

Jury finds for company in quarry death

"Merritt Cox, a popular young quarryman, familiarly known as 'Tude,' met with a horrible death on Saturday at 9:30 at the National stone quarry near Sanders." Bloomington Evening World, Nov. 24, 1906.

There were no regulations about safety in the workplace when "Tude" Cox was employed at the National Stone Company back in 1906. The laws came later.

That Saturday was like any other day at the National quarry. Cox, who worked as a derrick "hooker" was on the job and unfortunately standing in the wrong place. What happened to him was not a pretty sight. As the *Evening World* put it, "The weight (of a heavy stone) proved too great for the timber (boom) and the ponderous pole snapped in twain, one heavy piece striking Cox and mangling his body. Death was almost instantaneous."

Another newspaper described it slightly differently. "The skull was crushed in and the legs and arms a pulp of mangled flesh."

Clearly a phone call to the undertaker was necessary. Another call brought the coroner.



Looking back

By Rose McIlveen

Tude was 24 years old and still living at the home of his parents, Willis and Sarah Cox. His employment at the National quarry was more or less off and on.

It was almost a year later when the lawsuit was filed in Monroe Circuit Court. The complaint read "Willis Cox, Administrator vs. National Stone Company, Nov. 4, 1907."

The complaint was precisely worded in legalese so there were no loopholes for National's attorneys, at least as far as the text was concerned. In the complaint we learn the Tude Cox had four brothers, Clinton, Willie, Ray and Ira, and five sisters, Emma Lehman, Eva Chambers, Carrie Ridge, Cynthia Rogers and Jennie Pate.

Tude was depicted as the one who supported his parents, which may or may not

have been true, considering there were so many other children. It did make his case sound more compelling.

The gist of the complaint was that the National Stone Company should have kept its equipment in good condition, but didn't. This resulted in Tude Cox's death. It was, in fact, his parents' attorney's responsibility to prove that the owners of National were negligent.

Concluded the complaint, "That by reason of the premises (of negligence), the said Father and Mother and said brothers and sisters of said Merritt B. Cox, deceased have been damaged in the sum of ten thousand dollars (\$10,000)."

It was the responsibility of the Cox family lawyers to prove that the owners (referred to as "a corporation duly organized and existing under the laws of the state of Indiana") were negligent. An important factor in the case was mentioned in the newspaper reporting Cox's death. "What caused the accident is a mystery as both the management and the workmen who witnessed it agree the stone which was being lifted was not of sufficient weight to overload the

boom."

If the accident had happened many years later, there would have been some scientific evaluations available to the court. For example, though the boom had moved heavier blocks, was there a stress life for the wood — a predictable time period when the wood would remain intact? Another question could have been: Was the wood inspected regularly for signs of cracking?

Regardless of what might have been, the Cox family lost their lawsuit. The Monroe Circuit Court record shows that Judge J.B. Wilson found the National Stone Company not negligent. The Cox family was also obliged to pay the company's legal expenses.

Lawsuits of this kind were beginning to crop up in Monroe County. In 1906, the Mathers Stone Company was sued for \$25,000 because of another injury during another stone-moving incident.

There is one curious fact related to the Cox death. According to his relative, Ray Cox, a death certificate for Tude Cox was never issued. It would be interesting to know why.

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