



THE DUKE AND TIMOR MINE, MARYBOROUGH.—SCENE OF THE RECENT ACCIDENT.—SEE PAGE 98.

The Star - 19 December 1883

**Fatal Mining Accident
MELBOURNE, Dec 19**

A serious calamity is reported to have occurred in the Duke Mine, Timor, near Maryborough, yesterday morning. Four men lost their lives.

[Timor is a mining township, situated 112 miles north-west of Melbourne. The "Duke" is one of the principal claims.]

The Colonist - 29 December 1883

DREADFUL ACCIDENT

A shocking accident has occurred at Duke Mine, Timor Mining Company near Maryborough. Four men - Jas. Hogan, John Rogers, William Jones, and Charles Whiteley - slipped on to the cage, and the signal was given to lower away, when, to the alarm of everyone, the cage went up to the poppet heads. The chain broke, and the cage was shot down three hundred and thirty-eight feet to the bottom of the shaft. A party was lowered, and found the men smashed to atoms. The debris of the cage and the remains were indistinguishable separately. Jones, the engine driver, became quite deranged at the sense of the fatal error. It is stated that his mind was off its balance owing to religious mania, consequent upon his connection with the Salvation Army.

Marlborough Express – 14 January 1884

**SHOCKING MINING ACCIDENT!
Marlborough, Dec 18**

One of the most terrible accidents which has occurred in this district for years happened at the Duke mine, Timor, this morning.

The eight o'clock shift was going on, and four men, named James Rogan, John Rogers, William Jones and Charles Whiteley, stepped on to the cage, which was standing at the mouth of the shaft. Several other miners also, who had just come from below, were standing around, and also a braceman named Doyle. A young miner, named Metcalfe, had intended to go down, but he stood aside to light his pipe, and Jones went down in his place. The signal was given by

Doyle to lower away, and the machinery was set in motion, but to the alarm of everyone the cage darted up towards the brace.

Doyle pulled the signal frantically to warn the driver of his fearful mistake, and the miners in the cage called out to stop, but no attention was paid to them, and the cage was hauled violently against the poppet heads. The chain broke, and the cage with its living freight descended with arrow-like celerity to the bottom of the shaft, 338 feet below.

Directly the accident was known, the engine driver, John Jones, was questioned as to why he did not answer the signals, but the man seemed utterly unable to reply coherently, and could merely give the mining manager, Mr Griffiths, generally to understand that some one got in his light, so that he could not see the shaft at the critical moment and he became so confused that he did not know what to do. The driver was then allowed to leave the engine, and another engineer lowered Mr Griffiths and the captain of the shift, Mr Wills, down the shaft. They found the men smashed to pieces amongst the debris of the cage, and under the manager's direction four trucks full of mangled remains were sent to the surface. One man's limbs could scarcely be recognised from those of another. Very little was left of Whiteley's head, and Rogers' was the only body recognisable. The blood was flowing from the trucks in a sickening stream. Anxious crowds soon gathered round the shaft, and through the midst of the awe-stricken people the remains of the deceased were taken to the changing house.

All work was suspended for the day by order of Mr Griffiths, and out of respect to the deceased miners the company's flag was lowered to half mast.

Jones, the engine driver, went home and appeared to have become quite deranged from an overwhelming sense of his fatal error. He is reported by Mr Griffiths to have been previously a most careful driver, and to have been many months in employment of the company. The only thing that is alleged in justification of the accident is a theory that his mind was off its balance through religious mania, which he has developed since attending the meetings of the Salvation Army.

The three deceased miners, Jones, Rogan and Rogers, were single men, but the fourth, Whiteley, leaves a wife and five children. Rogan had a mother, sister and brother partially dependant on him.

Everything was in good order, both as regards the ropes, shaft and machinery, and the manager states that the driver, had he chosen, could have turned on a brake which was powerful enough to stop the cage at once. Allan's safety hook and the grippers were attached to the cage, but although the hook is said to have acted well, the grippers only clutched once, and then ineffectively, when the falling cage was about 100 feet from the surface.

The Ballarat Star (Vic) - Thursday December 1883

THE SAD ACCIDENT AT DUKE MINE. TIMOR

The following letter, which contains a graphic description of the fearful disaster at the Duke claim at Timor, written by one who was present at the time of the catastrophe, will doubtless be read with great interest by the public. For obvious reasons the name of the writer is withheld. Whilst we cannot say how far his views of the occurrence are correct, there is abundant internal evidence that the writer given expression therein to his honest conviction, and being a practical man his suggestive utterances are well worthy of the attention of the authorities and of mine-owners generally.

Timor, 18th December, 1883

DEAR PARENTS - No doubt you have heard before this of the fatal accident which happened here this morning, at Duke mine; and, knowing that I am on the morning shift, you will be wondering who are amongst the dead the same as all others who have anybody belonging to them working in the claim. Therefore, I send you these few lines to let you know that I am safe, for which I thank God, for it might have happened to the cage that I went down in as not. Nearly all the shift was lowered down with the exception of a few cages of truckers, when the accident happened. The cage was knocked from below, men coming up. When the cage that was going down stopped at the surface, the four men got in to go below, the signal was given to lower away, when the engine-driver (Jones) instead of lowering, pulled the cage with the four in up to the pulley-wheels, the cage unhooked, and fell down to the bottom of the shaft, when - oh! what a sight. The four poor fellows smashed to pieces - such a sight as I never want to witness again. It was a good while before anybody could recognise any of the poor fellows that had met such a sudden and most dreadful end. The first to be recognised was a young chap that used to truck from our shoot called Jim Rogan, a fine strapping young lad about 19 years of age, and about 6 feet in height. Poor fellow, little did he or anybody else think that his end was so near. How true it is in the midst of life we are in death. The next was "poor old Charley" Whiteley, whom you know well to be such an obliging chap when he was a trucker. The third was Jack Rogers, a son of Rodgers what used to have the garden at Carisbrook. The fourth was a young man not long out from Wales, called Bill Jones. Poor old Charley was the only one that was married, and he leaves a wife and three children to mourn the loss of their breadwinner. All through the carelessness of one man the lives of those four men were sacrificed in a moment of time. Is it not something dreadful when we come to think of it, and what makes it worse is, it could have been prevented as far as the loss of life was concerned providing they had had a second set of flippers fixed about 9 or 10 feet below the pulley-wheel, and then in case of overwinding the cage would only have a foot to fall, without any loss of life. I suppose they will fix one now after this; if they don't the Minister of Mines ought to compel them and every other company to have them fixed, and do away with the safety cages, because they are only a farce, an instance this accident this morning, it was a safety-cage; it did not show much safety power

when it fell from the highest it could get down to the lowest it could go, about 400 feet. Hoping this find you in good health, as it leaves us under the circumstances.

The following account of the tragic case is taken from Wednesday's Marlborough & District Advertiser:

"A most painful event occurred yesterday at the Duke claim, Timor, which cast a shadow upon the faces of all who heard it, and formed an oppressive subject for conversation throughout the day. When the 8 o'clock shift was going on at the No 3 shaft in the morning, four strong and healthy young miners stepped into the cage, but in two minutes more all that remained of them was a shapeless mass lying amidst blood and broken iron, hundreds of feet below the surface. It happened thus: Directly they stood firmly upon the iron structure the signal was given to lower away, when, to the surprise and alarm of all parties, the engine-driver commenced to haul. Braceman Doyle, who was on the surface, repeatedly pulled the alarm to warn the driver that he was making a disastrous mistake, but with no effect, the cage, with its terrified occupants, passed the brace and was hauled to the poppet-heads in spite of his vociferous cries, the chain snapped and the carriage with its living burden flashed down the skids with fearful momentum to the bottom, 338 feet beneath. Immediately the news of the tragedy was bruited the hands on the mine collected from all parts, and following them came crowds of anxious, tearful women from the township, to see who was hurt and whether their near relatives had been among those taken away. The scene at the mouth of the shaft was heartrending; everyone was deeply affected, and watched the preparations made to bring the injured to the surface with an intense nervous expectation which became more and more intolerable as the time passed. The women were crying and lamenting the accident, but the miners seemed so utterly amazed at the calamity as to be unable to fully realise it, so they worked on as men in a dream. Mr Griffiths, the mine manager, went to the engine-house, ordered the engineer to leave the charge of the engine to another driver, and then went below in the other cage with Mr John Wills, the captain of the shift. It was not long before a messenger came up, and supplied the sad information that all were dead - William Jones, James Rogan, John Rogers, and Charles Whiteley. Then the bodies, mutilated almost beyond recognition, were sent up bruised and hacked by the broken pieces of the cage. Four trucks full of broken bones and ghastly looking limbs, dripping with blood, were delivered at the mouth of the shaft. The only man whose features were distinguishable was Rogers, whilst Whiteley's head was smashed to a pulp. The remains were taken to the changing room where they were arranged as well as possible and placed under the care of Constable O'Farrell. When the engine-driver whose name is John Jones, was interrogated by Mr Griffiths respecting the occurrence, he seemed utterly unable to speak coherently on the subject. All he could say was that some man had walked before the window which commands a view of the shaft at the time the cage should have been lowered, and this confused him and caused him to make the mistake. When he heard Doyle's signals he attempted to stop the cage. Jones seems terribly sorry that such a calamity has happened through his carelessness, and has gone to his home at the township. Another driver now relieves him at the mine. Most of the men seem to think that Jones' mind has been affected through the ministrations of the Salvation Army, of which body he is a strong partisan, and as

such has taken a prominent part in its late demonstrations. Mr Griffiths says he always looked upon the man as the best driver in the employ of the company; he never knew him make a mistake before, and it was only the previous day that he had remarked upon Jones' careful driving. What seems most inexplicable, however, is the fact that the engine could have been stopped at any moment by a powerful brake, which was within Jones' reach, and notwithstanding all the cries and signals he did not use it. The unfortunate dead men were all young. William Jones was a new arrival from Wales, and had only been working in the claim about a month. He used frequently to long for home and express a wish to see his 'poor old mother', a desire that will never be gratified in this world. It appears that this man was standing on the surface just prior to the accident, talking and laughing, and that Metcalfe, another miner, got into the cage with the others. Metcalfe, however, got out again to light his pipe, and Jones took his place. James Rogan was the principal support of his mother, sister, and brother, his father being able to earn very little through being a sufferer with chronic rheumatics. Chas Whiteley leaves a young wife and five children. Sympathy of the sincerest kind is expressed on all hands for the bereaved relations of the unfortunate deceased and there is no doubt that this community, which subscribed so liberally to the aid of the sufferers by the Creswick calamity, will put their hands in their pockets and do what they can for those nearer home. The disaster has occurred at a time of year when people are more than usually disposed to help one another, and the act of giving may materially add to the enjoyment of many a Christmas.

In Maryborough during yesterday morning the most eager interest was shown for the details of the calamity. Each cab-load of passengers was besieged on arrival by enquiring crowds, who expressed sorrow and horror on hearing the news. The cage used by the miners was fitted with Alan's patent hook and grippers. The hook acted splendidly, but the grippers failed. Mr Griffiths has always two of these patent cages in the shaft, and a spare one for use in case of accidents, but the men place no reliance on them, and Mr Griffiths, when asked by the department what he thinks of their working, has always condemned them as inducing people to be careless of the condition of the ropes, which in all cases are the best safeguards. Work was suspended yesterday in respect to the deceased, and the company's flag floated on the staff at half-mast; the miners, however, did not disperse to their homes, but remained on the ground talking concernedly about the accident and its causes. Mr Nicholas, the Senior Inspector of Mines, arrived yesterday afternoon. He went to the claim and inspected it. So far as we can learn he has nothing to say against the management. Respecting Allan's safety cage, he found on examination at the bottom of the shaft that the structure was not nearly so much damaged as might have been expected, and believes, from its appearance that it must have been well and strongly made. He is satisfied that the grippers were in good order, and finds that in two paces between the brace and the detaching bar there are marks on the skids where the grippers clutched; there is also a place about one hundred feet below the surface, where for a distance of over a yard a shave has been taken off the wood by the grippers. The reason he imagines they did not adhere is because the surface of the skids by constant wear had become so indurated and glassy that there was no hold. Mr Nicholas found that rule 25 of the new mining regulations had not been complied with by the management. This provides that 'spring catches, or automatic, or self-acting doors, or tumblers of a suitable kind shall be affixed to the skids or

guides below the poppet heads of every shaft in which a cage is used to prevent the fall of such cage down the shaft when detached from the rope or chain by overwinding.' It must be remembered, however, that these regulations are not yet a month old, nor are they generally distributed throughout the mines. Mr Griffiths showed Mr Nicholson a model that he had invented to answer the same purpose, and also a partially constructed device in the blacksmith's shop. The inspector considers Mr Griffin's invention, if completed, would have answered all requirements, but he also says that had the miners in the cage used the levers overhead they could have made a grippers catch. Whiteley, Rogan, and Rogers will be buried this afternoon at Timor, and Jones at Maryborough cemetery. The inquest will be held at the changing room today at 11.30 am, before a jury of 12. Mr Carr, PM, the district coroner, who is to preside, will arrive by the early train from Donald"

THE SAD ACCIDENT AT DUKE MINE, TIMOR. (1883, December 20). *The Ballarat Star* (Vic. : 1865 - 1924), p. 4. Retrieved December 6, 2015, from <http://nla.gov.au/nla.news-article201620212>

INQUEST

The Age (Melbourne) - Thu 20 Dec 1883

THE TIMOR MINING DISASTER By Electronic Telegraph From our Own Correspondent

The inquest on the bodies of the four miners who were killed yesterday morning at the Duke mine, Timor, was commenced today in one of the company's offices on the claim, before the district coroner, Mr Carr, PM. A jury of twelve practical miners was empanelled, three of whom were deputed, on behalf of the rest, to go down and inspect the shaft. All the jurors viewed the bodies, which were laid out in the changing rooms. Jones, the engine driver, was not present. Inspector Rennie examined the witnesses. Evidence was merely taken in reference to the identification of the dead, in order to allow of the remains being buried. Rogan's father was deeply affected, crying most bitterly as he identified his son's remains. He stated that the deceased was only 17 years of age. Edward Doyle, the braceman, who tried so earnestly to arrest the attention of the driver by signalling, deposed that he saw Whiteley, Rogan, Rogers and another man, whose name he could not swear to, get into the cage. The accident then happened, and the four mangled bodies were brought up, which he supposed were those of the them whom he saw go down, but he could not identify them.

Joseph Roderick, a miner, stated that he saw William Jones get into the cage, but he could not recognise his body when it came up. These depositions were considered to be sufficient to

justify the burial of the remains, and the inquest was adjourned till Monday next, at Dempster's Junction Hotel, Timor, at eleven o'clock.

Mr Nicholas, the senior inspector of mines, who visited the Duke claim, Timor, in connection with the late accident yesterday, has expressed an opinion that the grippers of the Allan's safety cage were in good order, although slightly worn in two places, between the brace and the detaching bar, are marks on the skids where the grippers clutched, in addition to the spot already mentioned, which is 100 feet below the surface. Rule 25 of the new regulations, which were only issued a month ago, requiring tumblers to be affixed to the skids below the poppet heads to hold a cage in the event of the breakage of the rope or chain, has not been complied with; but these regulations had not been generally distributed, and the management were at the time having tumblers made, which would have answered all requirements.

Mr Allen, of Ballarat, the patentee of the safety cage, and his son, have visited the claim and inspected the ruins of the cage involved in the accident. They seem to think that the grippers were ineffective through all of the teeth being worn away.

The remains of the deceased miners were laid out in wet sacking (for greater facility of removal). The odor arising from the bodies was very offensive, and as soon as possible they were put into coffins and screwed down. The lids of the coffins gave the ages as follows: Whiteley, 39 years; Jones, 24 years; and Rogers, 22 years. The feet of the corpses were actually split with the force of their fall, and, although each man wore heavy laced boots when they went down, their feet were quite bare when recovered, and fragments of their boots were found lying about the shaft. It is now stated that when the chain and flat rope parted with the cage at the poppet heads, the chain fell within a yard of one of the miners on the surface, and the flat rope grazed his shoulder.

The funerals of Whiteley, Rogan and Rogers moved from the claim early this afternoon. In addition to a very long procession of mourners on foot and in vehicles, including Mr Griffiths, the mine manager, and several of the directors of the company, the Maryborough brass band attended, under Captain Hodgkinson, playing the Death March in Saul, to the accompaniment of muffled drums. The remains were interred in the Timor Cemetery, Mr Thomas, of Chinaman's Flat, officiating over the remains of Whiteley and Rogers, and the Rev Father Collier for Rogan. The remains of William Jones, the other dead miner, were buried later in the afternoon in the Maryborough Cemetery, under similar demonstrations of sorrow and respect, the Rev K Vance, of Maryborough, reading the services at the grave.

THE TIMOR MINING DISASTER. (1883, December 20). *The Age* (Melbourne, Vic. : 1854 - 1954), p. 5. Retrieved December 6, 2015, from <http://nla.gov.au/nla.news-article202604015>

Bendigo Advertiser, Victoria - Thursday 27 December 1883

**THE DUKE AND TIMOR FATALITY
ADJOURNED INQUEST
THE ENGINE-DRIVER COMMITTED FOR TRIAL**

**From our Own Correspondent
Monday, 24th December**

The adjourned inquest on the bodies of the men Charles Whiteley, John Rogers, William Jones and John Rogan, who were killed in the Duke Company's mine Timor, on Tuesday last, was resumed today before Mr C W Carr. PM, and a jury of fourteen, at Dempster's Junction Hotel, Timor.

Sub-Inspector Ronnie appears on behalf of the police, **Mr Nicholas**, senior, inspector of mines, for the Mining department; **Mr Cuthbert**, solicitor, of Ballarat, for the company; **Mr Warton**, for the family of Charles Whiteley, one of the deceased; **Mr Mann**, solicitor, of Ballarat, for **Mr Allen**, the patentee of the safety cage. There were also present: -**Mr Colgan**, chairman of the directors of the Duke Company; **Mr Griffiths**, the mining manager; and **John Jones**, the man who was driving the engine at the time of the accident.

Edward Doyle, deposed: I am head braceman at the Duke Company.

I was at the mine at the time of the accident. My duty was to signal the men down and deliver the men at the surface. On Tuesday, the 18th instant, at the time the deceased got into the cage I was standing at the knocker line on the surface. I saw the four men get into the cage. When they got into the cage I rang "two" and after a pause "one". This was the signal to the engine-driver to lower men down the shaft. The engine-driver did not do so. The cage went upwards. I then rang "one" to stop. The engine did not stop, and the cage continued going up, gaining swiftness. I pulled again and kept pulling constantly and also shouting, warning the driver to stop the engine. It is a rule at almost all claims that if the driver does not stop to keep knocking. The cage went through the brace. I could not see the cage upwards. I next heard a crash at the wheels. I then jumped aside. I looked upwards and saw an object going past the surface like a flash. I could not swear it was the cage. About twenty minutes afterwards I saw the four bodies brought up. I had no appliances to stop up the mouth of the shaft at the surface to prevent the cage from going down. There were "flippers" at the brace to rest the cage when pulling dirt. When the cage goes through, the "flippers" fall back. My mate (James McGuire) was on the brace at the time of the accident. I could not say that if the "flippers" were down the cage would have been stopped. The "flippers" might break by a falling cage coming on them. The cage was one of Allen's patent.

To the jury: It is always the habit of the bracemen to tie back the "flippers" at relieving shifts. The cage works through more freely by tying them back. If the braceman is on the surface the cage cannot go through the brace if the "flippers" are down. The "flippers" are not used to

prevent accidents, but for landing dirt. I never heard any remarks made by the men in the cage as they ascended.

To Mr Cuthbert: The "grippers" are made of iron. They are fastened to two pieces at the brace. The distance from where the men got into the cage and the brace is about 50 feet. The men are not allowed to get in at the brace. The engine-driver had lowered more than 24 men before the accident occurred. It was part of my duty to be at the knocker while men were going down. I was excited when the cage was going up, and cannot remember what I shouted. I could not have done anything to prevent the accident. All that I described occurred in a very few seconds. I have had over five years' brace work. I have been landing with Allen's safety cage for nearly four years, and have been working with it at the Duke Company for over one year, during which time I have had no opportunity of testing whether the cage would act or not.

To Mr Mann: There never was a case of overwinding during my shift at the Duke Company. I saw a case of overwinding at the Goldbrook Company over two years ago. It was one of Allen's cages, with slight alteration to the one used at the Duke. The grippers then caught, and the cage remained at the poppet-heads. Cannot say whether ordinary miners understand the working of the handles of the grippers. I think there are plenty of miners who do not understand how to use them.

To Mr Warton: The grippers of the cage the deceased were in were not broken. I have heard men on the mine say they would not like to trust their lives on the cage. I cannot say if I have ever spoken to the mining manager about the grippers not working.

To the jury: the grippers are supposed to act of their own accord, without any using the handles.
To Sub-Inspector Rennie: When the rope breaks a spring should force the grippers to act. If the men in the cage had used the handles it would have assisted the spring.

To Mr Nicholas: It is a part of my daily duty to see whether anything is wrong with the cage. On the day of the accident all the fixings of the cages were in their places as far as I could see. I cannot say how long the cage which went to the bottom had been in use. I don't think it is a month since it was repaired.

To the jury: On the morning of the accident I saw the cage, and considered it was safe.
To Mr Nicholas: The cage does not go up to the pulley-wheels. There is a bar of iron below the wheels to detach the rope from the cage. On the occasion of the accident the hook acted and the cage fell away. Neither rope nor connecting chain was broken.

James Maguire deposed: I am second braceman at the Duke Company.

I was on duty at the time of the accident on the 18th inst. I was on the brace. I saw the cage with four men in it come through the flippers at the brace. It was going at a good pace. It went up to the pulley wheels, and then fell down the shaft. I was standing on the right-hand side of the brace. I did not have time to give any signal. I did not attempt to close the flippers, which

were tied back. I would not have had time to close them from the time the cage went up until it came down. I only saw the men's feet as the cage went. I could not say whether they were trying to work the grippers. I did not hear any signalling. I had no means to prevent the cage from falling down the shaft. I have never had instructions to put down the flippers when a cage went up to the pulley wheels.

To Mr Warton: The flippers are worked by a long handle. When the handle is let loose the grippers close. The handles were tied back. When men are being brought up and sent down I generally clean the brace, and there is no man to look after the flippers.

To Mr Nicholas: Since the accident, the manager has given instructions for a man to be at the flippers when the men are being wound up.

James Cole deposed: I am a miner at the Duke Company.

I was in the shaft, at the bottom, waiting to come up. I saw the cage fall to the bottom. There were three bodies in the cage. The cage landed at the bottom, and in about two seconds another body came down and landed on the covers of the cage. The men were all dead, and greatly smashed. The cage was beat up. I cannot account for the fourth body not being in the cage. It is supposed the man attempted to get out at the surface, as there were marks on the centres. There would not be sufficient room in the shaft for a man to get out of the cage.

Joseph Williams deposed: I am a stoker, employed at the Duke Company's mine.

On the morning of the 18th inst, at the time of the accident, I was in the engine-room, about 15 feet from the driver. I was behind the spiders, and could not see him. I heard the knocker going. I did not know what was the matter, as there were so many knocks. I heard first a knock, then another, and then continuously. I understand the signals given by the braceman to the driver. The signal for "lower, men on" is two knocks and then one. The knocking on the occasion of the accident commenced by this signal, which I understood was to lower the men from the surface down. From the continuous knocking which followed, I thought there was something wrong. I went to the window to see what was the matter, and saw the rope had detached from the cage. I did not see the driver at the time. A man called Hargreaves came through the engine-house into the boiler house with his clothes. He came in before the accident, but I cannot say whether it was before or after the knocking. I cannot say where the driver was standing at the time of the accident. After the accident I went into the boiler house and told Hargreaves he was not allowed in that door. As I came back I saw Jones, the driver, at the handle. I did not speak to him, nor did I hear him say anything.

To Mr Wharton: I did not notice when the engine was going that the rope was going on the wrong spider. If I had looked at the spider I could have told what was the matter.

To Mr Cuthbert: Hargreaves came in the front door nearest the shaft. He had no right to come in by that door, as the mining manager had ordered so. If the engine-driver said Hargreaves

came in and attracted his attention it would not be correct, as he could see the shaft through the window.

To the engine-driver, Jones: I did not hear you call to me that Hargreaves was coming in the wrong door.

Thomas Hargreaves deposed: I am a miner, employed at the Duke mine.

I remember the 18th inst, when the accident occurred. I remember entering the engine room. Previous to entering the engine room I came from the changing room. I did not notice the braceman nor the cage after I was brought from below. I did not notice any signalling at the time I went into the engine room, as we are so used to the knocking. I cannot say whether the engine was in motion when I entered the room. I remember seeing the engine-driver at the engine when I entered. I cannot say whether he was standing or sitting. I did not speak to him, nor did he speak to me. I merely passed in one door, and out of another, and at the time I did not know that an accident had occurred. Three or four minutes afterwards I passed through I was told that the cage had gone to the bottom. I was not aware that workmen were not to enter through the door. I have been in the habit for four or five months of going through the same door when the engine was going. I was never cautioned not to go. I have also seen other men going through the door. The engine-driver was in the same position as at other times.

To Mr Warton: The engine-driver, from where I saw him, could see the spiders. If he was at the driving bar he could also see the spiders.

To the Jury: I never crossed the window which looks out at the shaft in going to the boiler-house.

To Mr Nicholas: The engine-driver was at his place at the handle.

Thomas Hellyar deposed: I am an engine-driver, employed at the Duke Company.

I was driving the engine the shift previous to the accident. I handed the engine over to driver Jones at eight o'clock in the morning. The engine and appliances were then in good working order. If the engine is in motion and anything is going wrong the signal is one. Two and one knocks is the signal to lower men. The proper signal in case the cage when up instead of down would be one knock. If no notice was taken of this the braceman must keep knocking one. There is a speaking pipe from the brace to the engine house for the braceman to speak to the driver. It is close to the braceman. There is an indicator in the engine room in front of the driver to show him how the cage is being worked. There is a black mark on the indicator, over which shows the cage to be in danger. Any driver attending to his duty could have seen by the indicator that the cage was going to the poppet-heads.

To the Coroner: He should then have stopped the engine.

Re-examined: If the engine was not going too fast, it could be stopped with one stroke of the piston, which was about 18 feet. It might be done in less if the engine was going at a proper rate. With the assistance of the brake, the engine would be stopped in three-quarters of a stroke, about 13 feet. The cage was in view of the engine-driver, and if he was looking at the

shaft he would have seen that the cage was going in the wrong direction. The brake should stop the engine before it reached the pulley-wheels. The spider would also show if the cage was going the wrong way. The rope is marked to show the different parts. Under these circumstances, I cannot account for a driver sending four men to the poppet-heads. If he was attending to his duty he must have seen that there was a great danger.

To the jury: I have known cages to be stopped by flippers, and I have known cages to go through.

To Mr Cuthbert: The flippers on the brace are for landing dirt. A cage should not go through them. A cage with four men would not weigh much more than a truck of dirt. The appliances about the Duke Company's mine for the protection of men's lives were as good as any claim I have been at. Jones has had the reputation of being a careful driver. I have known him for about one year and ten months. I have no reason to think Jones was not in his right senses.

To Sub-Inspector Rennie: Something might come over a man which would affect his senses. He could not say that Jones was guilty of gross carelessness. He must have been very careless if he was in his right senses. A man entering the door of the engine-room would not prevent a driver from seeing the cage. It might take off a man's attention, but we are accustomed to men coming in. I have often seen men come in at the door, but they never interfered with me in working the engine.

Edward Doyle, recalled, deposed: There is a speaking pipe from the brace to the engine-driver, and there is also a mouthpiece at the surface; but the latter was of no use.

James Maguire, recalled, deposed: I did not use the speaking pipe from the brace to the driver, because there was not time, and I did not see the danger.

Thomas Proctor deposed: I am engineer for the Duke Company.

I remember the day of the accident. I was at the No 2 Shaft. The machinery was in good order. I am aware of all the old regulations for providing safety appliances at mines. I had not at the time of the accident, been made acquainted with the new regulations. I examined the cage that went to the bottom the day previous to the accident. It was one of Allen's patent safety cages. It was in good order, and also the springs. The works, I believe, are too powerful for the spring, and through this I account for the accident. In my opinion safety cages are worse than those without the safety appliances. The old cages are the safest, as there are no detaching hooks. In my opinion this accident would not have occurred if old cages were used, as the chain and rope would be sufficiently strong to resist the action of the cage coming against the poppet heads, thereby stopping the engine. The law compels companies to use these cages. the flippers (if closed) might have stopped the cage, but I am very doubtful of it. The cage would have a clear fall of about fifteen feet from the detaching bar on to the flippers. It would be an improvement to have a tumbler in the skids to stop the fall of the cage after detaching at the pulley wheels. It would not be a certainty. there are no such tumblers in the Duke Company. There is no

appliance to prevent the rope falling on the ground after being detached from the cage. It is dangerous, and it would be a very difficult matter to prevent it. The engine could be stopped easily when men are on the cage in 10 feet. I cannot account why the driver Jones did not stop the engine; it is very mysterious. If he was in his right senses he would be guilty of carelessness in sending the men to the poppet heads. It would take about half a minute for the cage to reach the detaching bar after leaving the surface. Everything was in good working order.

To Mr Cuthbert: I have been an engineer at the Duke for four or five years, and connected with machinery for 16 years. The springs of the safety cages are very unreliable, and will not always act. If the skids are much worn and very smooth, it makes it more difficult for the grippers to catch. The safety cages require a great deal of supervision. I have known the grippers to jump out of gear. There has never been any accident from overwinding at this shaft. There was a case of overwinding some six months ago. I did not know the new regulations previous to the accident. The regulations came into force on the 3rd November, and the inspector of mines never acquainted me of such. The inspector had never complained of anything about the mine.

To Mr Mann: A cage acted some time ago in a case of overwinding. The cage is in the same state as when supplied by Mr Allen, with the exception of some parts having been renewed and made from the duplicates. When Mr Allen supplied the cage there were two knobs on the grippers. I could not say they were on when he examined it before the accident. I examined it this morning for the first time since the accident, and the knobs were not on. The teeth of the grippers show traces of wear. They were not worn down three-sixteenths of an inch. I have had the cage in use since it came from the blacksmith's shop for four or five weeks. The company purchased a cage six months ago, and two about two years ago. I cannot say which was the one which went to the bottom. I examine the cages every morning when they are on the brace. The spring is not one of Mr Allen's. I cannot say that we have got any springs from Mr Allen since we got the cages. The blacksmiths make the springs. This one was put in the Thursday previous. I did not see it tested before it was put into the cage. The whole action of the grippers being brought into play depends on the springs. The spring is now flattened out. The reason we got no springs from Mr Allen was because we thought our own were best. A good spring should not flatten, but should break. I always inspect the springs, but do not superintend the making.

To the jury: The best tempered steel becomes soft after being in the shaft for a few days. The working of the springs is too heavy for their strength.

To Mr Nicholas: I think I can construct a catch to prevent the cage from falling down the shaft after being detached. I have seen catches prove useless in this district.

John Griffiths deposed: I am the mining manager of the Duke Company.

I was in the No 4 changing room at the time of the accident. On hearing of the accident I came out, and when I got the engine right I went down the shaft, and found four men dead. Their

bodies were brought up in a truck. The cause of their death was overwinding. John Jones was in charge of the engine at the time. After the accident I spoke to Jones, and said, "What is the matter with you." He replied, "Nothing; it is the man at the door." He said nothing more. I am under the impression that the engine-driver is responsible for causing the death of the men through overwinding. The driver had a knocker, indicator, and marks on the rope to guide him, and also a clean view of the shaft for 45 feet. I cannot account for Jones not responding to the signals. He must have been out of his mind. He did not seem as any other man would have been after the accident, and did not appear to feel what had happened. I do not think the cage would have been stopped from falling if the flippers were down. It would have done no harm if the braceman had used the flippers. All the appliances required by the old Act were in order, and carried out in the mine. I did not receive the instructions and regulations of the new Act until the day of the accident.

To Mr Warton: We choose engine-drivers from the testimonials they produce. Jones had good testimonials when I engaged him. I would not employ anyone in the Duke unless he was well tried in other places.

To Mr Cuthbert: I have employed Jones for the past two years. I considered him my best driver. I am strongly in favour of the old system of cages, and would use the old cages if not prevented by Act of Parliament. I do not think it possible that the accident would have happened under the old system of cages. I never gave anyone orders to have the flippers tied back.

To Mr Mann: The cage was purchased about 18 months ago. It was not always in constant use, as we had a third cage. I cannot say whether we have had 15 months wear out of the cage. I have not had new grippers, but I believe the teeth have been renewed. I do not think there was three-sixteenth part of an inch of the teeth worn or filed down. The knobs were off the grippers on the day of the accident. After the accident I saw the spring of the cage; it was bent a little. The spring was not obtained from Mr Allen. I think the water in the Duke will prevent any spring from working for a few days. There is a good deal of difficulty to cover a spring.

To Mr Nicholas: We had not at the time of the accident any safety catches between the landing brace and the detaching bar. I am not aware that I received the following:

"Department of Mines, Melbourne, 27th September, 1883. Sir - it has been reported that you have no special appliances fitted above the brace of the shaft at your mine to prevent the fall of the cage in the event of overwinding. I am, therefore, to request that you will be good enough to fix forthwith, either spring catches, tumblers, or self-acting doors, between the brace and the poppet-heads. T COUCHMAN, Secretary for Mines".

I remember receiving some circular from the department similar to the one just read. This was a month or six weeks ago. In consequence I prepared a model, and gave instructions to the blacksmith to make the catches. Was not aware of any provision being made in the new act for such catches.

H.B.Nicholas deposed: I am senior inspector for mines.

On the day of the accident I measured from the landing brace to the detaching bar, and found it 24 feet 6 inches; from the landing brace to the surface, 48 feet; total distance from surface to bar, 72 feet 6 inches. The depth of the shaft is 320 feet from the surface. At the bottom chamber I saw the broken cage which had fallen from the detaching bar. The framework was cut and main bar broken from straps, and safety appliances very little injured. The spring and plates were both bent. In the centre they were one inch apart; the proper distance should be three inches. The bar was more bent than the spring plates. The jaws of the hook were open, showing that it had properly acted at the detaching bar. The rope and chain were uninjured. The new act had been complied with relative to providing proper signalling apparatus, indicator, and having a clear view of the shaft from the engine house. Rule 25, providing for safety catches or tumblers at the poppet heads, had not been complied with. Had it been observed, I think the accident would not have been attended with fatal consequences.

To Mr Mann: The spring of a cage, I think, should break by a jerk. I was present some four years ago at a Government test of cages. Mr Allen's cage, in my opinion, came out of that test the best of the lot. The successful working of the cage depends on the spring. Jones had nothing to say in answer to the usual questions.

Mr Mann asked the coroner to allow the evidence of Mr Allen, the patentee of the safety cage, to be taken.

The Coroner refused, remarking that this was introducing a commercial view into the inquiry.

Mr Mann thought this was a general inquiry into the matter, but the coroner pointed out that it was not, being an inquiry into the cause of death.

The Coroner then addressed the jury.

The jury then retired, and after a deliberation of about 15 minutes returned. The foreman said the jury were unanimous in the following verdict:

"That on the 18th December, 1883, the four deceased men met with their death at Timor by falling down a shaft at the Duke Company's mine, and that the engine-driver was guilty of culpable negligence and consequently of manslaughter."

The following rider was added:

"The jury consider from the evidence taken that no mine in the colony is bettered worked or better fitted with the safety appliances than the Duke Company, to the management of which they could attach no blame. They did not consider themselves called upon to express any opinion on safety cages."

The Coroner then thanked the jury and discharged them. He asked the engine-driver Jones whether he had anything to say against being committed to take his trial.

Jones was much affected and could not speak for several moments. He said he must have been clean out of his mind, or he would not have done anything of the sort.

The Coroner then committed John Jones to take his trial at the next Court of Assize, to be held at Maryborough on the 15th February next.

Bail was allowed in two sureties of £200 each, and the prisoner's own recognizance of £400. Jones was shortly afterwards bailed out, the sureties being Messrs F H Hornby and J DuBourg.

(THE DUKE AND TIMOR FATALITY. (1883, December 27). Bendigo Advertiser (Vic. : 1855 - 1918), p. 3. Retrieved December 6, 2015, from <http://nla.gov.au/nla.news-article88524664>)

POST-SCRIPT:

Bendigo Advertiser - Monday 18 February 1884

MARYBOROUGH ASSIZES

By Electric Telegraph

From our Own Correspondent

Sunday, 17th February

The sittings of the Assize Court were resumed yesterday before His Honour Mr Justice Higinbotham. John Jones, found guilty of manslaughter of James Rogan at the Duke Co.'s mine, on the 18th December last, was brought up for sentence.

The prisoner handed to His Honour his testimonials as an engine-driver extending for over 16 years. He made a statement to the effect that the accident in reality occurred through Hargreaves entering the front door of the engine-house just at a critical moment which turned his attention off the engine. He could not make out how he had not heard the signs given by the bracemen, but he was confused. As soon as he realised what had occurred he stopped the engine, but unfortunately too late. If spring catches had been fixed below the detaching bar no doubt the men would not have lost their lives. He thought it too bad to be committed, when it was known that so much blame was attached to the company. He would not have allowed the accident to have happened for all the gold in the colony.

His Honour said he did not think there was any man who would refuse to believe the statement made by the prisoner, and he fully believed it. It had been clearly established that for 18 years the prisoner had behaved himself in a most exemplary manner, but at this critical moment he had acted contrary to his usual practice in life, and thus caused the accident. Whatever blame was attributable to the company for not having spring catches it was clear the accident would not have happened, but for the negligence of the prisoner. The agony of the deceased men's families, which Jones had witnessed, must have been more punishment than the court could inflict. Without reproaching the prisoner for his conduct, he must tell him that his negligence required to be punished as a warning to all persons entrusted with the lives of their fellow-creatures. He would sentence the prisoner to a term of imprisonment of six months.

MARYBOROUGH ASSIZES. (1884, February 18). Bendigo Advertiser (Vic. : 1855 - 1918), p. 2. Retrieved December 6, 2015, from <http://nla.gov.au/nla.news-article88526731>

*NOTE: the spelling of the surname 'Whiteley' varies through the selected articles between 'Whiteley' and 'Whitely', so to maintain consistency I have opted for the 'correct' spelling - 'Whiteley'.