

## Arthur Penna

**Rushworth Chronicle**

**9 February, 1894**

A sad accident, by which a miner named Arthur Penna lost his life, occurred on Monday morning last at the Nuggetty Hill mine.

Penna and his mate, Alfred Raglus, were sending up mullock and found it necessary to put down a new set of truck rails. The rails they first obtained were unsuitable and Raglus went to procure another set, but had only proceeded a few feet when he heard a crash, and on looking round saw that about three tons of earth had fallen, covering Penna up.

Raglus at once uncovered his mate, but found that the unfortunate man was quite dead.

A magisterial inquiry (a full report of which appears in another column) was held on the following day before Dr Heily and a jury of seven, when a verdict of accidental death, no blame being attachable to any person, was returned.

Penna, who was about 41 years of age, leaves a wife and seven children in very poor circumstances. A subscription list has been opened on their behalf, and no doubt the people of Rushworth, Whroo and district will contribute to same with the liberality which is characteristic of them in cases of distress. We will also be glad to receive and acknowledge subscriptions.

The matter was brought before the Council at the meeting on Tuesday by Cr T. Taylor, who has charge of the mine, but after a short discussion the question of whether the Council should subscribe was deferred for further consideration at next meeting.

Penna was a resident of Whroo for several years and his wife and family were living there at the time of his death. His remains were interred in the Whroo cemetery, the funeral being well attended.

### MAGISTERIAL INQUIRY.

An inquiry, touching the cause of death of a miner named Arthur Penna, was held by Dr Heily at the Court House, Rushworth, on Tuesday last, before a jury comprised as follows: — L. Mullany (chairman), E. Richardson, H. W. Lambden, John Duncan, J. H. Roberts, jnr., F. Milward and Henry Pocknee. The following was the evidence given:

T. Taylor deposed—I know the deceased, Arthur Penna. Yesterday he was working in a mine at Nuggetty Hill, Rushworth, of which I am in charge. When I left the mine yesterday morning he and another miner named Alfred Raglus were working there. They were working in a drive some distance from the shaft removing mullock and putting down rails. I knew that they were both competent miners, but I warned them to use every precaution to see that the mine was safe, and told them that any requisite they might require they could get by sending for it. There is a bell in the main shaft so arranged that it can be heard when the engine is going.

I was at the mine on Saturday morning last, and after giving Raglus instructions I left the mine. After dinner on the same day I went down the mine and had a look along the level to see that everything was safe after the men had left. I sounded the ground all along the level on the side from which the rock fell that caused the accident. A man named John Simpson

was with me. He was sending up mullock. I examined until three loads had been landed and saw nothing unsafe. I left at 3.30 p.m. and nothing more was done until Monday morning. A few minutes after 7 a.m. on that day the deceased came on the mine. I left the mine, giving instructions that when Raglus came he and deceased were to go down the mine. I returned to the mine about 11.30 a.m. When I heard of the accident I went below. The body of deceased was then lying at the bottom of the shaft and preparations were being made to raise it to the surface. I saw it sent up.

When I left the mine on Monday morning I was called away to attend the Court of Petty Sessions as a Justice of the Peace. I am the mining manager. All the workings above and below are under my supervision. Work was commenced in the mine in the early part of September last.

I did not send notices as required by Clause 372 of the Mines Act. I was not aware that it was necessary. I have had a fair experience of mining for the last 20 years. At the part of the mine where the accident happened, work was commenced on the 3rd inst. I instructed the men to make a proper sounding. We sound with a pick and then use a candle to see if there are any cracks. When I sounded the ground it appeared to be quite solid. The width of the working would be about three feet and the length probably about nine feet. I did not put in timber as the room was limited and the ground appeared to be quite solid. I knew the deceased was a careful miner.

The mine is called the Nuggetty Hill mine. I had perfect confidence in the two men during my absence.

Alfred Raglus deposed — I am a miner residing in Rushworth. I was working in the Nuggetty Hill mine with deceased. Yesterday morning we were sending up mullock. At about 10 a.m., we had to do something to the rope. We remained below. We then thought it would be advisable to put down another set of rails, which we proceeded to do. The rails we had at first were not suitable, and I turned and went away for another set. When a few feet away I heard a crash and, looking round, saw the deceased was covered with earth. When I went to work on Monday morning I thought the ground was quite safe. I examined the ground myself. As far as I can judge every precaution was taken for the safety of the men. I think about three tons of earth fell. I uncovered the deceased and found he was dead. I did not go to the bell, as I thought it was not worth while when I found Penna was dead.

I went up to the surface and gave the alarm. We did not sound the ground yesterday, but from its appearance it seemed quite safe. The piece that fell was too big to detect if faulty or not. It was necessary in placing the rails to cut some solid earth away from the hanging side at the bottom of the drive. We took about six inches of the solid ground at the foot of the drive. I do not consider that this weakened the ground. The ground was cut away to level it so as to get the rails over. It was at the end of the piece of earth that fell, and I do not think the stuff that fell pressed on that which we cut away. We only cut away a shovel full or two.

Mr Taylor always instructed us to send for timber whenever we required any.

To Mr Grainger—The ground was all in one block, that which fell and that which we took away. We did not undermine the body that fell. The ground was so hard that it was necessary to gad and hammer it to loosen it. I don't think this would weaken the ground.

Senior Constable Turnbull deposed—About 12 o'clock yesterday, from what I heard, I went to Mr Taylor's mine at Nuggetty Hill. When I arrived I found the body of deceased, Arthur

Penna, lying in a dray. In company with Mr T. Taylor and Alfred Raglus I went down the mine to see where the accident occurred, and told Mr Taylor not to interfere until the Mining Inspector had visited the spot. I made the necessary preparations for the inquest. The ground had not been interfered with since I saw it yesterday till Mr Grainger made his inspection.

William H. Grainger deposed — I am Mining Inspector for the Rushworth division and reside at Bendigo. I received notice yesterday afternoon of a fatal accident at Nuggetty Hill. I inspected the place where the accident occurred. I saw all the evidence of a recent fall of ground. The ground that fell was about 15 feet in length, about 3 and ½ feet in the thickest part and about 15 inches in the smallest part. The block would weigh about three tons. It fell away from the hanging wall from a greasy back, and also from a smooth face at the top of the drive or level. There were cross spurs running through the ground.

The cause of the fall was on account of the greasy back and smooth face referred to. This smooth face or greasy back could not be seen before the ground fell away. Under ordinary circumstances in this case the existence of the greasy back and smooth surface would be unknown until the fall took place. The ground got winded. I am strongly of opinion that taking away the toe of the ground affected it and acted as a kind of key.

This, together with the driving of the gad with the hammer, caused vibration and promoted the fall. Ground of this character cannot be detected by sounding. I do not consider there was space enough to allow of timber being put in. The proper method of working the ground if there was any doubt as to its safety, was to take the hanging wall down and then timber it.

I have known the witness, Raglus, for many years as a practical miner. He would not commit an error if avoidable.

S. Bailey Eadon deposed—On Monday morning I was called to Mr T. Taylor's mine to an accident that I was told had taken place. The body of the man was brought to the surface of the mine on my arrival there. I carefully examined the body and found extensive and fatal injuries to the head, some of the bones being driven in.

The jury having retired for a few minutes returned to the court with the following verdict—  
"That the said Arthur Penna died on the fifth day of February, 1894, at Nuggetty Hill mine at Rushworth, and that his death resulted from injuries accidentally received, caused by a fall of earth in the said mine, and that there is no blame attached to any person."

*Cemetery plaque suggests 40 years of age.*