

MOSTERTSHOEK – BAVIAAN COLLISION : THE INQUIRY

The Mostertshoek accident on 16.08.1898 was the worst accident the Cape Government Railway (CGR) had experienced. “This year’s working has been marred as well as saddened by an accident involving a more serious loss of valuable lives than any which had previously occurred,” wrote the CGR General Manager (GM) in his 1898 annual report. It was CGR policy that “in all cases of serious accident”, a magistrate or some other suitable person – assisted by railway experts - was appointed to investigate the accident.

In terms of CGR policy a “very careful and searching departmental inquiry was made into all the circumstances” of the collision. This inquiry was “in addition to the public inquest held by the Resident Magistrate of Worcester and the special investigation made on behalf of the Government by the Resident Magistrate of Cape Town.”

At the start of the inquiry in Worcester on 23.08.1898 the 4 Up passenger train guard, John William Brooks, said that his train left Laingsburg at 18:12. After detailing the seven coaches in the consist, he stated that about 18:50 he was pitched forward from his seat. Shocked but unharmed he then walked to the front of the train to ascertain what had occurred. He telegraphed Laingsburg & Mostertshoek for assistance and then helped with the rescue of passengers.

Frederick Samuel Brooks, the fireman of the front locomotive of 4 Up, stated that neither he nor the driver, Martin Burgin, saw the trucks coming. They had passed a Down Goods at Baviaan station and were travelling at 15 – 20 mph. He had sustained a few cuts while the driver had hurt his back.

James Simpson, the driver of goods train 48 Up, stated that his train consisted of thirteen trucks and one bogie coach which was attached to his train at Fraserburg Road. He arrived at Mostertshoek at 18:37 and was instructed by the guard, Thomas Marsh, to pick up a bogie truck loaded with bricks. He did not think it safe to shunt the train “at that place in the face of a [following] passenger train.” He got off his engine and informed Albert Edward Milner, the Mostertshoek station foreman, accordingly.

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Meanwhile the guard pinned down a number of truck brakes to safely hold the train and instructed the driver to “ease up gently”. [The term refers to the pull on the Bell coupling – between the engine’s tender and the first truck - being slackened so that the guard could remove one of the coupling holding pins.] The driver told the fireman, John Hologham, to ease the hand-brake. The guard then indicated that the driver should pull forward. The driver was about to pull forward when he looked back and saw the whole train going back down the incline. The driver followed with the locomotive whistling continuously. He passed a ganger - with a red light – who said that a train had gone past his cottage.

The guard [Thomas Marsh] stated that on stopping on the approach to Mostertshoek, he secured the chain-brake in the guards-van and pinned down the brake-levers of seven trucks. [A truck’s ± 1.5 m brake-lever was held in the depressed/On position by a holding pin.] He had taken every precaution for the safety of the train. When the train started rolling he immediately pinned down more brake-levers. He climbed on the brake-lever of the second truck and held on until he was thrown off after about three-quarters of a mile. He was collected by the engine driver as he passed. The gradient was about 1 : 60. Asked by the magistrate he said that he did not hear Simpson say he did not think it safe to shunt there.

The guard had served in the army and held the rank of sergeant. He had produced good testimonials when he was taken into the CGR’s employ in April 1895. He had passed the Training Office examinations in October 1896 and had served as a guard for sixteen months. He was “a sober, steady and reliable man.” (GM’s Report)

Milner, the Mostertshoek foreman, said he walked to the points when the goods train arrived. Asked by Milner if he was picking up the truck in the dead-end, the driver replied he was, but the train’s position was not safe and he would not be responsible. On the guard’s instruction the foreman unlocked and opened the points to the loop line. He then walked past the stationary engine and found the trucks starting to roll backwards. He saw the guard on the further end of the first truck. The foreman grabbed hold of a moving truck,

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but fell down the embankment after a few yards. When he got up, he saw the engine following the run-away trucks.

The next witness was Haslitt Michael Beatty, the CGR's Chief Locomotive Superintendent who was travelling on 4 Up. After the collision he walked to the front of the train to inspect the damage to the locomotives. He met the first locomotive's injured driver, Burgin, and fireman, Brooks. He also met the second locomotive's driver, Anderson, and his fireman. After sending the injured crews to his compartment, he assisted with the rescue of passengers. He saw three injured passengers and a relatively unharmed small boy pulled from the wreckage. He described how 48 Up's shattered coach with trapped natives was set alight by coals from the derailed locomotive.

The evidence of John Hologhan, the fireman of 48 Up, collaborated what his driver, Simpson, had said. Hologhan said that on arrival at Mostertshoek he put on the engine's hand-brake as instructed by his driver who then left the footplate, but returned later. The guard, Marsh, asked the driver to ease up. The driver, Simpson, asked the guard if the brake was secure. Simpson told Hologhan to take off the hand-brake. On Marsh's "Go ahead" they pulled forward. He noted the train was stationary, but immediately afterwards the driver said the train was moving. They pursued the run-away trucks and picked up the guard. He had not heard his driver say that it was not safe to shunt where the train stood.

Abraham Difford, Traffic Manager Western System, tabled a book of operating rules and regulations. He emphasised inter alia Rules 225, 226 and 307 which made drivers and guards equally responsible for having sufficient brakes tightly screwed down and pinned down and "using sprags if necessary to prevent (a) train running away". [Sprags/scotches are wooden wedges placed under a wheel to prevent movement. Known as chocks in aviation.] Also Rules 284 and 308 which gave the guard control of a shunt and instructed the driver to obey the guard's instruction.

Daniel Stefanus van der Merwe, a doctor, stated that he was the brother-in-law of the deceased Rev Wynand Andries du Toit. He was present when his corpse and that of his wife, Anna Elizabeth (nee de Wet) and their daughter,

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Elsebee Carolina, were unloaded at Worcester. He had organised their burial. The corpse of David Cope was also brought to Worcester.

Joseph Anderson, driver of 4 Up's second engine, said he noticed a red light ahead before the collision at 206½ miles. He had called to his fireman to shut the regulator and to apply the (hand) brake. The collision occurred about 30 seconds later.

The inquiry adjourned till the afternoon when William Marsh was recalled. He stated that the Line-Foreman from Prince Albert Road had accompanied him on train 48 Up. He did not assist him with the braking of the train. The man was visiting a sick foreman, Jones, at Mostertshoek. In reply to the magistrate Marsh said that the Line-Foreman was sober. He continued that the train had stopped on the main line and it was "a most convenient place for shunting". He did not act contrary to the rules. He knew there was a passenger train following. All the brakes were in order when he pinned down. He surmised that "the chain brake might possibly have broken or slipped."

Jacobus Wynand du Plessis, a passenger on 4 Up, said that he had helped to extricate the dead and wounded. He had seen de Villiers before and saw his corpse removed from the wreckage.

It is recorded that Mr Fleischer, Resident Magistrate of Matjesfontein, would hold an independent inquiry there. When the inquiry reconvened a week later the Resident Magistrate of Touw's River gave evidence.

After the inquiry the Resident Magistrate of Worcester was instructed to proceed against the guard on "a charge of culpable homicide". The magistrate's papers were referred to the Attorney-General who declined to prosecute.

The CGR GM wrote in his 1898 report that he believed "that the railway employés [Victorian spelling] were not guilty of wilful negligence, and that, although they had not fully complied with the regulations, they believed that the steps they had taken secured the train from running back."

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There this chapter in the history of the CGR ends though it did have further impact in terms of compensation paid in the event of a railway accident. How much compensation should be paid, required attention as the GM wrote in his 1898 report that “it is necessary to provide legislative provision for the maximum sum payable in case of accident as recommended in my Annual Report for 1895.”

Allen Duff

Sources :

CGR GM Report 1898 (Cape Archives, Cape Town)

Cape Times newspaper 23.08.1898 (National Library, Cape Town)