. The matter was arranged at a meeting yesterday, particulars of which will be found in our mining columns.

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Creswick Mine disaster

It should be remembered that the most shocking mine accident in Australia was in December of last year. The Creswick Mine disaster of the 12th December 1882, saw 22 miners drowned, with only 5 miners rescued after 3 days.

The men that perished left 18 widows and 75 dependent children.

This report is Bendigo centric, only referring to mine accidents and deaths of Bendigo miners. But the Creswick Mine disaster was always in the mind of those advocating for mine safety.

Source for further reading about the Creswick Mine disaster.

On the 11th of December 1882 forty one men entered the New Australasian No 2 mine to work a seemingly ordinary Monday night shift. In the early hours of Tuesday morning, 12th
of December 1882, water flooded the mine from the old workings of Australasian No 1 trapping twenty seven of the men underground. Rescue efforts commenced immediately but by the time the miners were reached three days later only five had survived. The body of one man was still warm when it was recovered.

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Editorial on increasing the number of mining inspectors

Bendigo Advertiser (Vic. : 1855 - 1918) Wed 16 May 1883 Page 2

MINING ACCIDENTS.
The occurrence of several shocking and fatal mining accidents close upon one another affords matter for deep consideration on the part of our legislators and those persons who make it their duty to look after the interests and to provide efficient means of protection for the working miners.

Without attempting at present to express an opinion as to the causes of these disasters we may mention that we have at various times stated our belief that the number of mining inspectors should be increased. The department, however, for reasons considered valid by its permanent officers, has held a different view. We do not for one moment intend to reflect on the efficiency or zeal of the gentlemen to whom the duties of inspection have hitherto been confided.

Our contention is simply that the work is too heavy for them, and that they ought to have assistance. Our own local inspector, Mr Grainger, is indefatigable in the discharge of his multifarious duties, and we are sure the same may be said of those acting in other districts. Every mine-owner must be desirous that all possible precautions should be taken for the prevention of accidents; and there can be no doubt that, as a rule, very careful attention is paid to those important matters. But since periodical inspection is deemed to be necessary, even as regards the best managed mines, it should be made thoroughly effectual.

With so large an amount of work on their hands the present inspectors cannot be held responsible for deficiencies which may occur in works and appliances requisite for the safety of the workers in the perilous depths. Both the candidates for the representation of Sandhurst have stated their opinion that the number of inspectors should be increased.

Both have hold the position of Minister of Mines and ought to be able to form a correct judgement on the subject. Recent events doubtless have caused them to arrive at their present conclusion.

Mr Mackay administered the Act for the Regulation of Mines in the earliest stages of its operation, and Mr Williams much more recently. Major Smith, Mr Clark, and Mr Burrowes have successively hold the portfolio of Mines, but it does not appear to have occurred to any of them that beneficial results would ensue from the appointment of additional inspectors.
Indeed for some years since the passage of the Mining Accidents Act serious and fatal disasters have been on the decrease, as has been shown by carefully compiled statistics. At the same time, however, it has been felt to be desirable that there should be an increased degree of official inspection.

On the 5th April last a deputation waited upon the Minister of Mines and presented certain resolutions adopted at the annual conference of the Amalgamated Miners' Association held at Stalwell in October.

According to the Argus report, Mr George Williams, president of the association, pointed out "in the first place that it was imperatively necessary there should be a more satisfactory inspection of mines, as the existing system was very deficient and afforded inadequate protection to the miners.

The staff of inspectors should be increased, only practical miners should be appointed on it, and it should be arranged that the districts should be more numerous; that the inspectors should devote the whole of their time to the work, that their visits should be at regular intervals, but at varying dates and hours. Further it was requested that practical engineers should be appointed inspectors of machinery used in connection with mining."

Mr Levien promised to give all the matters laid before him his careful consideration, and it is to be hoped the want of sufficient inspection complained of will be supplied. Nothing that will tend in any way to reduce the risk to which the miners are constantly exposed should be neglected.

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MINING ACCIDENTS IN VICTORIA.


The miners of Victoria have only been brought under official inspection within the last few years. The act now upon the statute book was passed by the Francis Government in 1873, Mr Angus Mackay being minister of Mines at the time, and though, as a matter of course, the measure is imperfect in details, it may be claimed that it is sound in principle, and that it has done good work in its day. The act lays down certain regulations which all mining managers and companies must carry out.

The mines are examined from time to time by inspectors, who report as to the compliance or non-compliance with these regulations, but the onus of conducting the mining operations in a safe and proper manner rests not with the inspectors, but with the mine owners and their agents. Reports of accidents must be immediately communicated to the department, and the mine is then examined by the inspector, who reports as to the cause of the occurrence. The following table shows the number of accidents in the mines of Victoria since the act was brought into operation:

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<tr>
<th>Year</th>
<th>Killed</th>
<th>Injured</th>
<th>Total</th>
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<tr>
<td>1874</td>
<td>90</td>
<td>245</td>
<td>335</td>
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<td>1875</td>
<td>83</td>
<td>217</td>
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<td>1880</td>
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<td>89</td>
<td>139</td>
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<td>1881</td>
<td>72</td>
<td>108</td>
<td>180</td>
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Of the 72 men killed in 1881, 41 were married, and they left 172 orphan children.

These figures argue strongly in favour of the creation of a relief fund rather than of doling out assistance in particular cases.

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_The Lady Barkly Company mine accident at Eaglehawk on Thursday 27th April 1883._

_A miner, named Michael Thomas Noonan, was killed._

_He is buried at the White Hills Cemetery._

_Bendigo Advertiser (Vic. : 1855 - 1918) Sat 28 Apr 1883 Page 3_

ANOTHER FATAL MINING ACCIDENT
A FALL OF STONE AGAIN THE CAUSE.

Hardly had the feeling of horror brought about by the calamitous accident at the Ellenbororough Company subsided, when yesterday morning the fact of another terrible accident, by which a fine manly young fellow, only 21 years of age, lost his life, was related to the most unwilling ears of the public, who as regards to sensationalism, have lately become thoroughly surfeited - so far as the details of mining accidents are concerned.

The report was only too true, as shortly before eight o'clock yesterday morning, in the mine of the Lady Barkly Company, Eaglehawk, Michael Thomas Noonan, aged 21 years, and described by the mining manager of the claim as a young man of whom any one could take pattern, was, without a second's notice, hurried into the other world. Unhappily the deceased to a great extent brought about the accident which caused his death.

At the inquest, which was subsequently held, the whole facts were elicited, and no blame can be attached to the management, as the evidence, and the finding of the jury, reported hereunder, will show.

The facts of the occurrence are briefly: - Noonan and his mate came on to work at 7 o'clock and from that time until 8 o'clock, when the accident occurred, were engaged stoping in the second stope south of the 600 feet level. Their work was immediately under the supervision of the underground boss, who shortly after they commenced work instructed them to put in a hole east of the block stone, which appeared dangerous, as well as to be careful of the block which was a sort of key-stone between two walls.

Instead of following the instructions given, poor Noonan commenced knocking down stone, and, while immediately beneath the dangerous block, it came away striking him on the back, and killing him instantaneously. Strange to say no bones were broken, although his back was bruised, and Dr Thorn's evidence showed that death resulted from asphyxia, caused no doubt by the deceased being knocked face downwards. The details of the accident will be found in the report of the inquest.

The Lady Barkly Company, which has been in existence for about 18 years, has enjoyed a marvellous immunity from mining accidents of a serious nature. About sixteen years ago, a young man named Sampson Cook fell down the shaft and was killed, but since then no accident of a serious or fatal nature has occurred.
THE INQUEST.
At two o'clock the inquest into the cause of the accident was commenced at the Welcome Hotel. With the object of getting a verdict as unanimous as possible, fourteen jurymen were empanelled. Mr Grainger, the Inspector of Mines, was present, representing the Mining department, and Sergeant Gleeson on behalf of the police.

The jury after being sworn proceeded to the mine and inspected the place where the accident occurred. The following evidence was then adduced:

Dr Thom deposed that he was called to the claim at about half-past eight o'clock, and saw the deceased, who had been brought to the surface. He was quite dead. His face, chest and shoulders were quite livid from congestion. There was a small wound upon the collarbone, and the entire back was bruised as if some heavy weight had rested on it. There was no fracture of the bones or spine. Death had evidently been produced by asphyxia, the result of pressure.

Michael Noonan, father of the deceased, residing in Bannerman Street, Sandhurst, deposed that the deceased had been engaged in mining for about three years. Witness was working in the mine at the time of the accident occurred in a different stope about 100 feet behind. Plunkett sang out to witness that his son was buried by a fall of stone.

He hastened to the spot, and found that upwards of two tons of ground was partly lying on top of him, and he was quite dead. He was extricated and removed to the surface. To the Inspector of Mines: Witness had been mining for over 29 years, most of the time in this district. He would not call the deceased a first-class practical miner to work in all portions of a mine. The deceased was employed in the mine for about five months as a practical miner. Witness did not attribute any blame to the management of the claim.

Elisha Tippett, mining manager of the Lady Barkly mine, deposed that he had not been at his duty owing to an accident for a fortnight, the mine having been under the charge of one of the directors and the underground manager, Thos Nankivall. At about twenty minutes past eight o'clock he was informed that the accident had occurred. The deceased was quite competent to take any position in an ordinary way in the mine. He did his work remarkably well. To the mining inspector: Witness was quite competent to take charge of a stope.

Joseph Plunkett deposed that he was working with the deceased in the stopes off the 600 feet level, having gone on the seven o'clock shift. They had commenced stoping, and had been working for about an hour. They were going to bore a hole, and the deceased was engaged in pulling down some loose ground. They intended to bore the hole on the east side and below the block of stone which fell away.

While the deceased was pricking, the ground came away. The witness ran out of the way, and the deceased tried to do the same, but was struck by the large block of stone. Witness called out for assistance, and deceased’s father and other men came. The stone was removed, but the deceased appeared to be quite dead.
To the Inspector of Mines: The boss of the shift (Thos Nankivall) visited witness and the deceased half-an-hour before the accident. He told us to put a hole in the eastern side, which we were about to do when the accident occurred.

To the Coroner: Witness was seventeen years of age, and had been mining for about two years. He worked on the backs in the Lady Barkly for about seven months, and no fault had been found in his work. He had only been working four days.

To the police: The boss of the shift when he came to them that morning said the ground did not look very nice, and he told them to bore a hole to bring it down, but he sounded it and it sounded all right.

To a juryman: He did not think the place dangerous to work in. The firewood stack was only six foot from the surface. Witness was not engaged as a competent miner.

Thomas Nankivall, one of the underground "bosses" at the Lady Barkly mine, deposed that he made the usual inspection of the after the change of shift that morning. The deceased was engaged stoping in the second stope south of the 600 feet level. When he visited the place where the deceased and his mate were working he did not like the look of it, but sounded it and it sounded much better than he thought it would.

Witness suggested that a hole should be put into the east side of the stone, but as there is no appearance of the hole having been commenced, he presumed that his instructions had not been carried out. Deceased while putting in the hole on the east side of the stone would be out of danger of being struck by the block of stone. Deceased must have been engaged picking away before putting in the hole.

Witness knew nothing more until he was called and found that the deceased had been killed. His head and shoulders appeared to be pretty clear, his legs and loins being caught by the stone. To the mining manager: Deceased was competent to work in the stopes. He was one of the finest young men he knew on Bendigo.

The work which the deceased was engaged in was calculated to bring down the ground it was like knocking down the "key-stone."

To the jury: He told the deceased and his mate the previous day not to go under the stone.
To the police: There was not room to put up another stack.
To a jurymen: If a prop had been under the block it would have given warning, but it was not necessary for the deceased to work under the stone.
To the police: Had the deceased acted in accordance with witness' instructions the accident would not have taken place.
A jury man: Does the witness think that if the deceased had had a practical miner working with him would the accident have occurred?
Witness: I always considered that the deceased was a practical miner.
The juryman: And only working as a miner for three years?
Witness: Yes.
To the Inspector of Mines: In working the stone the proper way was to take down the ground, and not prop it.

To a juryman: A more practical miner might have put in the hole as witness suggested, but some men have a mind of their own, and don't do what the "bosses" tell them. It is a usual custom for a man and a boy to work together in a mine. And the deceased and Plunkett were competent to work where they were working. Witness was always close at hand.

W H Grainger, Inspector of Mines, deposed that he had made an inspection of the place where the accident occurred. He saw the block of ground which had fallen on the deceased. It was six feet in length, three and a-half feet in width, and would average about twenty inches in thickness. Witness also measured the distance from the last stack of timber to the face.

The height of the roof where the men were working after the fall was ten feet. The width of the ground open was also about ten to eleven feet. Have heard the evidence of the other witnesses, and was of opinion that had the deceased put in the hole as suggested by the underground "boss," it would have been the safe and practical way to work the ground.

The working of the loose ground as described by the witness Plunkett, would be the means of bringing the block of stone down, as it would take the "foot" or support away from it.

To a juryman: Had been a practical miner for 28 years.

To the coroner: Did not find any breach of the mining regulations.

To a jury man: Did not think from the evidence, that the deceased was fully competent to work such ground. The deceased's manner of working down the ground confirmed him in that opinion.

The coroner then summed up. In reviewing the evidence he stated that he was very glad to see when he visited the mine that the stack of timber was only six feet from the face, "which showed that care was taken in the working of the mine." Had there even, in the opinion of the underground boss, been a necessity for putting in another stack of timber, there was not sufficient room to do so, although it was mentioned by one of the jurymen that the ground should have been propped, but the underground boss thought it was sufficiently safe.

Had the deceased carried out the instructions of the "boss" and put in a hole, the accident would not have occurred, and while putting in the hole it would not have been necessary for the deceased to have gone under the block, and it was evident from the position in which he was found that he must have been directly underneath it when it fell away.

If the jury thought, as he thought, that the ground was properly worked, and that the unfortunate young man disobeyed instructions resulting in his death, they should not attach any blame to the management of the mine in that respect, simply because the underground
manager told the deceased how to work the ground, and had timbered the ground as closely as he could.

There was, however, another aspect to the question, that is whether the two men, or rather the man and boy, were sufficiently competent to be put about such work, the responsibility of the work falling on the deceased, who was the elder of the two.

However, they had the evidence of the underground boss that the deceased was competent to work in any part of the mine, and it was a fact that he had been working several months in portions of the mine requiring equally as much practical knowledge as where he was killed. It was not because of his youth that the deceased might not be a competent miner.

The jury saw the body, and it was that of a stalwart young man. Certainly the boy Plunkett had nothing to do in influencing the deceased as to the manner in which they had to proceed about their work.

Further in respect to the deceased being a competent miner, his father had said that he was not, but he afterwards qualified that statement by saying that he was not competent so far as undertaking any position in connection with mining.

He (the coroner) certainly thought the deceased was sufficiently capable to perform the manual labor incumbent on a practical miner, and although it might be fairly argued that, owing to his short experience in mining he required a little judgement, it should be remembered that that judgement was vested in the underground manager, because it had been plainly put before them that the deceased was told to do a certain thing, and he did not do it.

It was a lamentably fact that mining accidents are very frequent of late, and in that view he was very pleased to discover, through his inspection of the mine, and the evidence of the mining inspector, that the Lady Barkly was a well worked mine, and the safety of the miners was closely studied.

The jury, after a retirement of a quarter of an hour, returned a verdict as follows:—
"That on the 27th day of April, 1883, the deceased Michael Thomas Noonan was accidentally killed by a fall of ground in the mine of the Lady Barkly Company, Eaglehawk."

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The New Garden Gully Freehold Company mine accident on Friday 11th May 1883.
Three miners were killed.
David Murray Streader who was buried in the Bendigo Cemetery,
and Charles Schnellback who buried in the White Hills.
Spelling of Schnellbeck used in cemetery data.

Bendigo Advertiser (Vic. : 1855 - 1918) Sat 12 May 1883 Page 2

DREADFUL MINING ACCIDENT.
TWO MINERS KILLED.
One of the most appalling fatalities that it has been our duty to record for the present year occurred early yesterday morning, when two unfortunate miners met with a fearful end in the mine of the New Garden Gully Freehold Company. During the past few months more miners have lost their lives than in almost any previous year in the Sandhurst district.

After the frightful accident in the Ellenborough mine, whereby two unfortunate men were crushed to death by a fall of earth, miners were beginning to become a little careful, but within a week afterwards a young man lost his life in the Lady Barkly mine. Hardly had these sad calamities been forgotten by the public than they are apprised of still another, if anything more dreadful than the others.

From what could be ascertained it appears that on Thursday night, at eleven o'clock, three men named David Murray Streader, Charles Schnellback, and John Marrows, contractor, went to work in the New Garden Gully Freehold mine situated at the south of the Garden Gully United Company.

These men, with, seven others, had taken a contract to sink the shaft from the 816 feet plat. The work was carried on successfully up to half-past six o'clock yesterday morning, when two of the men met with a frightful death. At the 816 feet plat the company had put in a pent-house to prevent anything falling down the shaft below where the contractors were working.

In the main shaft there are three compartments, two for the winding and one for the ladders. So as to haul water and mullock from below the pent-house a method was adopted so that the cage in the main shaft could balance the bucket coming from the bottom of the shaft, 985 feet deep. To the bottom of the cage was attached a tail rope, which was connected to the bucket by a pulley wheel 170 feet from the bottom of the shaft. As the cage is lowered so the bucket is raised. The bucket below the 816 feet plat was worked in the ladder way, and below this the men were working.

Streader and Schnellback were engaged at the 950 feet preparing to put in some bearers preparatory to timbering. Marrows was in the plat attending to their wants, and receiving the bucketsful of water as they were being hauled up. This water poured into a cistern at the 816 feet plat, and from thence was taken to the surface. At about six o'clock yesterday morning Marrows lowered some bearers down to the two men, and after they had fixed them he saw both of them get on to the edge of the bucket, a large wooden one filled with water. Streader called to Marrows to give the signal to raise.

This instruction was complied with, and the engine-driver (Phillips) commenced to haul up. After ascending about 30 feet the bucket stopped, as also did the cage in the main shaft. Marrows again signalled several times, but it was noticed that the bucket still remained motionless. Streader was then heard by Marrows to say, "Oh, it's too heavy with the water. I will get on to the ladder, and then it will balance."

Mallows then saw Streader step to the ladders, but in another instant the cage rushed down the shaft, and the bucket upon which Schnellback was still standing ascended
to the plat with great velocity. Schnellback was knocked off the bucket, and fell to the bottom. Marrows was horror-stricken, and called out to the two men.

He, however, got no answer, and immediately went to the surface for assistance. The mining manager, Mr W Pennaluna, was on the surface, and in company with Alfred Streader, son of one of the deceased men, hurried below. They went to the bottom of the shaft and were horrified to find lying in about three feet of water the two bodies frightfully mutilated. In fact the sight was a sickening one, the two bodies lying together one mass of human flesh and bones. Bags were procured, and the first body removed to the surface was that of the man Streader. By this time nearly 100 men, women, and children had congregated around the mouth of the shaft.

Amongst those on the surface were two sisters of the man Schnellback, and some of the relatives of Streader. As the remains of Streader were carried to the engine-house by some of the workmen the air was rent with the shrieks of some of the relatives. Soon afterwards the bag containing young Schnellback’s body was raised to the surface, and Miss Schnellback, who was standing close by, became greatly affected and had to be removed by some of those standing by.

The two bodies were laid in the engine-house, and were examined by Dr Atkinson, who had been sent for. The inspector of mines, Mr Grainger, then, with the mining manager, went below and examined the workings. Meanwhile the doctor made an examination and found that Schnellback’s scalp and face had several lacerations, besides lacerations on both elbows, the left side and left knee. Streader’s scalp was extensively lacerated, and the skull-cap was partly fractured, and the brains had been carried away. Several of his ribs were fractured.

An examination of the place below was made, and upon the cap-piece at the top was found a portion of young Schnellback’s hair and brains. No obstacle was found in the main shaft where the cage had caught, and it is unknown how the cage caught. The engine-driver stated that he had never stopped the engine when he heard the several knocks, so that it is surmised that the wire rope coiling on the top of the cage caused it to give away, and that caused the fearful accident.

After a thorough inspection, Mr Grainger came to the conclusion that the mine had been properly worked, the method adopted of working with the pulley being used in a large number of other leading mines in the district, for the purpose of ensuring the safety of the miners. The opinion is that as Streader was getting off the bucket, his weight together with the heavy wire rope on the cage caused the bucket to move, and as it did so he was pulled away from the ladders, and fell to the bottom. It is clear how the unfortunate man Schnellback fell away, for his head struck the cap piece, and he was precipitated to the bottom.

The sad affair was reported to the police and coroner, and at four o’clock yesterday afternoon Mr Strickland commenced the inquest.
THE INQUEST at the Earl of Percy Hotel in Don Street. Mr Grainger appeared on behalf of the Mining Department, Sergeant Webb for the police, Mr Wrixon for the relatives of the deceased men, and Mr Rigby, one of the directors for the company.

The following jury were empanelled:- John M'Craw (foreman), John O Liddell, Arthur Bligh, Robt Campbell, James Orr, Henry Nestvec, John M'Lean, Walter Henry Benson, Jas Quin, Thomas Thomas, Walter E H Rogers, A Bentley, R Smith, R Grieves, and R M'Atamney.

The following evidence was taken:-

Dr H L Atkinson deposed:- This morning about half-past seven o'clock I was called to the mine of the New Garden Gully Freehold Company, for the purpose of seeing the two men that had been killed. I went at once and found that the bodies had not yet been brought to the surface. I was informed that both were dead.

I have since examined the bodies in the engine-house of the company. The body of David Murray Streader was that of a man of about 56 years of age. The scalp was intensively lacerated across the vertex, and the calvarium or skull cap was greatly fractured, and the brains had been entirely carried away. Several of the lower ribs on the right side were fractured.

In the case of the young man Charles Schnellback, who appeared to be about 19 years of age, there were several lactations of the scalp and of the face, and on both elbows, below the knee, and on the left skin. The cause of the deaths were the injuries described. Death in both cases must have been instantaneous.

At this stage Mr Rigby objected to one of the jurymen, Mr Thos Thomas, being allowed to act on the jury, as he had previously been a contractor. He (Mr Rigby had heard that Mr Thomas had made use of a strong expression regarding the manner in which the mines had been worked.

Mr Strickland: Is such the case, Mr Thomas?

Mr Thomas: Yes, sir. If you desire it, I will explain. I was a contractor in the mine some time ago, and I left in consequence of the dangerous way in which the tail rope was used. I objected to work in the mine, and if you are desirous I will not sit on the jury.

Mr Strickland: I think Mr Thomas should be thanked for giving an expression of his opinion as he had done. I would like to have him examined as a witness. Sergeant Webb: Oh he will be called; and if necessary, his mate will be a witness also.

Mr Strickland: In this court it is not. I will not have a prejudiced man on any jury.

Mr Thomas was then excused, and left the room.

William Pennaluna, mining manager of the company, deposed: I knew the two deceased men, Streader and Schnellback. They were working on contract with seven others in sinking the shaft. Streader was the contractor, with Schnellback and the others. The
deceased men and John Marrows went on to work at eleven o'clock on Thursday night, and were to be relieved at seven o'clock yesterday morning. I was in the mine before seven o'clock, when Marrows came up and said that his two mates had been killed. I went below, and with assistance brought the bodies to the surface.

To the Inspector of mines: I consider that Streader was an experienced miner. I was informed on enquiry that the deceased men got in a full bucket of water to come up from the bottom of the shaft, 985 feet to the plat at 816 feet.

I had never warned the deceased men about riding on a full bucket, but I had previously cautioned one of the former contractors. There ladders to the bottom of the shaft. The only object of the men riding on the bucket was to save time.

To the jury: It has been customary for the last fifty feet in sinking to allow the men to come up on the empty bucket after firing a shot.

To the Inspector: I do not consider that the depth of 170 feet from the plat to the bottom is too deep for men to be raised to get out of the way of shots. The bucket is a wooden one bound with iron, and would contain about 40 gallons of water. It would take about a minute for the bucket to be raised from the bottom to the plat. We only use one bucket for hauling from the bottom to the plat. This bucket is worked in the ladder compartment from the 816 plat to the bottom.

To the jury: The appliance is worked by a balance tank, and a pulley wheel is fixed up the shaft about 175 feet. There is a three-and-a half inch rope on it. One end of the rope hangs down the middle shaft beside the centres and the other end hangs in the ladder-way shaft, and is connected to a bucket. When the men want to work the bucket they give the engine-driver the signal, so that the men can put the tail-rope on to the tank for the purpose of hoisting the bucket. We have two knocker lines, one for the tail-rope and one for the shaft. We have adopted the plan of the pulley wheel for about eight months.

This method was adopted for the safety of the men below. I covered over the shaft by a pent-house, with the cistern on top, at the 816 feet plat. If the tank, on being lowered in the main shaft, should catch against anything it would cause the bucket to stop, and the slack rope would continue to coil itself on the tank. Ropes were provided by the company for the men to strap themselves to the rope in ascending and descending, but I do not think they were used. I have known the cage to catch in the shaft once before. The machinery is fully effective to haul.

To Mr Wrixon: The only method of escape was by the ladder-way or on the empty bucket. The men should not have attempted to ride on the full bucket.

To the jury: In some cases the engine-driver could detect any obstruction caused by the tank bucket catching in the shaft.

To Mr Kigby: Excepting what I have been told, I know nothing of the circumstances of the accident.
Some of the jurymen considered it necessary to go below and inspect the place where
the men had been working, and as it was stated that the inquiry would in all probability last
until a late hour, Mr Strickland thought it advisable to adjourn. The jurymen were
agreeable, and the enquiry was at 6.30 pm adjourned until half-past nine on Monday
morning at the Blue Bell Hotel, High Street.

The deceased man, David Murray Streader, was 56 years of age, a native of
Birmingham, England, and had been in this colony for thirty years. He leaves a wife and four
children some of whom are fortunately grown up. He was an old and experienced miner,
and had hitherto been very careful.

Charles Schnellback was 19 years of age, his parents died some time ago, and it will be
remembered that when they were living in M'Ivor Road a subscription was got up for Mrs
Schnellback, and shortly afterwards she died, leaving the children without any means of
support. Young Schnellback had three sisters and a younger brother depending upon him
for support, and latterly he had resided in Vine Street, Ironbark.

The New Garden Gully Freehold Company has been extremely unfortunate since the
company was formed. Two years the engine-driver, a man named Hoskin, fell down the
shaft whilst stamping down some clay, and his dead body was afterwards found in the
bottom of the shaft.

A few months ago a young man named Harrison was killed through the handle of a
crab winch striking him on the head, and since then several smaller accidents have
occurred. The engine was stopped yesterday soon after the accident, and since then no
work has been done.

This is an abridged version of inquest verdict.
- full details of inquest at Tue 15 May 1883 Page 3

Bendigo Advertiser (Vic. : 1855 - 1918) Tue 15 May 1883 Page 2

The New Garden Gully Freehold Accident.
The adjourned inquest touching the cause of the death of the two men, David Murray
Streader and Charles Schnellback, was resumed and concluded at the Blue Bell Hotel, High
Street, yesterday. The enquiry was opened at half-past nine, and lasted until a quarter to
four, when the jury retired to consider their verdict.

At six o'clock they returned a verdict of accidental death, but added a rider to the
effect that the jury were of opinion that the appliance known as the balance tank and pulley
was defective, and should be prohibited. The jury further considered that the act of
Parliament was defective in allowing mining companies to sink 170 feet without a near
place of refuge. Mr Strickland asked if the jury found that the defective nature of the
appliance in any way contributed to the deaths of the men, for if so such might lead to a
strictly legal interpretation by him that there was negligence, and this would be
manslaughter.
The foreman of the jury replied that their verdict did not impute manslaughter, but their verdict should speak for itself, and it was left to the Crown law officers to interpret it. In according the verdict the coroner thanked the jury for their attendance, but stated that he did not think the rider was in accordance with the weight of the evidence.

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Letter to the Editor

Bendigo Advertiser (Vic. : 1855 - 1918) Sat 12 May 1883 Page 1

THE NEW GARDEN GULLY FREEHOLD ACCIDENT.
(To the Editor of the Advertiser.)

Sir,

From all I hear concerning this lamentable accident, I am led to believe the families of the unfortunate victims, or least those of Schnellback, will feel their loss very acutely, as they have been entirely dependent upon him for support. If this is so I would suggest to the charitably disposed public, and also to our local amateurs, who are always willing to answer to a call of this nature, that the present affords an opportunity which fortunately seldom occurs, when they can by coining forward to render material assistance. Any little assistance in my power will be most heartily given.

FRANK MACOBOY
Albion Chambers, 11th May.

The Royal Hustler's Accident

Spelling in paper - Pearce and Pierce
PEARCE Thomas 9/06/1883 11/06/1883 33 yrs Mon C5 8081 8775

Bendigo Advertiser (Vic. : 1855 - 1918) Mon 11 Jun 1883 Page 3

FATAL MINING ACCIDENT.

So shortly after the succession of terribly fatal mining casualties in the Ellenborough, Lady Barkly, and New Garden Gully Freehold mines, by which five stalwart miners were hurried into eternity, it again becomes our painful duty to record another accident by which a man named Thomas Pierce working in the Royal Hustler's mine and residing at Booth Street, Golden Square, met with his death. Pierce, who was about 40 years of age, was engaged with his mates, William Jenkinson and William Hawkins, in sinking a well below the 900 feet plat in the Royal Hustler's shaft, and on Saturday morning they were performing this work. At 11 o'clock, or "crib" time, the three men ascended the shaft to the surface and having partaken of their crib proceeded to resume work. They descended by the cage to the 800 feet plat where they alighted, and the deceased and Jenkinson stepped on to a bucket to be lowered by a tail rope the remaining 100 feet, leaving Hawkins, who was to follow, at
the 800 feet plat to signal to the engine-driver to lower. The deceased stood on one side of
the bucket and Jenkinson on the other, and Hawkins having given the signal, the bucket
began to descend. When the bucket had proceeded about nine feet, the outer edge of the
bottom of it, on which Jenkinson was standing, struck against the timbering of the shaft and
momentarily becoming caught in an aperture between the timbers, counted over to an
angle of about 50 degrees.

Pierce, who had apparently only a very slight hold of the rope, without having
uttered a sound, fell away to the bottom of the shaft. Jenkinson, after a lapse of about five
minutes, reached the bottom, and heard Pierce moan, and immediately afterwards life
appeared to be extinct. With the assistance of some other men employed in the mine, the
body was removed to the surface. Dr James Eadie was in attendance when the deceased
reached the surface and pronounced the unfortunate man dead. An examination showed
that both deceased’s legs and arms were broken, three ribs on the left side were fractured,
and he had sustained a fracture to the skull and a large wound on his left temple. Dr Eadie
was also of opinion that Pierce had received internal injuries caused by the broken ribs
entering the lungs, sufficient to cause death.

Unfortunately the accident was mainly brought about by the carelessness of the
deceased. It is required by the Act that when miners are being lowered in the way the
deceased and his mate were that they should be strapped on, and it is compulsory on a
mining company to provide the straps. These straps were provided, and were hanging up at
the 800 feet plat when the accident occurred, as neither the deceased nor his mates would
use them, although adjured to do so by the mining manager of the claim (Mr George
Marshall). The miners in objecting to make use of the straps state that they prefer their
liberty, but the deceased’s mate Wm Jenkinson, after the accident on Saturday stated that
had the deceased been strapped the terrible accident would have been averted.

Soon after
the occurrence Mr Grainger, the inspector of mines, visited the mine and found that the
circumstances of the lamentable occurrence were as related above. Pierce, who had been
employed in the Royal Hustler’s mine for some considerable time, leaves a wife and three
young children to mourn his untimely death.

The coroner commenced an enquiry into the cause of the accident at the Imperial
Hustler’s Hotel on Saturday evening. Mr Grainger represented the Mining department,
Senior-Constable Douglas the police, and Mr C O Bruhn attended on behalf of the company.
The first witness examined was James Eadie senr, medical practitioner, who deposed that at
about half-past twelve o’clock on Saturday he was called to the mine of the Royal Hustler’s
Company. Half-an-hour afterwards the body of the deceased reached the surface. He was
quite dead. Upon examination witness found a large incised wound, about two inches in
length, had been inflicted on the deceased’s left temple, and his skull was fractured. There
were also several abrasions on the face, and three ribs on the left side were broken. Both
arms and both legs were also broken. There was no doubt but that the deceased received
great internal injuries which caused instantaneous death. The cause of death was the
injuries described.
At this stage, it was decided by a vote of the jurymen, that the examination of further witnesses should be adjourned until two o'clock on Tuesday afternoon, at the same hotel. In the meantime any of the jurymen can inspect the mine where the accident occurred.

*Bendigo Advertiser (Vic. : 1855 - 1918) Tue 12 Jun 1883 Page 2*

The Royal Hustler's Accident.

The adjourned inquest as to the cause of the death of the unfortunate miner Thomas Pierce, who was killed by falling down the shaft of the Royal Hustler's Company on Saturday will be resumed today at two o'clock at the Imperial Hustler's Hotel, Barnard-street. The Ballarat Star of yesterday adds the following to the telegram containing the news of the unfortunate accident:- The mother of the deceased, who resides in the White Flat, Ballarat, went to Sandhurst last week to visit him, and only returned on Saturday. While on her way back the sad accident occurred, and on her arrival at home a telegram announcing the lamentable event was awaiting her. We hear that this is the second bereavement of a similar kind which has befallen Mrs Pierce. If we are correctly informed, Mrs Pierce's case calls for more than ordinary sympathy, as one of her children at present is suffering from serious illness.

*Bendigo Advertiser (Vic. : 1855 - 1918) Wed 13 Jun 1883 Page 2*

THE FATAL ACCIDENT AT THE ROYAL HUSTLER'S MINE.

The inquiry into the cause of the accident at the Royal Hustler's mine on Saturday, by which the unfortunate man Thomas Pearce lost his life, was resumed by the coroner before a jury of thirteen at the Imperial Hustler's Hotel, Barnard Street yesterday afternoon. Mr W H Grainger was present on behalf of the Mining department, and Sergeant Webb represented the police.

George Marshall, mining manager of the Royal Hustler's Company, deposed that the deceased, Thomas Pearce, was a miner employed in the Royal Hustler's Company on wages. On Saturday, the 9th inst, the deceased was engaged sinking the shaft, and went on to work at seven o'clock in the morning with William Jenkinson and William Hawkins. The depth of the shaft is at present 900 feet. Witness saw the deceased and his mates at "crib" time, or about 11 o'clock. Then came to the surface, and after a lapse of half-an-hour they returned to their work. Shortly before one o'clock witness was informed by Hawkins that the deceased had been killed through falling away from the bucket. The body of the deceased was brought to the surface, Dr James Eadie having been sent for. Witness informed the Inspector of Mines, who shortly after the accident was in attendance. Witness accompanied Mr Grainger throughout his inspection.
To the Inspector of Mines: The straps shown by witness to the Inspector of Mines were the same as those provided previous to the accident. The straps were those required by the Regulation of Mines Statute, general rule 17, section 6.

To the Coroner: The straps were hanging up in the plat.

To the Inspector of Mines: Witness had frequently warned the miners of the necessity of their using the straps, but he believed that some of them objected to do so. Deceased was a competent miner.

To a juryman: Witness did not think that had lining boards with a feather edge been placed at the opening of the penthouse that they would have prevented the bucket from catching, the space being so small, viz, 13 and 15 inches. The space was necessarily left open to carry the logs for the penthouse, and to cut hitches for the pumps. A portion of a slab could have been placed over the space left between the timbers, but would have to be taken out on the completion of the sinking of the shaft. The bucket by which the deceased attempted to descend the shaft was a wooden one bulged. There was a good ladder road down to the bottom of the shaft.

William Jenkinson, miner, deposed that he knew the deceased, who was a mate of his in sinking the shaft in the Royal Hustler’s mine. On Saturday, the 9th inst, after crib witness, Hawkins, and deceased descended the shaft in the cage to the 900 feet plat. They left Hawkins on the plat to give the signal, while witness and the deceased got on the bucket to be lowered to the bottom of the shaft, which is 900 feet deep. Hawkins gave the proper signal, and the bucket was lowered. Witness and deceased stood on the edges of the bucket, and were being properly lowered by the engine driver. When the bucket reached a depth of about ten feet from the 800 feet plat, it caught on the side of the shaft and canted over. As soon as the bucket caught, witness called out to Hawkins to knock "one" being the signal to stop, and the bucket stopped immediately.

When the bucket canted over the deceased slipped off. Witness saw the deceased slip off. He never spoke. Witness signalled to be raised to the plat, as his candle had gone out. Witness got on the bucket again and was lowered to the bottom of the shaft, and found the deceased lying there. He moaned slightly when witness reached him and immediately afterwards expired. Witness then told Hawkins to go to the surface for assistance, which he did, and the body was brought up.

To the Inspector of Mines: After the tail-rope and bucket had been put on, Hawkins knocked "four" and "two," which signified to the engine-driver that a man was on and to lower. Witness and deceased were on the bucket when the knocks were given. The bucket began to descend when half a minute had elapsed after the signal was given. There was sufficient time for the bucket to steady. It did go away steady, but buckets similarly lowered always turn round until the twist came out of the rope.

Witness thought that deceased pushed the bucket over in trying to steady it when starting, and it caught against the side of the shaft. Straps were provided to stay the men on to the rope, to be used when descending the shaft in the manner the witness and the
deceased were. They did not use the straps. Witness never cared about using them, and he never used the straps. Miners as a rule object to their use; as they can get off the bucket quicker in case it catches when without them. He had used the straps since the accident. Witness believed that if the deceased had been strapped on he would have been alive at present. Deceased had lost the second finger of his left hand, the hand with which he would grip the rope.

To a juryman: The shaft is four feet in the clear. The bucket caught near the opening for the penthouse. The bucket, to witness' knowledge, never hitched there before. Witness did not think that there was any extra danger in consequence of the opening in the timber. When witness came up to the 800 feet plat for crib, he got off the bucket when it was a little too high, and the deceased remarked, "What an awful thing it would be for a man to tumble down the shaft." Witness had been told by Mr Marshall to use the straps.

To the Coroner: Witness had used the straps since the accident, and his prejudice against them was removed. They are rather awkward at first, but witness would always use them in future. They were always left in the plat for use. The straps have spring hooks on them.

Williams Hawkins, miner, employed in the Royal Hustler's Company's mine, deposed that he was a mate of the deceased. After crib on the 9th inst, he descended to the 800 feet plat, and the deceased and Jenkinson got on the bucket while he gave the signal to lower. The bucket went away steadily. Immediately afterwards Jenkinson called out to knock "one." Witness did so, and the bucket stopped. Jenkinson then told witness to "knock" him up to the plat, saying that Pearce had fallen down the shaft. Witness went to the surface, and informed the mining manager of the accident.

To the Coroner: The straps were at the 800 plat, and have been there ever since witness had been employed at the mine, a period of three months. The bucket, to witness' knowledge, had never before caught in the shaft.

W H Grainger, Inspector of Mines at Sandhurst, deposed that he had made an inspection of the Royal Hustler's mine after the accident on Saturday last. In company with the manager, witness descended the shaft to the 800 feet plat, and after the tail-rope and bucket were made secure, witness asked where the straps were, which the Act provided should be used. The manager informed him that they were at the 900 feet plat, and that they had been sent down for the purpose of lashing the deceased when his body was being conveyed to the surface.

Before proceeding to the 900 feet plat, witness examined the pent-house (meaning an unexcavated portion of a shaft way, intended to afford protection from falling debris to workers at the bottom of the shaft during certain stages of mining), and the opening described by the other witnesses nine feet from the plat. The opening was about nine inches in width. The bucket, it was stated by the mining manager, caught in this opening. The opening had evidently been left for the purpose of allowing the logs of the pent-house to go into the side of the shaft. Witness then descended to the bottom of the shaft, where he found a plat cut at about four feet from the bottom. Witness found the straps there.
To the Coroner: It was an act of practical mining to leave the space 9 feet from the 800 feet plat open.

To a juryman: There are three compartments in the shaft, which is centred down to 810 feet, but from that point to the bottom it is all open. The shaft was timbered, but not centred, below the 810 feet plat.

To the Coroner: Witness considered that there had been a breach of the Regulation of Mines Statute of general rule 17, section 6, by the men not using the straps, and from the evidence adduced witness believed that had the straps been used the accident would not have happened.

To a juryman: There was no breach in the mining regulations by leaving the opening in the timbering of the shaft.

The Coroner, in summing up, stated that the evidence showed that it was no matter how laws were made to prevent accidents similar to the one they had been investigating that day, they were recklessly broken by the people for whose protection they were made. It was the second fatal mining accident that had come under his notice which had been occasioned mainly through the persons who lost their lives neglecting to strap themselves to the bucket, as required by the Act. He was well aware that miners were prejudiced against using the straps because they thought that without them they would have more freedom, but in his opinion, it was pretty clearly shown by the evidence adduced that had the straps been used in the case they were investigating the man’s life would have been saved.

It was most fortunate for Mr Geo Marshall (see death of father ***) , the mining manage, that he had provided the straps, otherwise it would have been his painful duty to commit him for manslaughter. The evidence not only showed that Mr. Marshall had provided the straps, and had them placed in a convenient place, but that he had told the men that they should use them. There was little doubt but that the case was one of accidental death, and that fault lay with the deceased. With respect to the breach of the regulations, that would be punished by a penalty in another court.

They should not consider the penalties following the prosecution arising out of the lamentable occurrence, as they had only been sworn to to say by what means the deceased, Thomas Pearce, came by his death. They knew that he fell off the bucket. So far as Jenkinson, the deceased's mate, was concerned, he (the coroner) believed that Mr Grainger would receive instructions to proceed against him for having committed a breach of the general rule 17, section 6, of the Regulation of Mines Statute, for having descended the shaft by a bucket, without using the straps. With regard to the space left in the timbering of the shaft, it was presumed that the bucket caught between that space, but there was no absolute proof that it had, and even supposing that it did, they had the testimony of more than one witness that the opening in the timbering was a necessity, and was practical mining.
According to his view of the case, the fact of the opening being left in the timbers should not prejudice the minds of the jury in arriving at a verdict. If he was on the jury, he would not hesitate one moment in bringing in a verdict of accidental death. The whole thing was in a nutshell, and the jury being composed of practical men there should be no difficulty in arriving at their verdict.

The jury, after a deliberation of about half an hour, returned a verdict as follows:-
"That on the 9th of June, 1883, the deceased, Thomas Pearce, was accidentally killed by falling off a bucket in the mine of the Royal Hustler's Mining Company, Camp Reserve, Sandhurst."

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Bendigo Advertiser (Vic. : 1855 - 1918) Wed 13 Jun 1883 Page 2

Payment of Coroners' Juries.

At the conclusion of the adjourned coronial inquiry on the Royal Hustler's mining accident yesterday, the jurymen engaged in it asked the coroner if there was a possibility of their receiving some remuneration for their services. It was represented to Mr Strickland by some of the jurymen that they had lost two shifts through being compelled to serve on the jury, and in support of their request they pointed to the Creswick and Ellenborough inquests, when the jurymen received payment from the Government.

Mr Strickland, while admitting that it was rather hard that working miners should lose two days' pay, impressed on the jury that the Government had remunerated the jurymen in the Creswick and Ellenborough inquests because those inquiries were of exceptional duration. However, he promised to represent their claim to the Government.

*Compiler's comment: The mine owner is not guilty (sic) but the mine worker is to be prosecuted for a breach of regulation. A system for the rich!!*

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Bendigo Advertiser (Vic. : 1855 - 1918) Wed 13 Jun 1883 Page 2

The Royal Hustler's Mining Fatality.

The coronial inquiry into the cause of the accident at the Royal Hustler's mine on Saturday last, by which the unfortunate man Thomas Pearce lost his life was resumed yesterday at the Imperial Hustler's Hotel, and the jury, after a deliberation of half-an-hour's duration, returned a verdict to the effect that the deceased, met with his death accidentally. The evidence adduced entirely exonerated the management from any blame, and clearly showed that the deceased's death was alone attributable to his own carelessness in neglecting to use the straps to prevent him falling away from the bucket.

William Jenkinson, the mate of the deceased, who was on the bucket when Pearce fell off, stated in evidence that had they complied with general rule XVII, section VI, of the Regulation of Mines Statute, by using the straps, the accident would not have occurred. The Inspector of Mines intends to proceed against Jenkinson for that breach of the regulations.
Was it a Presentiment?

During the examination of the miner William Jenkinson at the coronial inquiry yesterday into the cause of the accident at the Royal Hustler's mine of Saturday, which resulted in the death of the miner Thomas Pearce, a statement was made by the witness which shows that although the unfortunate man's death was caused by an act of carelessness on his own part, he was a short period before the occurrence of the accident either fully impressed with the dangerous nature of his avocation, or he had a presentiment that he was about to meet with an accident.

When Jenkinson, Hawkins, and the deceased left the 900 feet plat to proceed to the surface at "crib" time, or about half-an-hour previous to the accident, Jenkinson, when getting out of the bucket at the 800 feet plat, was prevented from so doing as cleanly as usual owing to the bucket being drawn up a little too high. No comment on the incident was made at the time, and the three men got into the cage at the 800 feet plat to ascend to the surface. When the cage was about half way up the shaft the deceased said to his mates, "What an awful thing it would be for a man to fall down the shaft." Half-an-hour afterwards he was lying at the bottom of the shaft a mangled corpse.

Breach of the Mining Regulations.

William Jenkinson, a miner employed in the Royal Hustler's mine, was charged, at the instance of the Inspector of Mines, with a contravention of general rule 17, sec. 6, of the Mining Regulations Statute, which requires that miners when descending or ascending a shaft by means of a bucket should use a strap to stay them to the rope. Mr Hornbuckle appeared for the prosecution, and Mr R Strickland on behalf of Jenkinson.

It was explained that the defendant was riding on a bucket on the 9th inst, at the mine of the Royal Hustler's Company, off which the miner Thomas Pearce fell, and was killed. It was elicited at the inquest that neither the deceased or Jenkinson had used the straps, although they were provided. Subsequently Mr Grainger received instructions from the Mining department to prosecute Jenkinson. Mr Strickland stated that acting under his advice the defendant would plead "Guilty." He had used the straps since the accident, and no doubt would continue to do so.

There was a prejudice existing among miners against the use of the straps, which to some extent accounted for the defendant and the deceased man not using them on the day the fatality occurred. Mr Hornbuckle stated that the charge was brought under the 17th section of the Mining Regulations Statute, it being an offence against the 6th section, 17th
rule. He had no doubt but that a prejudice existed amongst miners, but it was the law that the straps should be used, and the law must carried out. Mr Webster stated that owing to the cost being heavy he would make the penalty only a small one. The defendant was fined 5s, with £2 11s 6d costs, in default distress, fourteen days imprisonment.

The court then adjourned.

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Another Mining Catastrophe.
The present year has been a very unfortunate one for the miners, for accidents of a shocking character have been alarmingly frequent. Last night another accident, the victims of which were two men in the prime of life, occurred at the Unicorn Tribute mine, California Gully. The accident was apparently the result of a mistake by the engine-driver in hauling up the cage instead of lowering it. At the poppet-heads the rope parted from the shackle, and the cage descended down the shaft, smashing through timber placed across the shaft at the 600 feet plat, struck two men, Lawson and Noble, both married, who were engaged in timbering the shaft, and mutilating the bodies in a frightful manner. An inquest will be held this morning at the Welcome Inn at 10.30.

Unicorn Tribute mine accident.
The funeral for the two miners was held at Eaglehawk Cemetery.
Joseph Frederick NOBLE aged 38 years (interment #2848 Mon D grave 35), He died 26/06/1883 and buried 28/06/1883.
and
Andrew LAWSON aged 38 years (interment #2847 Mon H2 grave 53), He died 26/06/1883 and buried 28/06/1883.


SHOCKING MINING ACCIDENT. TWO MEN KILLED.

One of the most appalling mining accidents that has occurred in the district happened at the Unicorn Company's mine, on the Upper Road, California Gully, yesterday, whereby two unfortunate miners lost their lives. Between half past four and five o'clock a messenger rushed into Eaglehawk, and in a very few minutes the news of a shocking calamity was spread like wild-fire.

Crowds of people soon rushed to the scene of the sad accident, and before the bodies of the two men were brought up from below there was an assemblage of some hundreds of people on the surface inquiring as to the cause of the accident. Dr Thorn was also in attendance in case his services would be required, but unfortunately a miner came up the shaft and reported that both men were lying mangled corpses in the bottom. Those
present were awe-stricken by the intelligence. A messenger was sent for the Inspector of Mines.

It appears that at three o'clock, when the change of shift took place, Andrew Lawson, Joseph Noble, and John Lawrence went on timbering up the shaft at about 640 feet from the surface, and everything went on well until nearly half past four o'clock, when the sad accident happened. At the time both men were standing on staging, Lawson being a few feet above his mate Noble.

They were engaged putting in a piece of timber in the corner of the shaft. Their other mate, Lawrence, was in the plat preparing the timber. The cage with an empty truck was at the surface, and by some mistake the engine-driver, Thomas Cox, reversed the engine, and drew the cage in the northern compartment to the poppet-heads instead of lowering it.

Before he found out his mistake the shackle struck the bottom of the thimble, and in an instant the rope was pulled out of the shackle, and the case descended the shaft with fearful velocity. For a few minutes those men engaged on the surface were dumbfounded, for they were almost certain that a frightful accident had happened below. At the mouth of the shaft nothing was visible but some dust, whilst the end of the rope lay on the ground between the poppet-legs and the engine-house. The mining manager (James Potter) was immediately called, and he descended the shaft, and whilst he was below Lawrence came up and reported that his two mates had been killed. In a few minutes some helping hands were obtained and arrangements were made for bringing up the two bodies.

This task was a sickening one to those employed in the painful duty, as the bodies were lying together, both mangled in a dreadful manner. Bags were obtained, and the fragments of the two men were placed therein. The first body brought to the surface was that of Noble, and as the remains were carried to the engine-house several of the men and women present shrieked with horror. It is stated that one man fainted.

About ten minutes afterwards Lawson's body was brought up, and placed alongside of his dead mate on the floor of the engine-house. The bodies were examined by Dr Thom, who stated that the heads were smashed beyond recognition, and almost every bone in the bodies was broken. Some of the relatives of the two men looked on the remains, and found it difficult to tell one from the other. All that could be recognised was some of the hair found scattered on the bodies. After the doctor had finished his examination, the engine house was closed, and work suspended. The cage and truck were smashed to pieces.

The accident appears strange, and no doubt some startling disclosures will be made at the inquiry to be held today. The shackling must have been badly fixed for the rope to be pulled out so easily. Had the shackling gone through the thimble, as it should have done, the safety hook attached in case of overwinding would in all probability have acted, and thus prevented the cage from descending. The cage was fitted with safety appliances worked on the eccentric principle, but for some reason unknown at present they did not act, otherwise this shocking accident would not have occurred. There is not the slightest sign or abrasion on the skids to indicate that the gripped ever attempted to act.
At the 610 feet plat above the staging where the men were working some boards were placed, and iron bars, but notwithstanding their thickness (two inches) the cage went crashing through, and hurled the two men to the bottom of the shaft, a distance of about 15 feet. Lawrence was standing ill the plat at the time, and only a few seconds before he had his head out speaking to his mates. As he heard the cage rushing down he drew in his head, and almost as he did so the cage dashed past, the rush of air caused by the velocity in the descent knocking him down.

Both of the deceased men were married, Lawson, who was about 40 years of age, leaving a widow and two children at California Gully. Noble, who was about the same age, leaves a widow and family of seven children to mourn the sad and sudden death of their chief bread winner. Lawson, it will be remembered, was the plaintiff in an action against the Confidence Extended Company for damages in the County Court on the 13th inst. The inquest will be commenced this morning at half past ten o’clock, by Mr Strickland, at the Welcome Inn Hotel.

**Lawrence's tales of past accidents to miners**

A singular occurrences in connection with this sad affair has been mentioned. The man Lawrence has been wonderfully fortunate, he remaining to tell the tale of no fewer than eight mates being killed at different times.

On more than one occasion he narrowly escaped being killed himself, and yesterday, had the accident occurred a little later, he would have undoubtedly added one more to the mangled heap of flesh and bones. When the two deceased men and Lawrence left the cage at the plat yesterday afternoon for the change of shift, Noble said to one of the men whom he was relieving, in a jocular manner, "Good-bye, Alick, old man, good-bye."

**ANOTHER ACCOUNT.**

Our Eaglehawk correspondent furnishes the following account:-

Intense excitement was occasioned in Eaglehawk and surrounding locality shortly after five o’clock last evening on it being reported that two men had been killed in the Unicorn Company's mine, situated in the Upper California Gully road, at the head of Eaglehawk. On inquiry it was ascertained that two miners, named respectively Andrew Lawson and Joseph Noble, had been killed.

It appears that the engine-driver, Thomas Cox, who was in possession of the engine, through some mistake reversed the engine, and instead of lowering the cage he pulled it up to the bells and it is thought that the rope was pulled through the shackle and descended to the bottom of the shaft, a distance of about 610 feet. The two unfortunate men were engaged at the bottom timbering the shaft, when the cage descended with lightning velocity and whirled the men into eternity without a moment’s warning.

The sad news was immediately transmitted to Mr W H Grainger, Inspector of Mines, and a message conveyed to Dr Thorn. The first body to arrive at the surface was that of
Noble, at about six o’clock, and about ten minutes after the mangled remains of Lawson were brought to the surface.

Both bodies were frightfully mangled, and it was found necessary to collect the fragments of the unfortunate men and place them into a bag before they could be drawn to the surface. The bodies were removed to the engine-house, where Dr Thom made an examination, and stated that the cage must have struck both the deceased on the head, and smashed the bodies into jelly. There was not a bone in the bodies which was not broken.

On the arrival of Mr Grainger, he made his usual inspection, and order the manager to suspend all operations. The persons connected with the mine are very reticent, and refused to give any information.

When your correspondent was having an interview with a miner named John Lawrence, the manager of the mine, James Potter, said in a very satirical manner, "Shut your mouth," and the request was immediately complied with. Before the interruption took place, Lawrence stated the first plat was 30 feet from the bottom of the shaft. He was in the plat. Lawson was the nearest to him, and was engaged battening up. Noble was two or three feet below Lawson. Both the deceased were married men.

Andrew Lawson resides in Taylor Street, California Gully, and has a wife and two children. Joseph Noble has a wife and seven children, and resides at Dead Horse Gully, in close proximity to the Robin Hood Company’s mine, at the rear of Sailor’s Gully. The district coroner has been communicated with, and will hold an inquest in due course.

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1st day of Inquest (Wednesday 27 Jun)  

**Bendigo Advertiser (Vic. : 1855 - 1918) Thu 28 Jun 1883 Page 3**

**THE CALAMITOUS MINING ACCIDENT AT EAGLEHAWK.**

Yesterday morning at the Welcome Inn, Upper California Gully, the inquiry into the cause of the terrible mining accident by which Andrew Lawson and Joseph Noble, employed in the mine of the Unicorn Tribute Company, Eaglehawk, were killed on Tuesday afternoon was commenced.

The following were the jurymen empanelled:- John Morton (foreman), William Murdoch, Henry Young, Robert Wilson, John Holman, Philip John Jane, Thos Cleve, James Steel, Geo Jeffrey, William Bogle, P J Deehan, Walter Bird, and James Thomas. The police were represented by Sub-Inspector O’Flaherty, Sergeant Gleeson, and Detective Coleman. Mining Inspector Grainger was present in his official capacity. Mr J A C Helm appeared to watch the proceedings on behalf of the company; Mr Kirby in the interests of the relatives of Lawson, and Mr Macoboy for the engine-driver, Cox.

The jury, at the solicitation of the coroner, made an inspection of the mine, and the cause of the accident was lucidly explained to them by Inspector Grainger.
Upon returning to the room in which the inquiry was to be held, the coroner stated that it was desirable in the interests of all parties that only formal evidence should be taken, and the inquiry adjourned to another date, when a more suitable room would be obtained.

Representative gentlemen concurred with the suggestion, and the following evidence was taken, it being understood that the witnesses would be available for examination when the inquiry was resumed.

John James Thom, a legally qualified medical practitioner, residing at Eaglehawk, said:-

Yesterday afternoon about 5 o’clock, I was called to the mine of the Unicorn Tribute Company. I remained some time until the bodies of two men were brought to the surface. They were identified as those of Andrew Lawson and Joseph Noble, the same of which the jury have had the view. The heads of both were smashed to atoms, and the bodies were mangled in an indescribable manner. The cause of death in each case was the injuries described.

James Elliott Potter, mining manager, residing at Eaglehawk, said:

I am the mining manager of the Unicorn Tribute Company (No Liability), carrying on operations at St Mungo Reef, Eaglehawk, and as such, I have the sole control and supervision of the workings above and below the surface. I knew the two men Andrew Lawson and Joseph Noble, of whose bodies the jury have had the view. They were wages men, working under me. I was below at the three o’clock shift, when the two deceased men and John Lawrence came on to work in sinking the shaft at 640 feet. I went to the bottom.

They were timbering the shaft, and Lawrence was on the plat at the 610 foot level. I left them there at work. I was in the engine-house about half past four pm, when I heard a jerk on the drum. I called to Cox, the engine-driver, "Good God, Tom, what’s the matter?" At that instant I saw the rope coming over the pulley. I asked if the hook had held, and he replied, "No, the cage has gone to the bottom."

I immediately descended the shaft by the ladders, and I met James Sanderson (one of the miners) coming up. He said to me something had gone down the shaft, but he did not know what it was. I went to the 610 feet plat. The men on the plat told me that the two men, Lawson and Noble, were under the cage. They were found to be quite dead, and with assistance the remains were brought to the surface. I forwarded information to the Inspector of Mines and to the police.

The inquiry was then adjourned until Monday, at 10.30 am, at the Camp Hotel, Eaglehawk.

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THE FATAL ACCIDENT AT THE UNICORN TRIBUTE MINE.

The inquiry into the cause of the death of the two miners, Joseph F Noble and Andrew Lawson, who were killed by a falling cage on the 26th ult, was continued at the Camp Hotel, Eaglehawk, yesterday by Mr Strickland. Mr Grainger, Inspector of Mines, appeared on behalf of the Mining department; Sub-inspector O’Flaherty for the police, Mr Helm for the company, Mr Macoboy for Cox, the engine-driver, and Mr Kirby on behalf of the relatives of the deceased.

The following were the names of the jury empanelled:- John Morton (Foreman), William Murdoch, Henry Young, Robert Wilson, John Holman, Philip John Jane, Thomas Cleve, James Steel, Geo Jeffrey, William Bogle, Patrick Jas Deehan, Walter Bird, and James Thomas.

The first witness called was Isaac Irvine, engineer, who had been engaged by Mr Grainger, Inspector of Mines, on behalf of the Mining department to examine the appliances in use at the mine at the time of the accident, who deposed that he attended the mine on Friday afternoon. Examined the thimble and Middleton hook (produced) in the engine-house. In his opinion the upper portion of the hook never passed through the thimble at all on the day of the accident. The copper rivet remaining intact proves that the upper part of the hook did not pass through. It should pass through in order to bring the safety principle into operation. It is an imperfect piece of mechanism. On Friday afternoon he saw the trial or test of the hook, which was hauled up three times.

On the two first occasions it was hauled slowly, but on the last occasion its pace was a little faster. The hook failed to act. It remains intact, the copper rivet has not been severed. The cage went down the shaft, so the appliances attached to it must have been more or less defective. As it was smashed there was no use examining it. Saw the shackle or shoe produced, which was in use at the time of the accident. In his opinion the socket ought to be 12 inches long at least. It was 74 inches long. It would have been better had there been rivets through it and the rope.

To Mr Grainger, Inspector of Mines: In his opinion, the smallness of the thimble was responsible for the accident. The principle of the safety appliance was a safe one, and the patent known as Middleton's would be effective if properly made. It was defective because the thimble was too small for the upper portion of the hook to pass through. He thought the taper of the socket sufficient if rivets were through it and the rope. Would not put large rivets through. Would venture to say that if rivets had been through it, the rope would have broken above the socket, and not in it. The cause of the accident was over-winding, in his opinion. He had no doubt, from what he saw, and looking at the portion of the rope which passed through the socket, that the cage must have gone to the poppet-heads. The appliances, when he examined them on Friday did not appear to have been tampered with in any way from the time they came from the foundry.

To Mr Helm: He thought that any competent man should have discovered the imperfection of the thimble without any trial. After it was once put up its imperfection would not likely be discovered, except by an accident by over winding. On the day of the
test the cage was not hauled quickly. When the hook came against the thimble something had to give, or else everything was strong enough to stop the engine. Usually made his shackles longer. There are differences of opinion as to whether rivets do or do not weaken the strength of the rope.

To Mr Macoboy: Did not know whether the rope was fastened in the shoe on the day of the trial in the same way as at the time of the accident. Did not think a shoe was used at all. The test on Friday was of no value. It merely showed that the thimble was too small.

To Mr Kirby: It would depend upon the speed at which the engine-driver was driving as to whether he could stop the engine when feeling the resistance at the poppet heads. To Mr Macoboy: Did not think that the rope could have been drawn out except by the cage being drawn to the poppet-heads.

To Sub-inspector O'Flaherty - In his opinion these appliances should be practically tested when erected. Safety appliances generally should be tested. There should be professional competent people to examine these appliances from time to time.

To the Coroner: On the third test on Friday the rate of hauling decreased before the cage came in contact with the poppet-heads.

To the Jury: The thimble and hook being patents should be perfect before leaving the foundry. Had the hooks acted, the cage would not, he thought, have gone down the shaft. Had not examined the templates.

Angus Kennedy, engineer, deposed that to a certain extent he had been consulting engineer to the company. The directors of the company consulted him as to a winding plant last year some time. Was deputed to purchase an engine etc. Did so. The poppet-heads were up before that time, and the safety appliances were obtained after he had severed his connection with the company.

To Mr Holm: Received his last payment (by commission) within a fortnight after the time the machinery went to work. Was positive that he received no commission on the safety appliances in use by the company. Received his last commission last year. Never saw the safety appliances produced before Friday last.

To Sub-Inspector O'Flaherty: They were erected by men employed by the company.

To Mr Kirby: The hook produced will not go through the thimble every way. It will go through one way. A casual trial of the appliances by a cautious man before they were fixed up would be sufficient. The fault consisted in the hole of the thimble being too small. Always insisted in his specification that the appliances should be tested before leaving the factory.

To Mr Macoboy: Thought it a very fair test on Friday, although the speed was not as great as when the accident occurred. Did not think a sudden jerk would cause the safety appliances to act, as the thimble was too small.
To Sub-Inspector O'Flaherty: Had the rope been properly fastened in the shoe, as it was on Friday, it would have pulled up the engine.

John Brown, engine-driver for the company, deposed that on Friday, when the test was made, after fixing the rope to the hook used at the time of the accident, he hoisted the cage at a steady pace. The hook refused to act.

The second trial was from the same place, and again the hook refused to act. The third trial was from the mouth of the shaft at a quicker rate. The hook again stuck in the thimble. Did not slacken speed on the third trial. Could only see the bottom of the cage, and could not see the top of the poppet-legs from the engine-house. It must have either been the spring of the rope or the hook striking the bell that stopped the machine. The top part of the window of the engine-house was covered with a bag to keep the sun out of a morning.

To Mr Macoboy: The engine made four and a half revolutions between the top brace and the poppet-heads. The cage would have to travel 15 feet before it would strike the poppet-heads.

John Gleeson, sergeant of police, stationed at Eaglehawk, deposed that after the accident he took charge of the thimble and hook, and other things connected with the accident.

James E Potter, mining manager, recalled by the jury, deposed in answer to the coroner, that he took the management of the company on the 3rd of February, 1881. Machinery was being erected about the middle of last year. Mr Kennedy prepared plans and specifications, and the work was carried out by the workmen under Mr Kennedy's supervision. He discontinued his supervision about October last. The hooks and bells were on the ground outside the engine-house at the time Mr Kennedy was visiting the mine. They had been delivered prior to the month Mr Kennedy left. He could scarcely have failed to notice them.

To the Jury: Was not aware that those appliances were put to any test before they left the foundry or before the accident. Considered that their being a patent was a guarantee to him, as the manager of the mine, that they were what they were represented to be. Believed that he ordered the safety-hook from Mr Osborne. He instructed him to supply one of Middleton's safety hooks. The safety cage used was known as Turnbull's. It had never been tested, but the grippers had been watched and attended to, and had acted on one occasion, some time since, when the little chain had broken. On this occasion the rope did not part.

To Sub-Inspector Flaherty: Engine-driver Cox had stated in his evidence that his attention had been called away by the mining manager talking to him. Witness had not spoken to Cox after the signal by the knocker-line. He had merely been giving instructions to Cox about the working of the mine. Witness was not in fault; he was only giving instructions about the work as he was leaving the mine.
To Mr Kirby: The hook and thimble were brought to the mine a few weeks before they were affixed.

To Mr Holm: Heard Mr Irvine’s evidence regarding rivets. Did not think that rivets would weaken the rope. Had seen wire ropes attached in other mines without rivets. They acted well at the South St Mango, where there had been over-winding, and the hook had acted.

To Mr Kirby: This hook or thimble was not tested by witness in any way before erection. At the request of the witness the hook was taken to pieces, and the templates or patterns which witness swore were for Middleton’s hook were compared with it. Witness continued: He found that the copper rivet had never been severed, and that the pieces of the hook did not compare with the patterns.

William H Grainger, Inspector of Mines, deposed that on the 26th ultimo he received notice at 5.35 pm that an accident had occurred at the mine of the Unicorn Tribute Company, Eaglehawk. He proceeded there at once, and found that two miners, Lawson and Noble, had been killed. After seeing the bodies, descended the shaft in company with Potter and one of the miners.

At the 610 feet plat found the north compartment of the shaft uncovered. The south hauling or middle compartment was covered over by two one and a half inch square, iron bars. The space between the bars was covered over by some hardwood boards, 8 inches in width and two inches in thickness. Then descended by the ladder compartment to the bottom of the shaft, a depth of about 640 feet. Found a cage broken up there; also a truck. Found two iron bars corresponding with those which were over the south compartment. They were bent, somewhat like semi circles. Also found some two inch boards, which in all probability had been used as covering, and had been knocked away in the plat above.

The shaft was timbered to within 4 feet of the bottom, the centre being about 10 feet from the bottom. Noticed some battens, as if the men had been in the act of nailing them on. Then ascended to the plat at the 610 feet, and measured the shaft there, and found it to be about 9 feet by 3 feet 6 inches in the clear. The hauling compartments were about 3 feet 1 inch each. The ladder compartment was about 2 feet 6 inches.

The first ladder from the plat down was in an underly or slanting direction, with a platform affixed. From that to the bottom it was a chain swinging ladder - about 12 to 15 feet. It did not reach to the bottom. Then asked the manager why he had not a proper pent-house over; he replied that while sinking, they never did any hauling. Condemned the covering he had over both compartments in the shaft. He again stated that they only hauled in the day shift, and sank the shaft in the afternoon and night. Then proceeded to the surface.

Owing to the darkness of the night he could not make any inspection of the thimble and poppet-heads, but early next day he proceeded to the mine and did so. On examining the thimble could discover only one mark, as if caused by the hook squeezing or pressing through it. Could find no mark at or near the top of the thimble as if the hook had passed.
through. Had since examined the hook and thimble and found that while the hook would go through one way, it would not any other way that he had tried. The thimble had evidently been too small.

Was present at the testing on Friday, when after three trials the hook failed to act. It could not pass through the thimble and the copper rivet was not cut. Saw the hook taken to pieces at the examination that day.

To Mr Kirby: Know sub-section 16 section 6, Regulation of Mines Statute, "Every cage used in a mine shall be fitted with special and suitable appliances to prevent its sudden fall down a shaft, and also to prevent it coming in contact with the poppet-heads." Had known the same appliances of safety hooks to act in scores of cases, but in this it was ineffective. A hook which will not go sufficiently far through the thimble is not a suitable appliance to prevent the cage coming in contact with the poppet-heads.

This cage was not fitted with any other appliance to prevent it going to the poppet-heads, that, appliance being the only one known and best used in the colony, throughout which it is adopted. Did not consider that the pent-house was sufficient for the safety of the men when hauling was going on.

To Mr Helm: Those patent hooks are supposed to be made from one pattern, but there are two different sizes. Hooks coming from Osborne's foundry have acted in other mines, so he was informed; he did not know himself, personally. He last inspected the mine previous to the accident on the 22nd of March. Did not give managers any notice usually. Could not say whether there was a pent-house there then.

Was satisfied that the covering was sufficient, because there was no work underneath, as the shaft was not being sunk at that time. It was a few feet below the plat. It was covered over to land the cage on. Did not think it necessary to visit this mine oftener than twice in three months. It was well worked, and in good ground. Some mines require visiting more than others.

To Sub-Inspector O'Flaherty: Would be in favour of these appliances being tested before used periodically. Such action would be calculated to lessen the liability of accidents. It was contemplated to introduce amendments of the kind in the amended act. At present the testing of builders only was provided for.

Mr Strickland, in summing up, said that before commencing the inquiry they were aware that the unfortunate miners met their death in consequence of a cage falling down the shaft and literally crushing them while they were at work in the shaft.

The cause of the cage falling was due to over-winding the engine, which was in charge of Thomas Cox at the time. Mr Cox was an experienced and qualified engine-driver, and had been driving the engine there since last January. He had previously occupied the same responsible position for a number of years at a claim of one of the loading mine owners of the district - Mr J B Watson. But if he was inattentive to his duty Cox was liable, and should be tried for man-slaughter.
The law in this case was very well laid down in the case Queen v Lightfoot, in connection with an accident on the Nottingham railway. In that it was laid down that if the engine-driver neglected to use proper caution and, though designedly, killed another person, he was guilty of manslaughter. Judge Patterson, in addressing the grand jury, said: "It was perfectly clear that no man could be indicted for manslaughter for mistake or error in judgement. If he acted to the best of his judgement or ability in discharge of his duty, he was not criminally responsible for an error or mere mistake; but if on the contrary, a person placed in a situation of great responsibility, duty, and trust, conducted himself with gross negligence and inattention, then in case of death he was unquestionably guilty of the crime of manslaughter.

The law was the same whether applied to a man driving a carriage or waggon on the highway, managing a vessel on the waters, or conducting an engine on the railway; if he did not display due care and caution he was liable to the charge of manslaughter. But if a person so employed got into a difficulty, and, however untoward the result, if he acted to the best of his judgement, however unfortunate his judgement might be, he was not to be made to suffer for his error.

It was very easy for persons to say after a disastrous occurrence had taken place that another course would have been better; but it was often times very hard to judge of a man by particular circumstances by events which happened afterwards. Persons too often said, "But he would have acted so and so, but let such persons place themselves in a case of sudden difficulty, and then say whether he was fairly answerable for the consequences which followed."

Cox had told them that Potter was talking to him just previously, thereby taking his attention off his work, but Potter had stated that his conversation was not unnecessarily long, and that it related to the working of the mine.

The case against Cox was in his opinion very much stronger than it was against any other person that might or might not be implicated. Any person who by his negligence contributed to the death of another was guilty of manslaughter. Potter and other witnesses had told them that it was utterly impossible for the hook to go through the thimble, so that it was impossible for the patent to act, no matter how good it might be. He did not think Potter so much to blame. He had taken it for granted that the articles were all right. It was a pity that there was no authority by whom those appliances could be tested. It was for the jury to say whether Mr Potter had done all that it was necessary for him to do.

It was not compulsory for the "umbrella" catches to be placed on the skids, but they had seen by the paper that morning that an accident had been prevented at the Whip and Jersey mine by the use of catches, which had only been placed there an Tuesday last. Another point they had to consider was that there was not a proper pent-house. The Inspector of Mines had told them that there was not a proper pent-house. If they thought that contributed to the death of the men, then Mr Potter was liable. But the men of the mine that were examined before them thought the pent-house was perfectly safe. The
points they had to consider were the over-winding of the engine, the inefficient hook and shoe, and want of a proper pent-house.

Mr Strickland then summed up in a lucid and comprehensive manner. He directed the jury's attention to three main points

- the over-winding of the engine,
- the inefficiency of the hook and the thimble,
- and the want of a proper pent-house.

The jury retired at 1.30 pm, and after deliberating for three hours returned the following verdict:-

"That, on the 26th day of June, 1883, the deceased men, Andrew Lawson and Joseph Frederick Noble, were killed by the cage falling down the shaft of the Unicorn Tribute Company, No-Liability, at Eaglehawk, from the cage being taken to the poppet-heads by the engine-driver, Thomas Cox, and the jury find that the said Thomas Cox was guilty of carelessness and inattention to his duty, in raising the north cage instead of lowering the same in accordance with the signal given from below.

The jury are also of opinion that had the rope been more firmly fixed in the socket, and had the castings been more perfect, and had there been a more substantial pent-house, the men's lives would have been saved.

The jury recommended that for the future all mining companies should be compelled to have 'tumblers' fixed to the skids, and that permanent pent-houses should be placed in all shafts where sinking is going on."

The Coroner then called James E Potter (mining manager) and Thomas Cox (engine driver), and asked them in the ordinary manner, as accused persons after the verdict, whether they had anything to say. They had nothing to say. The Coroner then formally committed them to take their trial at the Court of Assize, to be held on the 17th inst. They were handed over to the custody of the police.

The mining manager, James Potter, and the engine driver, Thomas Cox, were then committed for trial. Ball was allowed in each case of two sureties of £100, the usual and the prisoners in £200.

Bail was applied for by the relatives and accepted by the court in two sureties of £100 each, and themselves each in £200.

The jury made the usual application for expenses.

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Sir, - I have no wish to say anything to injure or irritate any one, yet I feel in duty bound (with your permission) to lay the facts as far as I am concerned before the public. At the inquest yesterday, Mr Helm (who has certainly got hold of the wrong end of the stick this time) and the mining manager tried their utmost to shift some of the responsibility of the sad accident on me. I cannot understand a man shirking the responsibility of his acts; but let that drop.

About twelve months ago I was consulted by the directors of the Unicorn Tribute Company about a winding-plant, which resulted in my being commissioned to purchase an engine and prepare plans and specifications of double winding gear; the plans were prepared, submitted and approved; tenders were called for the machinery and erection. Harkness and Co were the successful tenderers for the iron-work; no tender was accepted for the erection, being considered too high.

The mining manager was at that meeting, and stated in my presence that if the directors would allow him to erect the plant he could do it for a great deal less money, without any engineer at all. I was against the proposal, and actually threw up my appointment, telling the directors that as I could not share the responsibility with any one, I take all or none; they could pay me for my plans and erect the plant as they thought proper. I left the meeting with that understanding. Afterwards, the same day, two of the directors called at my office, requesting me to carry out my own plans and specifications. I complied, with the understanding that the mining manager did not interfere beyond ordinary timber and engaging carpenters.

The work was completed according to my plans and specifications, which did not include pithead work, trucks, cages, or any of the safety appliances. The manager says that the appliances were on the ground before my connection with the company ceased. It may be true, but I never saw them; even if I had, I should not consider it my duty to look at them, as I make it a rule to mind my own business and let other people's business alone; and I believe that if the milling manager had followed my example in that respect, things today might have been different. "Children should never meddle with edged tools," which is too often done in Sandhurst. Yours - etc.

ANGUS KENNEDY, Engineer, Beehive.

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THE UNICORN ACCIDENT.

Bendigo Advertiser (Vic. : 1855 - 1918) Wed 11 Jul 1883 Page 2

Payment of Coroner's Juries.

Since the Government awarded the jurymen who sat on the inquiry into the Ellenborough mining accident, the munificent sum of five shillings per day, applications have been made to the coroner at each subsequent inquest, whether of long or short duration, that he should represent their "claim" to the Government. Mr Strickland has done so, but the department have observed an ominous silence on the subject.
On the conclusion of the inquiry into the accident at the Unicorn Tribute Company on Monday night, the foreman of the jury made the usual application. Mr Strickland promised to communicate with the department, and it was generally considered that the jury had a very good claim for payment. The jurymen were engaged for three days on the inquiry, many of them losing as many shifts through being compelled to serve on the jury.

It is thought that as Parliament is at present sitting the Government might be induced to take into consideration the question of payment of coroner's juries. This question has always been regarded as a grievance, which has generally been ventilated at election times, and has been intensified owing to the frequency of fatal mining accidents of late.

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Lady Barkly mine, blasting accident on Friday 15 Jun 1883. Richard White badly injured.

death reg #9457 father Richard, mother Mary nee: Symonds - wife Zipporah

WHITE Richard 3/07/1883 6/07/1883 55 yrs Mon H2 9688 9688

Bendigo Advertiser (Vic.: 1855 - 1918) Sat 16 Jun 1883 Page 3

SERIOUS MINING ACCIDENT.

A very lamentable mining accident happened at about three o'clock yesterday morning to a man named Richard White, aged 51 years, working in the Lady Barkly claim, Eaglehawk, and residing at Long Gully.

White was engaged in the No 5 level charging a hole, and having placed a full complement of powder in it, was tapping it. His face and arms being immediately over the hole. While in that position, the powder exploded, burning White very severely about the face and hands. He was taken to the hospital, and last night he was suffering much pain, he had also received a nasty cut over the right eye, which required three or four stitches, and his lip was lacerated. These injuries were caused by portions of the stone he was using as tamping being cast in his face when the powder exploded. Some time back White had the misfortune to lose his left eye by an accident and it is considered that the sight of the remaining one will also be destroyed. Owing to his face being considerably swollen, the medical officers of the institute cannot definitely say whether the sight of the right eye is gone, but unfortunately they have little doubt but it has.

White states that he was using a copper tipped tamping bar, and the only way he can account for the explosion of the powder is that the "butt" of the rod was too large for the hole, and did not allow it to work freely. It must then have struck against a piece of quartz, the concussion causing a spark, which ignited the powder. The unfortunate man's face presents a horrible spectacle being quite black, swollen and lacerated.

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The Lady Barkly Company Accident.

The miner Richard White, who was so seriously injured by an explosion in the Lady Barkly Company's mine on Friday, was much better yesterday, although it is feared that he will never entirely recover the use of his sight. Mr Grainger, the Mining Inspector, visited the mine on Saturday, and found that the rod which White had used was all coppered, as required by the statute. The hole where the explosion occurred was what was known as a "rubbly" hole.

* * *

Another accident at the mine

Mining Accident.

Another painful accident occurred at the Lady Barkly Company's mine, Eaglehawk, yesterday morning. A miner named Matthew Cock was engaged at his usual avocation, when about three cwt of mulloch fell away, a portion of which struck Cock on the head, inflicting a nasty wound. He was immediately taken to the surface, when it was ascertained that his wounds were of such a serious character as to necessitate his removal to Dr Thorn's surgery, where his injuries were promptly attended to. Cock was then removed home.

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SANDHURST, THURSDAY, JUNE 28, 1883

FATAL MINING ACCIDENTS.

So many accidents of a more or less fatal character have occurred in our mines through the inoperativeness of the safety appliances attached to cages, that in the opinion of not a few practical men, it would conduce to the exercise of a greater degree of caution, and consequently to a saving of life and the prevention of injury to men and property, if they were done away with altogether. Without subscribing entirely to this view, we find it impossible to deny that the safety cages have not on the whole answered the expectations formed of them, and that the probability is too much reliance is placed upon their efficiency by engine-drivers and others.

We have no intention of making any remarks which would tend to prejudice the ease, under inquiry, of the late shocking occurrence in the mine of the Unicorn Company. But we may refer to the facts that the cage was drawn up to the poppet-heads; that the rope became detached; and that, although the cage was provided with safety appliances, its descent down the shaft does not appear to have been stayed for the fraction of a second. The result, as our readers are aware, was awful and appalling in the extreme. There is no
need to go into the horrible details. What we desire to point out is that the mechanical contrivances for ensuring safety are not always to be trusted.

They have certainly often been the means of averting disaster, but there are many instances on record of their having failed in their object, and until some great improvement can be effected, serious and fatal accidents may be expected at times to occur, either through the appliances getting out of order or through their being radically ineffective. We refer to no particular description or make, and desire to offer no invidious remarks us to the merits of any of the several inventions in use. But whilst the law is complied with by mine owners and managers in providing their cages with approved safety appliances, it is evident that confidence is not always to be reposed in them; and it has become necessary that some scientific inquiry should be held into the matter with a view, if possible, of securing a greater degree of safety in the working of these necessary adjuncts to mining operations.

Another important step which suggests itself is the adoption of a more frequent and searching system of the inspection of all mining machinery. It is manifest that although mechanical appliances may in the first instance be thoroughly effective, and continue to be so for some time after, they may be allowed to fall into disrepair, or the connections, without which they must be utterly useless, may be defective or get out of working order.

Something must be wrong with them to permit of such a calamitous occurrence as that in the Unicorn mine, or the safety hook would have caught the cage and hold it in suspension, and that having failed, the grippers should have caught the skids and cased the descent, if they did not stop it altogether, of the cage going down the shaft.

Of course a thorough investigation will be made; but the matter should not be allowed to drop there. Someone about the mine may be to blame - it is not for us to offer any conjectures on that question - and we view the inquiry as being of importance for the detection of imperfections in the mechanism with a view to their amendment in all cases, rather than for the punishment or reprehension of any persons who may possibly be to blame in this individual instance.

There can be no doubt at all but that it is essential that all cage appliances should be periodically tested, and with a frequency which would render the discovery of any flaws or disarrangements inevitable. The finest and best constructed machinery in the world will get out of order, and inventors and manufacturers may be shown to be wholly blameless. Still, when cages go to the bottom without stay or check, crushing fellow creatures into mangled masses past all recognition, it is necessary for the general protection of the working miners that all the causes of such terrible failures of safety appliances should be diligently and thoroughly sought out, and prompt measures taken for their cure and removal in every mine, not only in this district, but on every goldfield in the colony.

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AN URGENT MATTER.

The members for the district will, we are sure, not neglect to force upon the attention of the Minister for Mines the necessity for the immediate redemption of his promise to introduce a bill for the restriction of the period within which it is possible for actions to be brought for the recovery of shares, in the forfeiture of which there may have been some departure from the law, trifling in itself, but still sufficient to render the act of forfeiture void.

The decision in the Lady Barkly case yesterday has such an important bearing upon the future of mining that no further argument is necessary. It is no secret that in the old days legal managers were not so careful as they are now, and no doubt many irregularities were committed. A legal gentleman is reported to have asserted that he could place half the mining companies in Sandhurst in a similar position to that which the Lady Barkly Company now occupies.

That this opinion is generally held by investors was shown yesterday by the serious falling off in prices of nearly all stocks, amounting in the aggregate to many thousands of pounds. The arguments in favour have been so often repeated that they should be well known. No injustice is sought to be perpetrated, but simply the passage of a measure which will advance the mining interests by renewing confidence and removing from the minds of investors the constant dread of lawsuits, and likewise doing away with an important weapon of dishonest market operators.

If a man takes so little interest in a company as not to pay calls, or look after his interest for a period of twelve months, it is fair to assume that he has no desire to remain a shareholder. Then he should not be allowed, by means of a quibble, and after the lapse of years, to take advantage of other people's perseverance and energy. The Minister has promised to introduce a bill to deal with the matter, and it would be satisfactory to know that a measure has been drafted. A bill should be passed through both Houses next week if possible.

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The Lady Barkly Accident.

The inquest on the body of the miner Richard White, who died in the Bendigo Hospital on Tuesday evening from injuries received by an explosion in the Lady Barkly mine on the morning of the 15th of June, was held yesterday.

Relatives of the deceased were present to watch their interests, as it had been stated that death was accelerated through the delay in bringing White to the surface after the explosion. However, Dr Colquhoun stated that the delay which took place would not accelerate death, as the deceased was conscious during the time.
The delay occurred through the company not employing an engine-driver on the night shift, but there is nothing in the Regulation of Mines Statute compelling companies to employ three engine-drivers. It was proved that White was well cared for after the accident, and was brought to the surface and thence to the hospital as soon as the engine-driver arrived. Evidence was given showing that the explosion was purely accidental, and the jury returned a verdict of accidental death. A report appears elsewhere.

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Bendigo Advertiser (Vic.: 1855 - 1918) Thu 5 Jul 1883 Page 3

THE LADY BARKLY ACCIDENT.

VERDICT OF ACCIDENTAL DEATH.

The inquest on the remains of the unfortunate miner Richard White, who died in the Bendigo Hospital on Tuesday night from injuries received in the Lady Barkly Company's mine on the 15th of June, was held at the Bendigo Hospital yesterday afternoon. Mr W H Grainger appeared on behalf of the Mining department, and Mr T J Connelly for the company.

The following evidence was taken:—Dr Colquhoun, resident-surgeon of the Bendigo Hospital, deposed: The deceased, Richard White, was brought to the hospital on the morning of the 15th of June, at about live o'clock. He was found to be suffering from blasting injuries. His face was severely burnt by the explosion of powder, as also were both hands and arms. There were several wounds caused by pieces of stone, chiefly on the face. There was a severe wound over the right eye. The sight of the right eye was totally destroyed. There had been considerable bleeding from the wounds on the face. Deceased was suffering severely from the shock, but was conscious. He remained in the same condition for several days. He complained of slight difficulty in swallowing, but this did not prevent him taking sufficient nourishment until two days before his death, when he became quite unable to swallow, and the day before his death he had premonitory symptoms of lock-jaw. The cause of death was exhaustion following the injuries described.

To the Coroner: I do not think the delay of an hour or an hour and a half in bringing the deceased to the surface accelerated his death. The difficulty in swallowing and other symptoms described are common in cases of death by explosions by blasting powder, etc.

To Mr White, son of the deceased: Had the deceased been exposed to cold and wet it would have increased the amount of shock.

Elisha Tippett, mining manager of the Lady Barkly mine, deposed:—I have sole control of the workings both above and below. The deceased, Richard White, was a miner employed under me on wages. The deceased and James Mollard went to work on the night of the 14th June, on the night shift, in the stopes at 600 feet level. Thos Nankivell was the underground boss of that shift. About four o'clock on the morning of the 15th, I was informed that an accident had happened. Being ill I was unable to go to the mine, but gave instructions as to doctor and to the deceased being taken to the hospital.
To the Inspector of Mines: We employ two engine-drivers eight hours at this mine. There is no engine-driver on the night shift. To Mr Connelly: Everything is done at the mine in accordance with the Regulation of Mines Statute.

Thomas Nankivell (boss of the shift) deposed: At about half-past two o'clock on the morning of the 15th of June I heard a man calling out for a light up the backs. I went at once, and Mollard told me of the explosion. I sent two men to the surface, one to inform the manager, and the other to go for a doctor and engine-driver. The deceased was brought up about four o'clock.

To the Coroner: We covered him up below with shirts and bags. There was no unnecessary delay in bringing deceased to the surface. To the Jury: Mollard and I remained with deceased the whole time, and came up in the cage with him.

To Mr White: I was in the level below, about 30 feet from the explosion. Deceased was kept in the crosscut. He was perfectly conscious, and did not complain. It is not true that deceased had to walk about to keep himself warm.

James Mollard, miner, deposed: The deceased was my mate. He went to work in the stopes of the Lady Barkly mine on the evening of the 14th instant. About half-past two on the 15th of June we had drilled a hole and were in the act of charging it with Hall's black blasting powder.

The deceased was pressing down the charge with a copper-bar. I believe there was about a foot of powder in the hole at the time. I was standing three or four feet from deceased when the explosion occurred. It knocked us both into the dark. I was uninjured, and called for assistance.

The underground boss came directly, and after getting a light we found that White had been burnt about the head and face, and had received a cut over the right eye and one arm was severely lacerated. He was quite sensible. We brought him to the plat. We afterwards took him up the crosscut, where there was no draught, and covered him up.

We had then sent a man up the shaft by the ladders, as the engine was not working. About an hour or an hour and a half lapsed before the engine driver brought deceased to the surface. I came up with him, and saw Dr Thom in attendance. He ordered the deceased to be taken to the hospital, which was done immediately.

To the Coroner: The deceased was in good heart, and did not appear any worse for the delay in bringing him to the surface. He did not complain. He could stand and walk.

To Mr White: I was waiting on deceased, giving him tamping. It was a flat hole, and had no water in it. It would take a man about a quarter of an hour to climb the ladders, and about half-an-hour more to go to the manager's house. W. H. Grainger, Inspector of Mines, deposed: On the morning of the 16th June I was informed of the accident by reading the
newspapers. I subsequently heard that the manager had sent a messenger, but he had failed to deliver it.

I inspected that portion of the mine where the accident happened. I found the place evidently in the same state as it was after the explosion. I found a proper tamping-bar slightly bent, as if by violence, which could have been caused by a hole exploding whilst the tamping-bar was in the act of being used. I found also a quantity of soft sandstone, such as would be used for tamping. I found a powder can with powder in it. The can appeared to have been struck by some stone from the explosion. I found no contravention of the Regulation of Mines Statute.

The evidence having concluded, Mr. Strickland briefly summed up. He stated that a rumour had been circulated that death had been accelerated owing to the delay in bringing deceased from below, and naturally the relatives of deceased felt aggrieved. There was nothing in the Regulation of Mines Statute compelling a company to employ three shifts of engine-drivers, and according to the doctor's evidence, the delay did not accelerate death.

The jury, without retiring, returned the following verdict:

"That on the 3rd day of July, 1883, at the Bendigo Hospital, the deceased, Richard White, died from injuries accidentally received from the explosion of a blast in the mine of the Lady Barkly Company on the 15th June, 1883."

The decision in the Lady Barkly case was again the leading subject of conversation in mining circles yesterday, and its effect upon the share market is not likely to be obliterated for some time. In some quarters very strong opinions were expressed as to the relative proportions of law and justice involved in the decision, and some persons went so far as to suggest the burning in effigy of the plaintiff and principal actors in the case, though cooler headed people gave no countenance to the proposal.

Did the case only involve the Lady Barkly Company, the decision would not have aroused such strong feelings, but, as anticipated, rumours were freely circulated yesterday regarding threatened proceedings of a similar character with regard to other companies, and a feeling of uneasiness prevailed generally, which had a very depressing effect upon the market.

An accident at the Park Company's mine - no deaths

Bendigo Advertiser (Vic.: 1855 - 1918) Sat 30 Jun 1883 Page 2
The Mining Scare.

Bendigo Advertiser (Vic.: 1855 - 1918) Tue 10 Jul 1883 Page 2
Mining Accident.

An accident happened at the Park Company's mine at an early hour yesterday morning by which a miner named John Bell broke his leg. He had gone to work at 12 o'clock on Sunday night, and was engaged at work in the 400 feet level. He and his mate, William Featherstone, had erected a stage on spreaders. They started a hole, Bell beating with the hammer, when the stage slipped away. It was only three feet of a fall, but Bell broke his leg. His mate hung on by the drill, and dropped down quietly. Dr Atkinson, who was at hand, advised that Bell should be removed to the hospital. Mr Grainger visited the mine yesterday morning before attending the Unicorn accident inquest at Eaglehawk.

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An accident at the Shamrock Company's mine - no deaths

Bendigo Advertiser (Vic. : 1855 - 1918) Tue 10 Jul 1883 Page 3

ANOTHER BLASTING ACCIDENT.

Yet another is to be added to the already long list of casualties which have occurred in mines in this district within the last few weeks. Late last evening it was rumoured that two miners had been killed in the Shamrock Company's mine, but fortunately upon inquiries being made it was ascertained that no lives were lost. An accident, however, did occur whereby two men were injured, but only one of them seriously.

The casualty somewhat similar to that of the Lady Barkly and the United Devonshire, each of which occurred through the explosion of charges. It appears that at half past three o'clock yesterday afternoon, two miners named Thomson Morrison and John Rickter went on to work under the underground boss, Thomas Ryan. They went to work in stope No 1, above the 866 feet level in the northern ground, and were engaged firing holes. Morrison and Rickter had been entrusted with this work for some time past, owing to their carefulness, and experience in such matters.

Shortly after eight o'clock, the two men fired the first of the six holes charged with Hall's black blasting powder, and then retired to have crib. After crib time Morrison and Rickter went into the stope to fire the second hole above the one already fired. They did so, and after it had exploded they returned in about four minutes, and no sooner had they reached the spot when the third hole exploded. The two men were knocked away a considerable distance, and their cries soon attracted the attention of some of the other miners. Rickter was standing up, and did not appear to be much injured, whilst his mate was suffering great pain.

A messenger was immediately dispatched for Dr James Boyd, who promptly arrived. In the meantime the two men had been brought to the surface. Rickter, who had only received a few bruises and small cuts in the face from the flying pieces of rock, was able to walk to his home in High Street.
The other man was more seriously injured, and he was attended to by Drs James and Jas D Boyd. Morrison's head and face were covered with wounds; he had also two nasty wounds over the right brow and left temple. The skull was laid bare, and the bone was injured. An artery between the eyebrows was severed, and blood flowed freely. The lower lip was cut half across, and was also bleeding, whilst the upper lip was cut through, and three teeth were knocked out. Besides these wounds, Morrison received several bruises on his body caused by being knocked down, he also received a shock to the system. His wounds were attended to by the doctors, and he was afterwards sent to the Bendigo Hospital.

Morrison at first wished to be taken to his house at Kangaroo Flat, but acting on the advice of Dr James Boyd he allowed himself to be conveyed to the hospital. The cause of the third hole exploding is a mystery as the two men assert they only fired the second hole after crib time. The hole which exploded was only a few inches above the others, but it was impossible for the fuse to have ignited by the explosion of the second hole. The opinion of the mining manager, Mr Ryan, is that the men had by mistake fired the two holes at the time. No other cause for the explosion can be assigned. The reason that Morrison received more severe injuries than his mate is accounted for by the fact that he was at the time nearest to the hole.

Fortunately neither of the men were in such a position as to receive the full effect of the explosion, otherwise it is more than probable that we would have had to record another fatal occurrence. The mining manager, together with the Inspector of Mines, examined the stope where the accident occurred, but they could find nothing to show how the hole had fired.

Both of the men had been for some time employed in the mine, and the manager had the greatest reliance on them to carry out such dangerous work as firing the holes. Morrison is about 42 years of age, and has a wife and large family.

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Compiled by Olwen Fenton & Ian Belmont in August 2019
for the Bendigo Cemetery Obituaries & Notes