NICHOLSON, Anthony 17 September 1904

Designation	Accident Location	Accident Due to
Driver	Mokine	Locomotive Ec247 derailed

Anthony Nicholson was 42 years of age when he was fatally scalded in the derailment of locomotive Ec 247 at Mokine. A combination of speed and poor track condition caused the derailment. Anthony lived at Northam and is interred in the WESLEYAN portion of the Northam Cemetery.

FUNERAL
Funeral of the late Anthony Nicholson.
The funeral of the late Anthony Nicolson, who died at the Northam hospital on Friday afternoon last from scalds received in the Mokine Railway smash took place on Saturday afternoon. There was a very large attendance, the majority present being his comrades in various branches of the railway service.

The cortege left the Northam Hospital at 3.30 o'clock, and proceeded to the Wesley Church, where a brief funeral service was conducted by the Rev. H. Wilkinson, in the absence of the Rev. C. A. Jenkins.

The cortege then reformed and proceeded to the Wesleyan portion of the Northam Cemetery, where the body was interred.

The funeral arrangements were carried out by Messrs. H. and H. Withnell.

A memorial service will be conducted in Wesley Church on Sunday evening next by the Rev. C. A. Jenkins.

Source: *Trove/The Northam Advertiser (WA) Wednesday 14 September 1904 Page 3*

The Mokine Railway Smash
DRIVER NICHOLSON'S DEATH.
THE CORONER'S INQUIRY.
The Coroner's inquiry, touching the death of ***Andrew (sic.)Nicholson***, the driver of the engine at the recent Mokine accident, was continued yesterday, before the Acting Coroner, J. T. Kelly, Esq., J. P., and a jury consisting of Messrs. J. O'Hara, E. A. Lockyer, and R. Bell. Sergeant Smyth conducted the inquiry. Mr. Barker, Assistant Crown Solicitor, appeared for the Railway Department, with Mr. Stead, District Traffic Superintendent, and Mr. J. A. Northmore watched the proceedings on behalf of the Engine Drivers and Fireman's Association and relatives of the deceased.

The following evidence was taken :
Fireman Griffin stated that he remembered the 6th inst. , when he was the fireman on the train that morning ; they were picking up sleepers between Mokine and Clackline ; when the train left Mokine to proceed to Clackline and when rounding a small curve, witness noticed a small dip in the tender, which was almost immediately followed by a crash ; witness was thrown forward on to what he thought was the tool box; after that he remembered nothing for several minutes, when guard Easton came up to him ; witness received a broken arm and bruises across the hips and shoulders. Witness's conclusion as to the cause of the accident was that the road had given Way ; the whole of the engine seemed to "go" at the same time; witness was of
opinion that the line had "spread" when the" tender "dipped"; it was accompanied by a slight rumbling noise ; witness did not think that the tender had mounted the rails.

To Mr. Barker. The engine was a Baldwin of the E.C. class; he had been acquainted with the engine for 3 years ; witness did not know if the engine was in good order, as it was the driver's duty to inspect the engine; the engine had been over the track before the same morning at a pace of three miles per hour ; at the time of the accident they were travelling at close on 20 miles an hour ; the road was about level where the accident occurred ; it was just as they " took " the curve where the engine came off ; the rumbling noise seemed as though caused by the wheels running on a little ballast; witness remembered making a remark to someone that " Poor old Andy went a bit too fast that time," or words to that effect.

To Mr. Northmore. Although the regulation speed was 25 miles an hour, drivers did not, as a rule, care to exceed 12 to 15 miles an hour tender first, on account of the dust and discomfort ; witness did not think they were travelling too last at the time of the accident.

To Sergeant Smyth. There was a full load of coal and water on the tender that morning.

To the jury. Witness did not think the accident was caused by an obstruction on the line, as the driver was keeping a lookout at the time.

Joseph Knox, labourer, deposed that he was on the ballast train on the morning of the accident as a member of the gang ; witness assisted in placing a deviation around the wreckage; the metal was taken from the damaged track ; many of the sleepers at that spot were rotten: "any amount" of the spikes were loose ; in witnesses opinion the track was not in a fit state for heavy traffic.

To Mr. Barker. Witness gave evidence at the departmental enquiry; on that occasion he stated that he thought the driver was going too fast for the work he was engaged upon; also remembered saying that he considered the speed to be about 30 miles per hour ; also that the speed on that particular day was greater than usual.

To Mr. Northmore. Witness was asked his opinion as to the state of the road at the department enquiry, and he had stated the same then as he had done in the court that morning, and always would do ; for picking material up he considered the train was travelling too fast but not too fast to be unsafe.

To the Coroner. Witness had never been a fettler on the line.

Alfred Sagar, locomotive engine driver in the Railway Department, deposed that he knew the 66 miles on the Perth line ; it was very wet when he had last passed over it and was then a bit rough ; he could not state witness had had eight years experience, driving and considered that the accident was caused by the road, as the engine, which he had examined after the accident, appeared to be in good order; it was possible that the line could have " spread " owing to a little extra pressure on rounding the curve ;. if the tender had mounted the rails the driver or fireman would undoubtedly have noticed it.

To Mr. Barker. Witness had frequently been on engines when they had mounted the rails (going engine first) ; when an engine mounted a curve it endeavoured to take a straight course ; witness did not speak as an eye witness on the cause of the accident.

To Mr. Northmore. Witness had been shown some sleepers at the traffic yard which had been pointed out to him as sleepers from the scene of the accident; witness was given to understand that these sleepers were those which had carried the rails at the spot where the accident occurred ; they were in very bad order.

To the Bench. Witness thought it was safer to run engine first.

To Sergt. Smyth. If the engine had mounted the rails it would have run much further than if the wheels had had got between the rails. .

Michael Griffin, recalled, stated that in his opinion the engine did not travel more than a yard when he noticed the "dip" in the tender.

Edward Ernest Dunstan, locomotive engine driver on the Government railways, stated that he knew the 66 mile spot; the spot as far as he knew was on a "par" with the rest of the track ; witness had had 12 years rail way experience, and eight and half years' as driver ; witness had seen the debris after the accident; witness' opinion as to the cause of the accident was that the line had "spread."

To Mr. Barker. Witness sometimes drove the Kalgoorlie express, and had travelled over that part of the track at high speed ; witness did not notice that the engine had been found the regulator shut off and the vacuum hard on,

To Mr. Northmore. Witness had examined parts of the engine ; the flanges on the wheels appeared to be in good order ; the sleepers witness had examined in the yard were in bad order and decayed, and some had as many as three spike holes in them which indicated that the road had been re-spiked ; the extra holes would tend to weaken the holding power of the spikes.

Peter McKay, labourer, working with the ballast train on the morning of the accident deposed that he was on the fifth truck when the accident happened ; he did not think that the engine had travelled more than four or five yards after leaving the rails ; witness had assisted in putting in the deviation ; a good part of the main line had been pulled up for that purpose ; odd ones of the sleepers were in good order but others were decayed ; witness could not say whether the spikes appeared to be loose as he went to work in the deviation right away.

William Power, labourer, also working on the ballast train on the morning of the accident, deposed that he was working on the deviation ; he had noticed that some of the spikes were loose in front of where the engine came off ; that was before the line had been touched ; witness stated " we pulled some of the spikes, out with our fingers ; these spikes were not effected by the smash ; the sleepers were in a bad slate taking them right through; witness was of opinion that the sleepers should have been renewed sooner ; witness had not done much of that kind of work, but in his opinion it was likely that the accident might have been caused by the " dog" spikes being loose.

To Mr. Barker. The spikes that he pulled up were in front of where the engine toppled over; witness corroborated his remarks given at the departmental enquiry, that he believed the speed was too great, the. engine travelling, he believed, at about 30 miles an hour ; witness stated that he was asked some very funny questions at the departmental enquiry, but he would swear that the sleepers he had seen were in very bad condition.

To Mr. Northmore. Witness did not think that they were travelling 30 miles an hour at the lime of the accident, but he felt apprehensive at the high speed they were running.

Ambrose McQuade, ganger of section which comprised the spot where the accident occurred, deposed that he saw the accident from a distance of half a mile ; he heard a noise, and then saw the tender shoot up in the air and the engine topple over on the other side he failed to see anything further on account of the steam which enveloped the spot ; witness had been for close on ten years

on that length ; there had been re-sleepering done recently on some of the straights ; the track had been re-sleepered up to within eight or ten chains of the accident, whilst the whole of the spot where the accident had occurred had been re-sleepered some two or three years ago ; the sleepers at the spot where the accident occurred were in fair order ; witness had seen the line that was taken up for the deviation ; he had not noticed any very bad sleepers amongst those lifted.

To Mr. Barker. — There were a certain number of new sleepers lying at the side of the track in case they were needed ; witness had "triked" the section the day before the accidenj ; it was far better to bore a fresh hole if they had the wood, and it was not unusual to find three holes in the end of a sleeper;- witness had examined the track after the accident and the marks on the sleepers could have been caused by the wheels of the trucks as well as by the engine ; witness did not think that the engine travelled more than 48 or 50ft after leaving the rails ; the elevation of the outer rail was about two inches and the marks on the sleepers were on the outside of the high rail and on the inside of the low rail ; on the Sunday before the accident witness ;had tested the grade at the spot and found it correct ; witness had sometimes noticed loose dog spikes when patrolling the line ; spikes often draw in the new sleepers as well as in old and was caused by vibration and heat ; witness did not see any marks on the inner side of the high rail which indicated that the wheels had dropped between rails and burst them apart ; it would not be correct to describe any of the sleepers as rotten ; when witness had asked for sleepers he had generally received them; he had received sleepers from between January and the present time ; he had been on that section for 10 years, and had been ganger for about six years.

To Mr. Northmore. At the beginning of this year witness had requisition for and received 800 sleepers ; about the beginning of the year witness asked the department to re-sleeper the line and the requisition for the 800 was to keep things in order ; re-sleepering had been commenced but was discontinued because of the heavy rains during the winter ; witness had not found any decayed sleepers for the past two years ; what witness called rotten sleepers was those he could shovel out.

Inspector Paynter, in charge of the section on which the accident occurred, said he was riding on the first truck when the accident happened. He could not assign any reason for it. The deviation was put in under his supervision, and the old sleepers taken out were pretty fair ; about 40 per cent, were as good as new ; the dog spikes were loose in a good many, but no sleepers were broken except where the accident occurred.

To Mr. Barker. — A driver would have a good chance of noticing where the line was bad. It would be noticed in the cab of the engine. If a driver did think the road was bad it was his duty to report it. No report had been made ; the road between Clackline and Mokine may be described as fair ; all permanent ways require constant attention to keep them in order ; witness had never seen a permanent way on which dog heads had not been started from time to time ; the sleepers could not be described as rotten ; he had had 35 years' experience in permanent way work, and considered the lines in W.A. were well looked after ; he had never been refused any thing he considered necessary for the safety of the line; the delay in re-sleepering the line was not due to parsimony on the part of the Government ; a good deal of his section had been re-sleepered since he took over the section ; the continuation of the work was postponed owing to wet weather, and there being no urgent necessity for the work ; the running top was in good condition ; witness personally patrolled the length from time to time ; the last occasion was or, the 3 1st August, about one week prior to the accident. On the day of the accident he was riding on the truck next to the engine. He first heard a loud noise, and then saw the tender leave the line on the left side, and the engine on the other ; the trucks then commenced to pile up; the tender left the line on the high rail side ; the deviation was constructed under his direction ; some rails were moved across with sleepers attached to the site ; such handling as that showed the sleepers to be in pretty fair condition, if they were rotten

they would have broken up ; when patrolling the line he noticed an occasional dog spike showing up ; in his opinion the. engine travelled fully 50 yards after leaving the rails ; he did not think the engine dropped down between the rails ; nothing indicated that it did so, and his opinion was that something went wrong with the engine ; some of the trucks near the van were off the line on the high rail side.

To Mr. Northmore . He was aware that sleepered in January last. It would have taken about three weeks to have re-sleepered the length asked for by ganger McQuade ; there were - odd sleepers somewhat decayed, not sufficiently decayed as to be unsafe ; the sleepers and dog spikes would need ' to be in a very bad state to make a line spread ; it would be safe to run a train over a length with only five sleepers ; he would say absolutely that the line did not spread on the occasion of the accident.

Dr. Rocket gave formal evidence as to Nicholson's admission to the hospital, his injuries, and his subsequent death.

Phillip Gay, locomotive foreman at Northam, said no special report had been made in regard to the road at the scene of the accident. From time to time reports had been made in regard to different parts of the road. The engine was in good order ; it was always better to run engine first, but that was impossible at times. The regulator of the engine was shut off when he visited the scene of the accident at I.30 p.m.

To Mr. Barker.— He had gauged all the wheels of the engine and the tender the day after the accident and found them to be perfect. For look-out purposes it was alwavs wise to run engine first.

To Mr. Northmore. A driver could not be expected to report upon the condition of the sleepers ; they merely reported that the road was sloppy or water on it. The engine was in good running order ; witness did not think the accident was caused by the engine. Alfred Easton, guard of the wrecked train, said no one had drawn his attention to the fact that the line had been spread just after the accident. The witness Knox pointed out that the van was not standing on the rails properly, such, however, was not the case; He had no idea how the accident occurred ; the train might have travelled about 50 yards after it had left the rails. The dents on the sleepers were either made by the tender or the trucks.

To Mr. Barker. — There were about 13 vehicles on the train ; the tender went over to the left — over the outer rail ; the van was drawn clear away by the relief engine.

Hugh Sergeant, district engineer, stationed at Northam, stated he proceeded to the scene of the accident on the morning of the accident ; he was on the spot about an hour after the occurrence ; he saw the deviation made ; and about three chain of the road was tipped over bodily to the side of the deviation ; if the rails were rotten this could not have been done; he did not think the rails would spread if there were a few bad sleeper? in a length ; his opinion of the cause of the accident was that the tender went off the line on the outer rail ; it was impossible to tell accurately how the accident really occurred ; the rails were only spread on the spot where the accident actually happened.

To Mr. Northmore. He did not, of his own knowledge, know that McQuade had asked for the line to be re-sleepered at the beginning of the year. Ernest Light, assistant chief engineer of existing lines, said he was of opinion that the tender left the line on the outer, rail, exactly why it did so he did not know, as the curve was an easy one.

Mr. Barker, Assistant Crown Solicitor, reviewed the evidence at considerable length, giving it as his opinion that as the jury bad to deal with probabilities their task was a most difficult one.

Mr. Northmore followed, critically examining the evidence, and his contention was that the weight of evidence was in the direction of a defect in the permanent way.

The Coroner, addressing the jury, said that they had heard the evidence and it was their duty to return a verdict thereon as to the cause of the death of Andrew Nicholson, whose death they all deplored. For their, guidance, he would state that the eminent railway engineer, "Mr. D. Clark, C.E , of London, in an article in the " Encyclopedia Britannica, classed railway accidents under three headings, viz': — (1) Inattention on the part of railway employees ; (2) defective way or line; (3) excessive speed. In this case they would dismiss the first cause, as the Railway Department was in no way to blame. As to the second cause, they would have some difficulty. The witnesses Knox, Sagar, Dunstan, Powell, and McKay, declared that the permanent way was more or less defective, while Light, Sergeant, Paynter, and McQuade declared that the permanent way was in fairly good repair. Mr. Barker wished them to draw a distinction between expert evidence and the evidence of laborers. There was not much force in that contention, as, in this case, laborers were as good judges as engineers as to whether sleepers were or were not decayed. As to the third cause, "excessive speed," — according to the evidence of Griffiths, the speed was 20 miles an hour ; of Knox 30 miles an hour ; and of Powell; who said that the train was going at a speed of 30 miles an hour. The Coroner then stated the regulation for the speed of goods trains in England, which was the same as in this State, namely, 20 miles an hour. If the jury believed that the train was going 30 miles' an hour, that was excessive speed. The jury would bear in mind the comments of Mr. Barker and of Mr. Northmore. ' Their observations did not require supplementing. With the evidence before them and remembering what had been said in reference thereto, he would ask the jury to retire and consider their verdict.

The jury retired and after an absence of three quarters of an hour, returned to court with the following verdict : — "We find that the deceased Andrew Nicholson came to his death- through injuries received by the derailing of a ballast train on the 5th September, 1904, at the 66-Mile, and we are of opinion that the accident was caused through travelling at excessive speed round the curve at that section of the line."

Source: *Trove/The Northam Advertiser (WA) Saturday 17 September 1904 Page 3.*

Author's Note: *Here again, the press of the day have failed to verify a fundamental fact. The deceased driver's name was* ***Anthony (Not Andrew) Nicholson****.*