

DERBYSHIRE TIMES

Saturday 2nd. January 1858

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Man killed in a coal pit

An accident occurred in a coal pit at Riddings, near Alfreton, on the 24th of December, by which a man named Thomas Simmons, a collier, lost his life. It appears the unfortunate deceased was employed in propelling a wagon along inclined plane in the pit, when his foot slipped on the rails and he fell down. When picked up, it was found that he had dislocated his neck, and had received such other injuries about the body as to cause death. An inquest was held on the body before Mr. Busby, coroner, and a verdict of Accidental Death was returned.

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Police Intelligence (part)

Caroline Wass, an Irish woman, was charged with stealing 3 stone of coal from the Hasland - Lane Colliery, belonging to Messrs. Clayton and Co. Summarily convicted for 7 days with hard labour.

Bridget Kilcannon was similarly charged, the offence having been committed on the 17th of December, at Messrs Goodwin and Swallow's Colliery, Tapton. This case was adjourned.

Elizabeth Middleton, who appeared to be between 60 and 70 years of age, was charged with stealing 3 1/2 stone of coal from Samuel Standforth's pottery yard, at Stonegravels, committed summarily for 14 days, with hard labour. Defendant: Well, well, what good will it do you?

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No Headline

The opening of an extensive colliery, with a powerful engine and machinery, calculated to draw a ton of coal in 30 seconds, or upwards of 100 tons per hour, was celebrated at Stainborough, near Barnsley, on Thursday last. It is the property of Messrs. Cooper and Co., of the Worsborough collieries, who are large coal owners, and have been extensively engaged in mining operation for a number of years. The pit in question, which was commenced about 18 months ago, is called the Whitworth Colliery and is sunk at a considerable depth to the celebrated Silkstone bed of coal. The colliery is situated in a lonely part of a valley between Stainborough and Silkstone, alongside the South Yorkshire Railway, with which, by means of a tramway, it communicates.

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No Headline

The strike among the colliers in the Potteries appears to be rapidly approaching a termination, as the men have, for the most part, resumed their employment. Accounts from other parts of the county continue to be very gloomy.

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An appalling accident

A man slowly roasted.

One of the most shocking accidents it has ever been our lot to record occurred two days since at Mountain Ash, South Wales, to a man named David Thomas, who earned his bread as a lime-burner at some lime-kilns belonging to the Navigation Coal Company. It was proved at the inquest that the deceased, who was an industrious man, was engaged at the kiln in question, superintending the burning of stones into lime. Taking up a long iron bar, which was kept there for the purpose of thrusting among the stones when any hitch occurred, he went towards the mouth of the kiln. His wife begged him to keep back from so dangerous a position, at the same time reminding him that if the stones should slip he would be drawn with them into the burning kiln. He said 'oh, never fear' I will take care of that; and disregarding his wife's repeated supplications, he stepped forward to the top of the kiln, and commenced thrusting at the stones with his iron bar. For a few moments the mass remained firm, and resisted his attempts to disturb it, but, upon increasing the violence of his thrusts, they began to descend, and, as his unhappy wife had predicted, to draw him with them. As he descended slowly the fiery stones closed round him, until at length the lower part of his body became completely embedded in the burning mass. His shrieks were heart-piercing, and his agonized wife endeavoured to pull him out. The state of the kiln made this work difficult and of the greatest danger, and when at length she did seize his hand, and endeavour to drag him out, she found to her horror that the burnt flesh yielded to her touch, and came off in pieces, rendered it impossible for her to obtain any hold. The horrors of her situation can be better imagined than described. At length her cries attracted the attention of a number of men who were standing near an adjacent colliery, and they contrived to throw a rope around the poor sufferer's body; but alas! They found that they could not succeed in getting him out. At length someone suggested that an iron bar should be placed under him to lift him out. This was done, and the frightfully - charred body of the still - living man, some portion of which had been literally burned to a cinder, was got out. But of course, human strength could not survive such sufferings and he died.

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The Lundhill Colliery.

The damage caused by the terrible explosion at the Lundhill Colliery on the 19th of July last, by which 189 lives were lost, has now been thoroughly repaired. A great improvement has been made in the workings by the introduction of a dumb-drift, by which has been executed under the superintendence of Mr Beaumont. The effects of this will be to carry the foul air away without it having to pass over the cupola furnace as previously. The proprietors, having repaired all the damage, have now again fairly commenced operations.

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Serious Coal - Pit Accident.

A lamentable accident occurred on Wednesday morning last, at a colliery belonging to Messes Turner, Ward, and Co, at Killamarsh, near Eckington, by which four men lost their lives. It appears that at six o'clock in the morning twenty four of them descended the shaft in safety. The four men who have lost their lives declined going down earlier on account of their having suspicion that the pit rope was not secure. If this be correct, then it would seem that deceased had overcome their fears, through the fact that their companions had reached the bottom of the shaft in safety. Be this as it may, the unfortunate men proceeded, all the other workmen having gone before them, to descend the shaft, but had not been lowered more than ten yards when the rope snapped in twain, and precipitated them to the bottom - a distance of about sixty yards. When found, a short time afterwards, three of the men were dead, and the other expired before he was removed from the pit. The names of the deceased were William Senior, John Senior, Francis Senior and Richard Turton all unmarried, and were fine athletic young men, greatly respected. The three first named were brothers, and support and aged mother. It was said that on the night prior to the accident, a fire was made near the rope, in order to thaw the frost which had set in about it, which fire attacked the rope and materially injured it; that in consequence of this being reported to the men, the deceased refused at first to descend the shaft until the engineer had assured them that all was right.

The Inquest

An inquest was held upon the bodies before Mr Busby, coroner, on Thursday.

Sarah Wheelhouse, wife of George Wheelhouse, of Nether Moor, Killamarsh, deposed that on Tuesday night last about ten o'clock, she saw a fire burning near the rope of the pit, and a short time afterwards went to Messrs Turner and Ward and called them up. There was deal of fire under the rope, but she did not notice whether the rope was on fire or not. She thought it would have damaged the rope and believed that the men would not have been allowed to descend into the pit (on the morning of the accident) in consequence.

John Whittam, coal - miner, Killamarsh, stated that he was told of the fire in question by a person named Twiggs, who requested him to go and look at the rope. He did so and could see no material injury, but it was dusk at the time. Afterwards, they obtained an engine lamp, and again examined the rope, but I could not see that it was much burnt. William Truswell, the engine tender, was there at the time, and let down several men and boys into the pit.

Luke Mallender said that he observed the fire and saw a great deal of water used to put it out. He did not take particular notice of the rope, but could see that the fire had been about it. An empty cage was afterwards let down into the pit with the rope. Mr Ward, who was there told him to tell a person, named John Sheppard, that William Truswell, the tender of the drawing engine was to examine the rope before the men went down into the pit in the morning. He told Sheppard of it when he came, saying that there had been a fire about the rope. The rope was then in the pit, and he drew it up so that Sheppard might examine it. It was dark at the time, and they used an engine lamp. On examining the rope, Sheppard said that he believed the fire had to some extent damaged the rope.

William Truswell, engine tender at the pit, deposed that on the Wednesday morning he went to his work about six o'clock, as usual, and was informed by John Sheppard, the other engine tender, that there had been a fire. He immediately went to the bank to see to Charles Mallender, the under steward of the pit, but could not find him until he had returned, and he found Mallender examining the rope. He said to him "Well Charles, there has been a fire". He replied, "Yes"; and while they were standing John Whittam came up, and asked if the rope was burnt badly. They told him that they thought not; and Whittam examined it himself, and said "it is not burnt badly, it will not hurt us". Charles Mallender the said he would go down into the pit, which he did, along with three boys. He (witness) did not send down any loaded cage on the morning of the accident before the men descended.

George Twigg said that he was told that there had been a fire, and he went and examined the rope in question.

[Missing ]

thrice with empty cages before any of the men went down. The rope took down four or five men at a time before the accident occurred.

Charles Melinda, under-ground steward, went to work at six o'clock on the morning of Wednesday. He saw Truswell run empty cages up and down the pit with the rope twice before the men went down. He had never seen the loaded cage run down the pit before the men descended. On drawing the rope he thought it had not been seriously injured, in which opinion Truswell concurred. He was the first person down in the pit that morning. The rope had been in use only three or four months, and when put up it was new.

John Hedley, Government Inspector of mines, said that four men would weigh on the average from 5 to 6 cwt. If the rope had been tested before the men went down on the morning of the accident by running a loaded cage up and down twice, it would have broken the rope in passing over the pulley. He judged from the appearance of the rope, which he had just examined. It was very much charred on the outside, and the tar nearly all dried out of it and the hemp was quite brittle from the heat. If the rope had been tested by running a loaded cage up and down the pit, either the rope must have broken in two, or the fracture would have been so great as to make it clear to any man that it was dangerous to be used.

Other witnesses having been examined, the inquest was adjourned until Monday next.

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The Lundhill Colliery.

The damage caused by the terrible explosion at the Lundhill Colliery on the 19th July last, by which 189 lives were lost, has now been thoroughly repaired. A great improvement has been made in the workings by the introduction of a dumb-drift, which has been executed under the superintendence of Mr. Beaumont. The effects of this will be to carry the foul air away instead of it having to pass over the cupola furnace, as previously. The proprietors, having repaired all the damage, have now again fairly commenced operations.

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Coal Mining in Derbyshire.

The production of coal in Derbyshire during the past year has been largely increased by the opening of several new collieries, the total number of which now in operation is 240, employing upwards of 20,000 workmen. In 1855 the quantity of coal produced was 4,000,000 tons; in 1856 was 4,500,000 tons, and in 1857, 4,510,000 tons. In Yorkshire there are 343 collieries in operation, and production last year shows a considerable increase on that of a previous year.

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Engine House Robberies.

The engine houses in connection with the colliery works of Messrs Booker and Addy, near Dronfield, were broken into during Monday night, and the engines were completely stripped of all their brass fittings, steps, cups, etc, entailing a very serious loss upon the proprietors. By this villainous robbery the whole of the works have been stopped, and the men thrown out of employment during the greater part of the week, as the engines were rendered useless, the fittings having had to be replaced by fresh castings, which is attended with expense which bears no comparison with the value obtained from waste brass which is realised by the perpetrators of these infamous thefts. It is a great pity but that both the takers and the receivers of this species of property should be brought to justice, and meet with that punishment they so richly deserve.

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North Derbyshire Mines

On Saturday last, a meeting of the committee of the above mines was held at Mr Broomhead's for the purpose of determining the precise spot to sink a new engine shaft to resume the workings of the rich lead mine known by the name of "Calver Sough", and now constituting a portion of the "North Derbyshire" title. The committee, with the assistance of an engineer and their manager, at one proceeded to view the ground, and speedily arrived at a satisfactory conclusion, where full instructions were given to commence immediate operations. On the Monday following Mr Bentley, the agent for the company, with an efficient staff, proceeded to set out the work, after which the ceremony of raising the first sod for the shaft was gone through by Mr T. Broomhead, and the commencement of operations began by workmen in attendance, to the great gratification of a number of people present. The shaft will be sufficiently commodious for dividing into three compartments, the power of the pumping engine being intended to be that of 150 horses, of the best construction, on the many Cornish principle. Among the many promising mining adventures now being made in Derbyshire none can be more sanguinely looked forward to for producing a profitable result than the mines here spoken of - one of which (the Wren Park) is already proved to be rich far beyond tradition, whilst that of Calver Sough is fully established by the Barmaster's records of its produce at the time of its sudden suspension in addition that support to its former character and history.

Reporter.

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The Coal - Pit Accident at Killamarsh.

The adjourned investigation into this melancholy occurrence was resumed on Monday last, before Mr Busby, Coroner.

Mr Thomas Ward, coal proprietor, Killamarsh, was the first witness called. He said that the Special Rules of the colliery were certified and allowed by Mr Hedley, the Government Inspector of Mines for that district, about a year and a half ago. As soon as he received the Rules from Mr Hedley, he took them to Messrs Algar and Robertshaws printing establishment in Sheffield, and order 500 or 700 copies to be printed. He left with them the original Rules, but they had since told him that they could not find them. He had only the copies of the original Rules in his possession. The first Saturday after he received the Rules he gave a copy of them to every man and boy employed in the colliery. He could not swear, however, whether he gave George Twigg or William Truswell a copy. He had several times given out copies to new men and boys when they went into the works. There was a copy of the Rules posted up in the engine - house where Truswell was employed. It had been there since he first got the Rules. He had read the Rules over to Twigg and Truswell several times, and had given them strict orders to obey them, or they should be punished. He knew, notwithstanding the 33rd and 42nd clauses, that it had not been the practice to let down loaded cages before the men went down into the pit. He was not aware that the Rules required the cages to be lowered, and he never required the engine man or banksman to use loaded cages before the men went down. He was at the pit bank four mornings a week, at least, before the men commenced work, and he always saw empty, and not loaded, cages run up and down the pit before the men were allowed to descend. On the night previous to the accident he returned home from Hull about ten o'clock, and did not hear of the fire near the rope until he had been informed of the accident when he got up shortly after six o'clock of the Wednesday morning. On hearing of the accident, and that there had been a fire, he immediately went down to the works and saw the rope. If he had seen the rope prior the accident, he should not have thought it proper to have allowed the men to descend into the pit. Having heard of the fire and seen the rope, the engineman and banksman were not justified in letting down the men. They ought to have waited until daylight, and examined the rope carefully. If they had done so, it was so badly burnt, they would not have ventured to let down either cages or men William Truswell, and George Twigg, the head banksman, were the persons responsible for examining the rope and letting down the men.

Edward Senior, Collier, brother of three of the deceased, deposed that on the morning of the accident they all left home together to go to work, ignorant that there had been a fire at the pit, or that the rope had been injured. When about forty yards from the pit he separated from the deceased and went to Messrs Turner and Ward's shop for some powder, and it was there that he first heard of the accident.

Joseph Batty, a collier and parish constable, deposed that on the 7th he took Truswell into custody on the charge of manslaughter Truswell said to him on the way to the lock-up, "I knew the rope was not right". I called Charles Mallender the underground steward on one side and said to him, "I know the rope is not right, but we must not tell these men, or they will not go down. Mr Ward gives me a good wage, (24-0d a week), and I don't want to lose that. I know we don't act up to the Rules, but if I don't do it somebody else will".

George Mettam, engine tender, and who lodged in the same house as Truswell, said that on the morning of the accident Truswell told him the rope was not fit to let down the men. Whilst letting them down, he said, he felt as if his heart was in his mouth.

The coroner carefully summed up the evidence, commenting upon it as he proceeded, and the jury returned a verdict of manslaughter against William Truswell.

Truswell was the fully committed upon the coroner's warrant to take his trial at the next assizes, at Derby.

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No Headline

George Mills, of Whittington, appeared to answer the summons of William Eliot, miner, for £1-15-0d wages, alleged to be due. In consequence of a want of sufficient evidence the case was adjourned for three weeks.

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No Headline

Stephen Brown was again brought up on the charge of having stolen 2 hundredweight of coal from Speedwell Colliery, the property of Mr Barrow. Mr Busby appeared to prosecute, and in opening the case said that prisoners defence was that he was entitled to take the coals in question under the Rules of the colliery. The Rules were that every man employed at the works, who was a collier and a householder, had the right of 4 hundredweight of coal a week, but the fact was that the prisoner, though employed at the works, was neither a collier nor a householder, and therefore he had no right to take the coals. Mr Martin Seymour, agent to Mr Barrow, was called, and stated that on the 21st inst., he met the prisoner coming from the colliery with coal, and in answer to a question he admitted that no one had given authority to take it. He was afterwards given into custody. The Bench, considering that the prisoner had been in the employ of Mr Barrow for 4 years, and as this was the first charge of the kind which had been brought against him, only sent him to prison for seven days, with hard labour.

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Page 2 Col. 1

Fatal Accident at Clay Cross

On Monday last, an accident occurred to a man named Robert Kane, who was employed at an ironstone pit, at Clay Cross. He was at work in the pit, when about ten-hundredweight of "bind" fell upon him and killed him.

Saturday 23rd. January 1858

Page 3 Col. 1-2

The Coal Pit Accident at Clay Cross

Four lives lost

We regret to have to announce this week another lamentable colliery accident, by which four lives were sacrificed. On Monday last, shortly after the dinner hour, at the pit known as Number Three, Tupton Pit; four men were descending, when the rope broke, and they were precipitated to the bottom of the shaft, a distance of 70 yards, three of them were killed on the spot, the other one expiring after a few minutes. The four unfortunate deceased were named James Green, aged 19, unmarried; Joseph Vardy, 20 unmarried, Edward Johnson, 30, married, and two children, and Edward Stones, 17 unmarried. The deceased, with the exception of Johnson, were all hangers-on, he being a coal miner. It is the practice at these collieries to draw the men and coals with wire ropes, and it would seem on the morning of the accident, the rope had been carefully examined before the men were allowed to descend to the pit, and it appeared perfectly safe. The sad occurrence taking place so shortly after the accident at Killamarsh, has been the cause of great alarm amongst the men employed amongst the collieries in the district. An inquest was held on the bodies of the unfortunate men on Wednesday before Mr Busby, coroner. James Sadler, miner, employed at the pit where the accident occurred deposed that about a quarter to one o'clock on Monday last, he was about 30 yards from the pit bottom. That was the time for the men to descend. He heard a noise in the shaft, and very shortly afterwards he heard another at the bottom, as if there had been a smash. He went to the place, from whence the noise came, and he saw the cage smashed to pieces, and the four deceased lying there James Green was the only one of the four that was alive, and he went and lifted up his head, and about six or seven minutes after he expired. The bodies were frightfully mutilated, the limbs being fractured in several places. James Marriott engineer at the pit, said he went to work about half past five o'clock on Monday morning, and after looking over the engine, and the rope had been carefully examined he let the men down. He then began to draw coal about five minutes after six, and continued drawing until noon, when the deceased came up from the pit to go to dinner as usual. A short time afterwards he was told by William Roworth, a fireman, that there was a spring broken in the box at the end of the rope. He made an examination, and found that what the fireman had stated was correct, so he took out the broken spring and put in a new one. Before again starting his engine he looked it over, and then went and examined the rope. This was not the rope the deceased had come up. He found it alright, as far as he could see. Shortly afterwards the deceased got into the cage, and he started the engine to let them down the shaft, but the cage had only proceeded about ten yards from the top of the pit when the rope broke. The rope which was new when put in, had only been working about five weeks. He greased it once a fortnight, and when he last greased it there were four wires broken. He thought there might be about 36 wires in the rope. It broke instantly, for which he could not account. If there had been a kank in the rope he should have seen it. He had never to his knowledge lowered a rope with a kank in it. The banksman was on the bank, and gave the orders to lower the men before he did so. The rope was properly on the drum. Daniel Holt, engine-tenter said that before the men descended the pit on Monday morning, he had loaded the cages twice up and down. William Evans, banksman, said that at four o'clock on Monday morning he saw loaded cages run up and down the shaft of the pit. They went on drawing coals until noon. He saw the deceased, after dinner, get into the cage to go down. They were about ten or fifteen yards down when the rope broke. He could not see the position of the rope when it broke. Deceased were lowered as slowly as usual. He should have noticed if the cage had

dropped suddenly. He saw Marriott, the engineer, and Rowarth, the fireman, busy with the spring mentioned at dinner - time, but he could not say what was the extent of slack rope. The spring had nothing to do with the rope breaking. He did not hear a check of any description. The cage was not tried after dinner before deceased went down. John Walters, Inspector of ropes, boiler and machinery, said that on the morning of the accident, about seven o'clock, he stood at the top of the pit and examined the ropes up and down, and he found them right. He did not see them again until after the accident. He could not give any positive opinion as to the cause of the rope breaking. It was a good rope, and he could not tell how it broke unless it had a kank in it, and it would thus have broken in passing over the pulley. The kank was a lap in the rope. A little slack in the drum race might have caused a kank in the rope, especially as it was a new one. Its braking strain was about twenty tons, but the working load was only from 3 to 3 1/2 tons. Mr John Hedley, Government Inspector of mines, said that he had inspected the rope, engine, and works of the pit. The rope was a good one, the wire being of a good quality, and calculated to draw greater weights than it had been drawing. He was of opinion that slack rope in the drum race had lapped over, and the strain of the cage and men had broken it. He did not find breach of Rules or neglect, neither had he found better tackle or machinery in any colliery in the Midland Counties. He had suggested certain improvements which would be carried out. Other witnesses having been examined, the coroner summed up the evidence and the Jury returned a verdict of "Accidental Death".

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Meeting of the Chesterfield and Tapton Burial Board

Mr Barrow's Proposal.

The clerk drew the attention of the Board to a subject which had been allowed to stand over namely, a proposal of Mr Barrow to pay 6d a ton for ironstone which he might get out from land in and adjoining the cemetery in making a certain driftway, or £100 per acre for the whole. He (the Clerk) had received notice that the work of making the driftway was now commenced, it was necessary that some arrangement should be come to in the matter by the Board.

A discussion took place upon the subject, at the close of which Mr Dutton proposed, and Mr Tucker seconded, that Mr John Richardson be employed to advise the Board as to the value of ironstone and mineral in the driftway, and to report upon the same for the next meeting carried unanimously.

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Fatal Colliery Accident.

At the Clay Cross collieries, Derbyshire, on Monday morning, as four men, named Edward Johnson, James Green, Joseph Vardy, and Edward Stones, were in process of being lowered by the cage, the wire-rope broke, and the four persons fell to the bottom, a distance of seventy yards, and were killed. - Another accident happened at the same works to a man named Robert Kane, who was employed in an ironstone pit. The man was cutting out some bind, when about 10 cwt. fell on him and killed him.

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The South Wales Strike.

The colliers of the Aberdare district still hold out on strike in large numbers, although some have come in. The Monmouthshire colliers have followed the example of the Glamorganshire men, and are on strike in large numbers. The Aberdare colliers continue to meet together and talk very largely. The strike has caused disturbance of the coal shipping trade from the ports of Cardiff and Swansea.

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Page 1 Col. 1

Advert - Investments

To Pay Twenty five percent per annum.

On the outlay in dividends payable every two or three months.

Devon and Cornish Copper Tin, and lead mines are the safest and most profitable means for the investment of small or large amounts of money.

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Offers his services to ladies, gentlemen, and others having spare capital to invest. He has now on hand shares for sale which pay from 15 to 30 percent per annum in dividends, and others which will advance 500 percent profit on the present prices within a few months. Every information given personally or by letter, post free, on application to Henry Gould Sharp, Stock and Share Broker, Mining offices, No 32, Poultry, London, E.C.

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P.S. All country communications will receive prompt attention. Any amount, from £5 upwards, can be invested.

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Bakewell County Court.

Important Mineral Decision.

The Circumstances, briefly recapitulated, were as follows. In the year 1848 or 1849, defendant and another person named Harrison, being lead miners, sunk a pit or hole in plaintiff's land, at Youlgreave, in the Wapentake of Wirksworth, in search of lead ore, and while so employed, Mr Archer, the land owner came to them, threatened them with legal proceedings, ordered them off his land, and told them if they did not fill the hole up, he would. The evidence was to the following effect: Birds swore that he and Harrison had worked the hole three days only, and had sunk a hole five yards deep. Archer came while they were working, and ordered them away, telling them he would fill the hole up, and threatening them with a writ if they persisted in working. On this, not understanding law, and being frightened of the threat, they left, telling plaintiff they should not work there any more. This was eight years ago, and on leaving their work, they covered up the hole, making it secure. Three years since witness had again told plaintiff he had entirely given over working at the hole, and never intended to work there again. He (witness) had never taken the mine up or caused his name as owner to be entered in the Barmaster's books. In regard to the land being called "new land", there was a line of ancient mine hillocks in the same range as the spot where they had sunk their hole. By the judge: We did not fill the hole up, because Archer had told us he would do so. John Harrison deposed that he and Birds had sunk the hole eight years ago, and that Archer had come to them and ordered them away, and threatened them with the law, on which they covered up the hole. Mr Staley, of Elton, an old miner, and a person well versed in the mineral customs of the district, deposed that previous to the recent act, it was necessary to have a title to a mine, to have an entry made in the Barmaster's Book to the effect that a mine claimed by an individual is his mineral property, and further, that on the discovery of and obtaining ore from such mine, it was customary and necessary to "free" such mine, the freeing consisting in the act of paying a dish of ore, or its equivalent in money, to the barmaster; - but if a miner broke land, and found no ore, then such miner ought to make the hole good again by filling it up, or in default of the miner doing so, the landowner might fill it up, should the miner leave his mine altogether and cease to claim it. It thus did not appear imperative either on miner or landowner to fill up a deserted lead mine in Queens field, although it was at the option of either party to do so, and the points in the case being thus finely balanced, His Honour postponed his decision. His Honour now said that he was not aware that two Mineral Acts had been recently passed, one for the High Peak district, the other for the Low Peak or Wapentake, and that the law as it now stood, in regard to compulsory fencing of mines differed somewhat in the two districts, inasmuch as in the High Peak it was imperative on the miner to make and maintain fences round his mine whilst by the "Wirksworth Mining and Mineral Court Act" 15 & 16 Vic., such was not strictly the case, as in the 5th article in that act the following words occur: "The miner shall, in all cases, before he commences any search or uses any land, to make fences sufficient for the protection of cattle from any injury which might arise from these operations, and keep the fences so from time to time to be set up in such sufficient repair, if required by the landowner or occupier so to do". His Honour mentioned this at the present state of the law, for the information of all whom it might concern, but it must be borne in mind that the transaction forming the ground of the present action took place in 1848 or 1849, and the Act quoted was not passed until 1852. Now although it did not appear that Birds and Harrison had ever been in legal possession of the mine, it did not follow that they were trespassers in breaking ground in plaintiff's land, as an ancient custom

empowered them, under certain restrictions and regulations, to dig and search for lead ore in land other than their own, and as they were thus lawfully employed and had been threatened and ordered away by Archer, who told them if they did not fill the hole up he would, failure to do so, he must have turned his cattle into the field after the miners' had told him they had left the hole and should not return to it, at his own risk, and had, consequently, no right to hold the defendants liable for accidents. The verdict was for the defendant.

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Accidents.

On Friday last, Aaron Watson, a ironstone getter employed at the Speight Hill pits, belonging to the Wingerworth Iron Company, met with a sever accident by burning with firedamp whilst employed at his work, a quantity of foul air having been exploded in the pit. He was removed to the hospital, at Chesterfield, where he at present lies under medical treatment. The burns about the face, back, arms, and different parts of the body are of a extensive nature.

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Liversage v Sissons.

In this case the plaintiff, Mr Henry Liversage, surgeon, sought to recover from the defendant, Mr John Sissons, underground steward, at Messrs Swallow's works at Eckington, the sum of £2-10-6d, for medical attendance on a man named Henry Wood, who had been burnt at the works. Mr Busby appeared for the defendant. The plaintiff stated that on the occasion of Wood getting burnt at Messrs Swallow's works the defendant called him in to attend him, telling him that he should see him paid for so doing. He (the plaintiff) accordingly continued to attend Wood until he had recovered, and ultimately sent in his bill to the defendant. Defendant, however, denied that he had ever entered into such an agreement, and refused to pay; hence the action. Mr Busby submitted to his Honour the unreasonableness of the plaintiff's claim, in as much as it could not be expected that a man in the position of the defendant, could afford to pay for medical treatment whenever an accident occurred at the works; but that the defendant had never made such a promise as alleged by the plaintiff. All that he had done was to take Wood home after the accident; and then to call in Mr Liversage to attend him. The payment for such an attendance was never mentioned. Sufficient evidence in support of this statement was given, and his Honour, after remarking that it was necessary to have the clearest evidence to render the defendant liable, gave the judgement for defendant.

Derbyshire Times

Saturday 30th January 1858

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Police intelligence (part)

Eli Fletcher, underground steward at a colliery belonging to Mr Clayton at Tapton, appeared in answer to a claim of James Burgin, miner, for 8-0d wages, alleged to be due for two days work, in getting coal in Ingmanwell Pit. The magistrates dismissed the case, advising Burgin to sue for the amount in the County Court.

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Police Intelligence (Part)

George Coope, collier, was charged by Mr Hudson, agent to Messrs T. Harrison and Company, with leaving his work at Whittington, on the 8th inst without giving proper notice. The Bench ordered Coope to be dismissed on payment of 8-6d costs.

Henry Hudson, George Swift (Brimington) Joseph Wood, James Brooks, Thomas Normansell (of Whittington) and John Gardener, all colliers, were brought up charged by the same party with having left their work and thus made a breach of contract. Mr Busby appeared to prosecute and when the case had been partially heard in accordance with an application made by him to the Bench, the case was adjourned for further hearing.