

COUNCIL ACCUSED OF NEGLIGENCE

IN SAND PITS FATALITY

On Wednesday last an inquiry was held into the circumstances surrounding the death of Percival George Rye, 34 years, laborer, of East Esplanade, St. Albans, who on May 25 was suffocated by a fall of sand at the Green Gully sand pits, Keilor-St. Albans road. The inquiry was heard before a jury which was present in accordance with the provisions of the Mines Act. Mr Tingate, P.M., coroner, presided.

Evidence was given by Thomas Yates, who was working with Rye at the time of the accident, and by Samuel Prouse, chief mining inspector, who said the material at the point of the accident was composed of thin clay overburden and compressed sand. Water had percolated through a number of more or less vertical joints, and deposited a thin clay film on the face. That would leave a hidden plane of weakness. There was also a post hole in the line of the break. It was part of the duty of a mining inspector to visit such pits, but the department did not always know where they existed. The department had not known of the present pit until Easter. He had visited the pit about a fortnight before the fatality. He saw no person working there then, and no signs of work. There was a notice threatening with prosecution anybody who removed material from the pit, and he concluded that the work at the pit had been abandoned. In his opinion the accident was due chiefly to the fact that not sufficient care had been taken to give the face of the pit a safe batter.

The Coroner: What is the correct method of working that pit?

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Witness: In the circumstances, and having regard to the nature of the country, to have a batter inclining towards the pit.

The jury, reporting to the Coroner after a retirement, expressed the view that there had been negligence on the part of the shire council "in not taking proper precautions in safeguarding the working of the pit."

The Coroner: That amounts to a finding of misadventure.

Mr Tingate said Rye had died from suffocation caused when by misadventure he had been buried by a fall of sand while working in the pit. "You," he added, addressing the jury, "have expressed your opinion that the shire council was negligent."

It is expected that the Keilor Council to-morrow will make some reference to the finding.

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