

Derbyshire Times

Saturday 5th June 1858

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Awful Accident at Coates Park Colliery, near Alfreton.

On Thursday last, Mr. Busby, coroner, opened an inquest at Somercotes, and afterwards adjourned to the George Inn, Alfreton, on the bodies of James Lycitt and Richard Mokes, whose deaths were caused under the following circumstances. From the evidence of several witnesses who were examined, it appears that on Wednesday last, James Lycitt, Richard Mokes, Bramley, Pepperly, and Waller were working in the Soft Coal Pit at the Coates Park Colliery, near Alfreton. The engine-man is signalled by a bell from the pit when to draw up coal, and when he is going to draw up men. These five men were ready to come, and the usual signal was given, but in consequence of the top of the pit not being clear, they were told to stop the next time. The proper signal was again given, and the engine proceeded to bring the men up in the usual way. It did not ring the shaft indicator which is about 20 yards from the pit top, but proceeded at the usual speed to the top. The engine-man then began talking with another person, and not noticing the shaft, and instead of stopping the engine he allowed the cage to go on to the top of the pulley, and did not then know until he heard the shouts and cries of the men. It stayed there a few minutes and then turned and fell over on the pit bank. Waller jumped out of the cage when at the top and fortunately escaped injury. Pepperly fell on the pit bank and Lycitt, Mokes and Bramley fell down with the cage. The cage fell on Lycitt, and inflicted severe injuries on his thighs, head, and other parts of his body, in consequence of which he died before he could be removed from the pit bank. Mokes was also severely injured and died shortly afterwards. Pepperly was removed to his home at Somercotes, and Bramley to the Derby Infirmary, where they both lie in a very precarious state. The Jury returned a verdict of "Manslaughter" against John Lee, the engineman, who was committed for trial on the coroner's warrant.

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Whitmore v. Rhodes

The plaintiff sought to recover £3-17-0d, balance due on the contract for sinking a pit for defendant, at Coal Aston. Mr. Cutts appeared for plaintiff. It appeared that plaintiff and a partner agreed to sink a pit for defendant to a depth of about 78 yards, and when about 50 yards deep, they were overpowered with water, and to enable the men to continue their work the ground would require boring. It was not specified in the contract that they should do the boring, and, consequently they applied to defendant, making an offer to do the necessary work at a fair price. Defendant refused to do it, saying it was their place to do it, and, in consequence of plaintiff refusing, defendant ordered him to leave the work. Mr. Cutts contended that there was a deal of profit lost by the plaintiffs, and was of opinion when plaintiff was ordered to leave the work he ought to have been paid the whole of his contract. The defendant showed that was in consequence of the work turning out more difficult than anticipated that plaintiff left the work. His Honour thought that there was no case proved at all, and said that in consequence of other parties having gone through the difficult part of the work, now plaintiff wanted to claim the whole amount. After some further remarks on the matter, His Honour dismissed the case.

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High Peak Barmote Court

The Barmote Court for the High Peak district was held at Monyash, before Mr. Busby, the Steward, on Monday last. Two actions for title were entered for trial, but the following case only was tried.

Walton v. Walton

This was an action brought by Elisha Walton against John and Thomas Walton to recover six twenty-fourth shares of Morley Mine and Moorhigh and Leigh Veins in the Liberties of Taddington and Priestcliffe.

Mr. Taylor of Bakewell, who appeared for the plaintiff, stated that the shares in question formerly belonged to Wm. Haigh Walton, who devised them to trustees of a sale. The trustees some time ago contracted to sell them to the plaintiff, and transferred them on the 25th March, 1858, by a deed which was duly entered in the Barmaster's Books. The defendants, however, refused to give possession to the plaintiff, and therefore the present action was brought.

George Ashton, of Longstone, produced a paper signed in his presence on the 27th December 1844, requesting the Barmaster to enter the name of Wm. Haigh Walton as the owner of six twenty-fourth shares of the mine in question.

James Longson, Esq., Barmaster of the High Peak, produced his Book of Entries containing a copy of the document of the 27th December, 1844, and also a memorandum dated 18th October 1847, of the sale of two twenty-fourth shares in the same mine from Belfitt and Hoyland, executors of William Haigh Walton, to Thomas Hall.

Evidence was given of the indenture of the 5th March 1858, by which Hoyland and Belfitt, in consideration of £40 conveyed and transferred the testator's six twenty-fourth shares in the mine to the plaintiff and his heirs.

Robert Howe, of Great Hucklow, miner and farmer, proved that on the 21st May last the defendant, John Walton, said that his deceased brother William Haigh Walton had paid reckonings, but his brother Elisha, the plaintiff, had not. William Haigh Walton was buried at Tideswell, 20th June 1847.

Cross-examined by Mr. Cutts, for the defendant: I acted as agent for Hoyland and Belfitt, at the sale in 1849. I heard that there had been a previous sale in 1847, at the Peacock Inn, when the defendant, John Walton, brought the shares but he had not paid for them, and so they were advertised again. It was mentioned at the second sale in 1849 that John Walton had a claim for £24 odd on these shares for reckonings. Mr. Bingham was the auctioneer.

Mr. Cutts, on behalf of the defendant, stated his case to be that the defendant had a claim on the shares for expenses incurred before the sale in working the mine, to which his partners were bound to contribute, and that the deposit he had paid at the sale in 1847, together with the balance due to him on the reckoning in respect to these shares, constituted his purchase money for them. He had openly worked the mine ever since.

John Walton of Tideswell, miner, one of the defendants, said: I am owner of six of the shares in question through workmanship. In 1844 I alone was in possession of the mine, and worked it myself. In 1847 there were some expenses due to me from my partners for working the whole mine. In 1847 I attended the sale and brought the six shares for £30. I signed the condition of sale and paid my deposit. I gave notice to Belfitt and Hoyland, the executors, that I had a claim of £36 for reckonings in respect of the 6 shares. They referred me to their attorney. They didn't pay me and I didn't complete the purchase. In 1847 the plaintiff was not an owner, but Middleton and others had 6 other shares which they had brought of the plaintiff. I was not present at the sale in 1849.

Cross-examined by Mr. Taylor: The shares I bought in 1847 were the 6 now sued for. I came to a settlement of Mr. William Haigh Walton's affairs at a meeting of the parties interested, at the White Horse Inn, Chesterfield, about 15 months after his death, but they would not pay me the £36 due for reckonings.

By the Steward: I have worked the mine in open workmanship since 1847. The mine has been in the possession of myself and son.

Re-examined by Mr. Cutts: The plaintiff has not required me to render an account of the workings of the mine. The mine has not risen in value lately.

The Steward called Mr. Taylor's attention to No. 40 of the old Customs, and No. 21 of the New Articles.

Old Customs, No 40: - If any miner or miners, or any other person or persons be possessed of any grove, shaft or measure of ground, part or parts thereof, and do work the same according to the custom of the mine; If there be any person or persons, that shall or will make claim or title to the same or any part thereof, he or they shall come and make his or their claim, either by themselves or by some other employed by them, before the Barmaster or his deputy, and that within the space of three months after the same shall be in workmanship. And if denied of what he or they shall make claim or title to, must arrest within 14 days after the said claim, or else his or their title to the same shall be deemed unlawful to any plea for it in the Barmote Court.

New Article, No 21: - If any persons be possessed of any mine, and be working the same, and any other person claims title thereto, such a claimant shall, within the space of three calendar months next after he shall have had notice of the same being in open workmanship, and at all events within six calendar months after the same shall have been in open workmanship, whether he shall have notice or not, assert his claim by an action of title in the small Barmote Court, or else such a claim shall be barred.

Mr. Taylor submitted that the word "mine" in the 21st article was excluded by the context of applying to the share of a mine, and must be relied on the fact that the share of a mine could not be in open workmanship by itself.

The Steward: - The mine is in open workmanship. The shares are held severally, and each share must be held on the same condition as the mine itself. Here the whole mine is in the possession of the defendants, and has been openly worked by them. Has the action been brought in time?

Mr. Taylor: I admit that the plaintiff has not been in possession of the six twenty fourth shares for six months before the entry of the plaint, and that the mine during that time has been

in open workmanship by the defendants. If the Court is of opinion that this is a bar to the present action the defendants must have their verdicts.

The Jury, by direction of the Steward, found a verdict for the defendants.

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A Man buried alive for four Days

A shocking accident occurred on Wednesday, in a mine situated at Halthfield, near Garnkirk. About 12 o'clock on Wednesday night, James Templeton, a labourer, was down the shaft of the mine endeavouring to rectify some defect. While he was at work the earth over his head gave way, and he was instantly buried in a mass of clay and rubbish to a great depth.

Through some providential chance a small aperture was left in the midst of the avalanche of earth that allowed of his breathing. By means of this opening he made known to his fellow workmen the accident that had befallen him. They immediately set to work to extricate the poor fellow, but owing to the nature of the place where the landslip had occurred, it was not till Monday last that they were able to reach him! From time to time, as they dug and excavated nearer and nearer to the subterranean prison, they cheered him up as well as vocal encouragement under such circumstances would allow; and he occasionally answered from below, in order to stimulate them to the work. At length, after being in the bosom of mother earth for 108½ hours, Templeton was dragged out of the confined abyss in which he had been incarcerated. On being taken out he glared about him like a maniac, and it was some time before he could comprehend that all danger was over, that he was once more upon that side of terra firma on which it was most agreeable to dwell.

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No Headline.

The mining market in Derbyshire is very dull and very little doing.

Mining Journal.

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Mysterious Death

On Sunday night, about ten o'clock, the residents of Hunslet were surprised by a rumour that Mr. Joseph Longbottom, proprietor of Pepper Lane Colliery, had committed suicide by throwing himself down the shaft of his own pit, and on enquiries being instituted, it was found that he was really dead, but whether his death was the result of an accident, or his own act, yet remains a mystery. Shortly after nine o'clock on Sunday, the deceased having partaken of his supper, left his house on Jocelyn Terrace, Low Road, Hunslet, and proceeded to the pit, a distance of about half a mile. On his way he called upon his son Edward, who accompanied him to the colliery. Nothing unusual had been noticed in the deceased's manner, and he had attended divine service in the morning. Arriving at the pit, Edward Longbottom proceeded to the stables, leaving his father near the pit's mouth. In a very short time he heard the conducting rods of the shaft shaking, and knowing that something must be wrong, he ran towards the spot but could not find his father. He soon discovered that his body was lying at the bottom of the shaft - a depth of 270 feet - a mere heap of flesh and bones. The appearance of the pit's mouth, and the difficulty of approaching near favours the suspicion that the unfortunate deceased committed suicide. In order to get close to the shaft, deceased must have stepped over a wooden rail 2 feet high, and then walked 7 or 8 feet, and afterwards crept under another rail about 4 feet high. He must then have laid down and held on the edge of the pit for a short time, for the marks of deceased's feet are visible against the wall six or seven feet down the shaft. Perhaps he had the idea of saving himself even then, but his strength failing, he fell to the bottom. A fireman was below at the time, but the deceased was, of course, instantaneously killed. It is somewhat singular that Thomas Longbottom, a son of the deceased, about four years ago, committed suicide on the night of his marriage. The young man was staying at his father's house in Hunslet, and early on the morning following his marriage, his newly-made wife was found on the pavement outside the house, insensible and clothed only in her night dress. Her husband could not be found for some time, but ultimately it was discovered that he had walked through the snow, barefooted and in his night-shirt, a distance of two or three hundred yards, to the water, where he drowned himself. The young wife slowly recovered, as she had fallen or was thrown from the chamber window, but to this day she has been unable to give any account of the mysterious tragedy.

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Terrible Accident.

A little after eight o'clock on Friday morning, an accident of a most fearful nature happened at one of the Birdholme pits, called the Ironstone Bye-Pit, near Chesterfield, within 150 yards of the one in which four men lost their lives by a fire-damp explosion on the 17th of May last, particulars of which were given in this paper at the time. An ironstone miner, named Thomas Kenny, a single man, living with an aged mother, was descending the pit shaft in one of the corves, which is met about half-way down by an ascending one, when, owing to some defect in the conducting machine, the two caught and struck each other, and the one in which the poor fellow was standing was capsized, he was thrown head foremost down the shaft, a distance of about 25 yards. The corve afterwards falling upon him with terrible force. His jawbone was broken, and his head and countenance were fearfully disfigured and mutilated. The poor fellow when brought to the surface was found to be alive, and was removed to his home in Froggatt's Yard, Chesterfield, but there is no hope of his recovery.

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Lead Mining.

The position of the leading mining interest in Derbyshire is somewhat flat,
..... by the position of the share market, which has been exceedingly dull for the last month.
Eyam shares are lower than for some time past, and are quoted at £36, at which price sales have
been effected. The Mill Dam Company have decided upon altering the site of the shaft; which will
be commenced as soon as the tenders are let. The New Midland have got into some better work,
he hear very good account of the Robin Hood Mine, at Matlock. A new mining company is being
formed to work a mine at Rowland, near Hassop.

Mining Journal.

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Higginbottom v. Oldfield

The claim, £8-8-9d, for money overpaid for ironstone getting. Mr. Busby sustained plaintiff's case, and Mr. Cutts defended. It appeared by the evidence that defendant worked at ironstone pits in the parish of Whittington, the agreement being so much per ton, on the ironstone passing over the machine at the Midland Railway Station at Eckington. The stone, however, has to be stacked some time previous to removal, during which it is customary to measure the heap and make an advance, a cubic yard being reckoned as constituting a ton. The correct account is afterwards ascertained when the stone is weighed. A large heap, which, by admeasurement, ought to have weighed about 102 tons, to which extant advances had been paid, was found to weigh only 81 tons, the middle of the heap having been filled up with rubbish in order to deceive. Defendant was committed to prison for one month by the magistrate for defraud in the early part of May, complainant now sought to recover the amount overpaid. The case was carefully gone into, His Honour deprecating the system, as it was evidently unjust in many instances for the parties getting the stone, and exhorting masters to see if they could not adopt some more equitable mode of doing their business. A verdict for £7-11-0d was ultimately given to be paid by monthly instalments of 10-0d.

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No Headline.

The Mill Dam Mining Company have commenced the sinking of the shaft. There were five companies tendered for the first six fathoms, but their claims were too high, and the work was commenced on Monday last by day-work, 18 men being employed. The shaft is to be 12 feet by 8 feet, when walled.

Mining Journal

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No Headline

The North Derbyshire Company are pushing on the erection of their engine house with all possible dispatch, but the outlay for the development of the mine will be tremendous, and a considerable further capital will be required to be called up, whether by the issue of new shares or by calls the shareholders will have to determine.

Mining Journal

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The Accident at Birdholme.

An inquest on the body of Thomas Kenney, who was killed by falling down an ironstone pit at Birdholme, on Friday week, was opened on Saturday last, at the Municipal Hall, before Mr. Busby, coroner, and adjourned until Thursday last, when a verdict of "Accidental Death" was returned.

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Three Men killed in a Coalpit, near Wigan.

A melancholy and most remarkable accident occurred on Friday evening last, at the pit called Number Two Pit, belonging to the extensive company, the Ince Hall Coal and Cannel Company, at Ince, near Wigan. It appears that in the shaft of the Number Two Mine two cages are regularly worked, instead of one cage in the shaft as is generally the case. At the time of the accident one of the cages was moving upwards, with three men in it, and another cage was being lowered at the same time, with nothing in it but an empty tub. How it was that the tub fell out remains to be proved on the inquest, but the fact is that the tub fell upon the ascending cage, upset it, and hurled the three men to the bottom of the shaft. Two of them were so dreadfully smashed that they died upon the spot; and the third was conveyed to his house in a state scarcely to be termed living - it was only lingering; and he died at six o'clock on Saturday morning.

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Collier's Strike in the West Yorkshire District.

All the colliers employed in the Foxholes, Junction, and Wakefield pits, of Messrs. Burnley are under large contract engagements to supply the West Riding Asylum, the Wakefield Gas House, etc; but it is understood they will be assisted in these by the other colliery proprietors of the district, whose men are not on strike. A large meeting of colliers was held at Stanley Ferry, on Friday, when propositions were made to accept a reduction of 10 instead of 15 per cent. These proposals were to be submitted to a meeting of the colliery owners of the district, appointed to be held on Tuesday afternoon, at Leeds.