

Box 26 March 1925

PROCEEDINGS of INQUEST

held upon the body of

Robert Penn 299

Montgomery

at Northman Road

RECEIVED
at the Crown Law Offices,

on 28 MAR 1925

192

G. L. O.

[Handwritten initials]

T. D. O'Sullivan

CORONER.

PROCEEDINGS BEFORE CORONERS.

[56A.]

RECEIVED
28 MAR 1925
C. L. O.

VICTORIA,
TO WIT.

INQUISITION

(WITHOUT A JURY.)

*Littlewood
1-1-0*

AN Inquisition for our Sovereign Lord King George, taken at *the Court House Timor Street Warrnambool* in Victoria, the *16th and 26th* day of *March* A.D. 19*25*, in the *fifteenth* year of the Reign of our said Lord the King, before me *Thomas Daniel O'Callaghan* Gentleman, a Coroner of our Lord the King for Victoria, upon the view of the body of *Robert Sim Harvey* then and there lying dead.

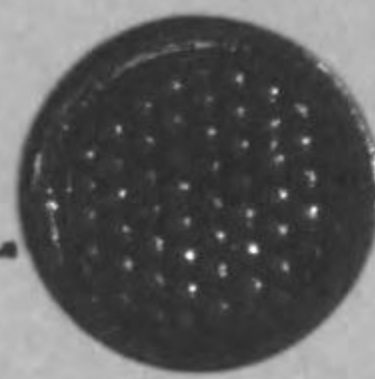
Having duly inquired upon the part of our Lord the King when, where, how, and by what means the said *Robert Sim Harvey* came by *h/s* death, I say that the said *Robert Sim Harvey*

*Tool
Tool*

died at *a point on the Geelong to Warrnambool Railway Line known as Chislett's Crossing* ~~to~~ *from near Panmure* on the *16th March 1925* from *crushed chest and lacerated wound at back of head and fractured base of the skull caused by collision with a Railway locomotive driven by Peter Pover.* That *no blame attached to any person*

In witness whereof I the aforesaid Coroner have to this Inquisition put my hand and seal on the day and year and at the place above mentioned.

Thomas Daniel O'Callaghan
CORONER.



(1)
A

South



East

Trail

West

Deer

Trail

B

2

East

South



Deer

West

South

3

North

C

Deer

Trail

West



East

South

Exhibit
"A"

Inquest

re Harvey deceased

Took 26/3/75

Joyce's
Gardner
Wilson

Exhibit

"B" Inquest

re Harvey deceased

Took 26/3/75

Joyce's
Gardner
Wilson

Exhibit C

Inquest

re Harvey deceased

Took 26/3/75

Joyce's
Gardner
Wilson

CORONER'S INQUEST.

VICTORIA, TO WIT.

This Deponent* William Ernest Harvey

on h/s oath saith, I am a Dairy Farmer

residing at Narringal

*Christian and Surname in full.

I was present at the Mortuary of the Warrnambool Public Hospital this day and I there saw the body of my brother Robert Sam Harvey. He was a farmer who lived at Cudjoe and was aged 51 years. I last saw him alive about a week ago. His hearing was defective; but his sight was alright as far as I know. He was engaged carting artificial manure from the Paumotu Railway Station to his home and it was his usual course to go down the lane that crosses the Railway line. The road leads to my father's home. He was unmarried and a man of sober habits.

W. E. Harvey

Taken and sworn before me the Sixteenth day
of March 1925 at the Court House
Warrnambool in Victoria
Isidore Guaspar
Coroner.

CORONER'S INQUEST.

VICTORIA. TO WIT.

This Deponent*

on h oath saith, I am a

residing at

*Christian and Surname in full.

of the engine and the engine crashed into the horse. The man was thrown across the pit and was killed. The horse was killed and was carried away on the engine. The train was stopped about 150 yards from the crossing. I got out also the driver and guard, and helped to get the deceased out. He was then about exhausted, but he expired a few weeks after. It is usual for the driver to whistle approaching this crossing and the whistle was blown on this occasion. The whistle post is about 440 yards, and the whistle was blown there and also approaching the crossing itself. I could not have avoided this accident. I did everything to avoid this accident.

To J. J. Moloney

The I consider the bank is from 8 to 12 feet high according to my estimation. At the whistle post I could not see the crossing. The road is cut through the hill. Any one could see of the road

To J. J. Moloney

you could see the fence. I did look at the road when approaching the crossing and I saw no vehicle. There were some trees on the railway land. I could not say if they would have obstructed

Taken and sworn before me the _____ day

of _____ 19 _____ at _____

Coroner

CORONER'S INQUEST.

VICTORIA, TO WIT.

This Deponent* _____

on h oath saith, I am a _____

*Christian and Surname in full.

residing at _____

Toal

my view. I saw where some ^{shrubs} has been cut down they were on the right bank (northside) of the line. They have been cut down since. They were little blackwood saplings.

Taken and sworn before me the Twenty sixth day
 of March 1925 at The Court House
Warrnambool

Toalguashan
 Coroner

J. E. Todd

CORONER'S INQUEST.

VICTORIA. TO WIT.

This Deponent* John Charles Wright

on h/s oath saith, I am a plain clothes Constable

residing at Narranbool

*Christian and Surname in full.

At about 11 am on Tuesday the 17th inst I viewed the crossing in question - that is a Railway level crossing known as Chisleth's Crossing and situate at near Paumotu. On the fence near the cattle pit on the West side of the crossing there was an artificial mound of which about 100' ~~about~~ ^{about} away was on the ground at the foot of the fence. This crossing is a narrow one, being only about 13 feet wide. It is situated in a cutting I took photos of the spot. It gives a general view of the crossing. The Railway cutting commences about 200 yards each from the crossing on the East side and recedes so that when it has reached the crossing its banks are about 9 feet high. From the Railway line - 30 yards back from the crossing on the side from which the train approached - none of the road along which deceased travelled just prior to the collision can be seen. The road along which deceased approached the crossing is in a cutting - on its East side there is a Bank which commences 40 yards back from the crossing on the North side - This Bank is about 8 feet high. From

Taken and sworn before me the _____ day
 of _____ 19____ at _____

 Coroner

CORONER'S INQUEST.

VICTORIA. TO WIT.

This Deponent* _____

on his oath saith, I am a _____

residing at _____

*Christian and Surname in full.

when deceased entered this cutting it was not possible owing to the high land dividing for him to have seen the approaching train until he and the team had practically met at the crossing. When deceased approached the crossing he was travelling on a slightly down grade, as was the train. I produce two other photographs taken of the scene - Marked B and C.

To Mr. Moray I could not find any horse. It had been tipped. I saw some hair about 30 yards from the crossing. The banks are sloping. The drier could not see anything on the North side of the crossing at a point 200 yards or more back from the crossing. The depth of the cutting was ascertained by stretching a tape from the surface of either bank and ~~the to a~~ above the level of the sleepers.

To Mr. Game I am taking into account the height a ~~to a~~ ^{to a} man might be on a vehicle, also the height of the engine and the position of the driver on the engine when I saw that ~~to a~~ ^{to a} a driver in that cutting crossing about to cross the line could not see a train until they had practically met at the crossing.

J. P. O. Game S.P.D.

Taken and sworn before me the 26 day of March 1925 at the Court House Warrnambool
J. J. O'Connell
Coroner

CORONER'S INQUEST.

VICTORIA, TO WIT.

This Deponent*

Peter ~~Foster~~ Power

on h/S oath saith, I am a Driver employed by the
Victoria Railway Commission,
residing at 29 1/2 Drugh Street Warranwood

*Christian and Surname in full.

On the 16th inst I was driving the 9⁵⁰ am goods train from Terang to Warranwood. I left Paumotu about 10⁵⁰ am. I know the level crossing known as "Chislethi Crossing". As we approached the crossing the fireman called out "Red light and I applied the Brake with full force. The train stopped about 150 or 200 yds past the crossing. As the engine passed the crossing I saw nothing but heard a grating sound. I never saw the horse and drag on the crossing. I started at the whistle post also when the cutting from 3 to 4 chains from the crossing. Entering the cutting my train was travelling 27 miles an hour and ^{up to the time of application of the Brake} ~~at the point of the~~ ~~accident~~ of about 28 to 30 miles an hour. After the train came to a standstill I secured the engine, and found a horse dead there. I walked back to the crossing with the fireman and I observed a turn-out ladder with manure. There was a man in the cess with his head resting on the beam in the pit. He seemed to be dead. I kept a sharp lookout approaching the crossing. I never observed this horse and vehicle approaching

Took
took

Taken and sworn before me the _____ day

of _____ 19 _____ at _____

Coroner

CORONER'S INQUEST.

VICTORIA. TO WIT.

This Deponent*

on his oath saith, I am a

residing at

*Christian and Surname in full.

To M. Moloney. At the time of the impact the speed of the train would have been reduced to about 30 miles an hour. It took 200 yards before the train stopped.

To M. Carr. I would be on the left side of the engine for Railway and that would account for we not being able to see anything on the right side of the engine.

Taken and sworn before me the 26 day

of March 1925 at the Court House Warrnambool

J. J. O'Connell
Coroner

Reda Rainey

CORONER'S INQUEST.

VICTORIA: TO WIT.

This Deponent William Joseph Standering

on h/s oath saith, I am a Shunter employed by the Victorian Railway Commission
residing at 79 Keppel Barrambool

*Christian and Surname in full.

On the 10th I was in charge of a goods train travelling from Traralgon to Warrumbul. I remember coming to crossing which I have since learnt is known as Chisleth's Crossing. When crossing I noticed nothing but my attention was drawn through the sudden application of the Brakes. I looked out my window on the right hand side but saw nothing. A little further I noticed fragments of a cart in the cattle pit. I then jumped out of my van and ran along to the cattle pit. On looking to see if anyone had been injured I saw deceased lying on the opposite side of the cattle pit (North side) He was lying with his head facing south and his head lying across the cattle pit. I called the assistance of the driver and fireman. I lifted him into the van. After clearing the pieces of the cart away off the line - we proceeded along to ^{the} ~~Cudgewa~~ ^{the} ~~Station~~ ^{Station} ~~Mitsea~~ ^{Mitsea} where we contacted and Doctor on arrival at Warrumbul I heard the engine whistle approaching the crossing. - A distinct whistle blown. It was a very hot, dry day with a strong wind blowing from the

Taken and sworn before me the _____ day

of _____ 19 _____ at _____

Coroner.

CORONER'S INQUEST.

VICTORIA. TO WIT.

This Deponent

on his oath saith, I am

residing at

*Christian and Surname in full.

the north.

McDorey

I know nothing about scrub or bushes having been cut down on the North side of the line. I do not know that some have been cut down

Taken and sworn before me the 26 day

of March 1925 at the Court House
Warrnambool

Joseph A. O'Connell
Coroner

William Joseph Stendering

CORONER'S INQUEST.

VICTORIA, TO WIT.

This Deponent* Samuel D Grant

on h^{is} oath saith, I am a Dairy Farmer

residing at O Naringal

*Christian and Surname in full.

I knew the deceased. I remember the 16th of Dec
 deceased was carting manure from the
 Paumotu Railway station to his home.
 I was assisting him. He had a Brown Horse
 and a spring cart in which he had 5
 bags of manure - Superphosphate. It
 would be about 10³⁰ am I was on
 ahead of him. He passed me on
 the road about the paumotu point
 - about a mile from the crossing.
 He later I saw him he left the Guelong
 Road and turned into the road
 leading to the crossing. There is a
 cutting approaching this crossing.
 When in the cutting you could see all
 about in approaching the crossing
 I heard a train whistle - a distinct
 whistle. He may have been within 3 or
 4 chains of the crossing then. I could not
 see him. When I saw along he
 was in the road pit - He was dead
 I was near the accident. Deceased
 was very deaf at times. The wind
 was blowing very strong from the North
 and would carry the sound away from
 him altogether.

To M Maloney I was from 15 to 20 chains away when
 the accident happened. I was on the
 same route. I could not see the accident. I was down in the
 gully.

Taken and sworn before me the 26 day November

of March 1925 at The Court House
Warrnambool

Isob Quasban
 Coroner.

Samuel Grant

CORONER'S INQUEST.

VICTORIA. TO WIT.

This Deponent* Claud Laidlawon h^{is} oath saith, I am a Farm Handresiding at Dudgee*Christian and
Surname in
full.

I remember Monday the 16th inst. I was working one of Mr. McEntee's horses on his training track near the Railway line on the west side of Tool Chisleth Crossing. I ~~was~~ ~~that~~ ~~would~~ be 10³⁰ am or 11 am. I heard a train whistling. I looked up and saw someone trotting down toward the Railway line. He was going at a slow trot. I watched him coming. I could not see the train until it was coming through on to the crossing. I saw the collision. I went along and told Mr. McEntee that a horse and cart had been caught by the train.

M. Molony I remember hearing the train whistle. I have no idea where Harvey was when the train whistled the first time. When it whistled the second time he was going right down to the crossing.

Tool I was distant 400 or 500 yards distant

Tom Gam It was a hot, rather windy day. It would have the effect of blowing the sound of the whistle away from where deceased was.

Taken and sworn before me the 26th dayof March 1925 at The Court House
WarrnamboolJohn Guaspari

Coroner.

Claud Laidlaw

CORONER'S INQUEST.

VICTORIA. TO WIT.

This Deponent*

Frank Ernest Littlewoodon his oath saith, I am a duly qualified medical practitioner
residing at Warrnambool and that*Christian and
Surname in
full.

on the 16th March 1925 I was called by phone to the Warrnambool Railway Station to meet the train which was bringing a man who had been run over by the train. On arrival of the train I saw the body of man whom I recognised as Robert Harvey. He was dead & had evidently been dead some little time. Later on the same day I examined the body of Robert Harvey at the Warrnambool Hospital and I found a deeply incised wound on the back of his head with a fracture of the skull extending toward the base of the skull. He had also received a severe injury to his chest fracturing a number of ribs both in front & in the back. There was also a lacerated wound over L. knee extending down to the bone. In my opinion death would have been almost instantaneous & caused by fracture of the base of the skull & crushing of his chest. There were a number of abrasions over his hands arms & face.

To Mr. McQueen I knew Mr. Robert Harvey and he was very deaf. ~~He was~~ He varied from time to time. Sometimes his hearing was not defective than others. He could converse but before it necessary to raise his hand to his ear to enable him to grasp what was said to him.

Taken and sworn before me the 26 dayof March 1925 at the Court
House WarrnamboolJ. E. Littlewood

Coroner.

J. E. Littlewood M.B. Ch.B.