

State inspector of coal mines reports

Section 62, Pages 1831 - 1860

These reports of the Kansas State Mine Inspector mostly concern coal mining, though by 1929 the scope of the reports broadens to include metal mines. The content of individual reports will vary. The reports address mining laws and mining districts; industry production and earnings; fatal and non-fatal accidents; accident investigations and transcripts of oral interviews; labor strikes; mine locations; mining companies and operators; and proceedings of mining conventions. The reports document the political, economic, social, and environmental impacts of more than seventy years of mining in southeastern Kansas.

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INVESTIGATIONS.

INVESTIGATION

In regard to the cause of an explosion at mine No. 2, Sheridan Coal Company, Fuller, Kan., on December 18, 1905, held December 26, 1905, in the schoolhouse at Fuller, Kan., by Mr. James Orr, state mine inspector.

MR. MORT. ZINN, being produced, sworn, and examined, testified as follows:

By Mr. Orr: Ques. What is your occupation? Ans. Shot-firer at Fuller mine No. 2.

Q. Were you in the mine on the 18th inst.? A. Yes, sir.

Q. What part of the mine? A. South side.

Q. Did you fire any on the north? A. No, sir.

Q. Were you in the mine at the time of the explosion? A. Yes, sir.

Q. In what part of the mine? A. Third east on the south.

Q. What occurred to you when the explosion happened? A. ———

Q. You knew an explosion had occurred? A. Yes, sir.

Q. What did you do after the explosion? A. I started out to the bottom but there was too much smoke; the second time I went in to the second, and the third time I give it up and came down the air-course.

Q. Did it have any effect on you? A. The smoke the last time weakened me a little. I stayed in it too long. I started in the third and went back down the air-course.

Q. How did you get out of the mine? A. Up the air-shaft.

Q. You came yourself out at the third? A. Yes, sir.

Q. Had any rescuing parties went down by this time? A. Yes, sir.

Q. Did you fire the south side alone? A. Yes, sir. And if I got through before they did I would go over and help and if they got through before I did they would come on the south and we would finish up. That is the way we did.

Q. Who generally got through first? A. I generally got through first.

Q. How many men did you fire for that night? A. I have about thirty-nine.

Q. About how many did you have that night? A. I don't know. On account of a break down there was not many men out.

Q. What time did you go down to fire that night? A. I don't know; we went down a little early that night on account of it being a kind of an idle day.

Q. How much early? A. About five or ten minutes early.

Q. How did you know that the men were out of the mine? A. I did not know.

Q. Did you begin firing ten minutes early? A. No, sir.

Q. Did you begin firing on the inside? A. Yes, sir.

Q. You did not know that the men were all out of the mine? A. It was about ten minutes early we used waiting to hoist the mules, but this night we went down and waited on the bottom until the whistle blowed, and then went on in.

Q. Was the men on the bottom? A. No, sir. They went to the man-way.

Q. About what time did the explosion occur? A. About half past five.



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- Q. You was through firing? A. Yes, sir.
- Q. Is this about the same time you always get through? A. No, it was a little early.
- Q. You tell about what time it was when you started to fire. A. It was ten minutes it took us to get inside.
- Q. You started in at four? A. No, before four.
- Q. About what time, state in hours, did you start in to fire? A. From fifteen to twenty minutes to four.
- Q. How near was you through to firing your side of the mine when the explosion occurred? A. I had just finished the third, and was through when it happened.
- Q. As a general rule, how long did it take you to fire the mine? A. Sometimes a little before six and sometimes a little after.
- Q. You were supposed to start about 4:30? A. We started down about 4:15 and stopped on the bottom.
- Q. You started on about then? A. I could not say exactly what time we started on in from the bottom.
- Q. It took you about three hours to fire the mine? A. No, not that long.
- Q. What was the condition of the side of the mine which you fired on; that is, with regard to being dusty, dry, or wet? A. It was dry in some places and some wet. Between the third and fourth it was dry, and from there on to the bottom.
- Q. It was in these places it was dry? A. Yes, sir.
- Q. Do you think that the dust on this side of the mine would have been any factor in an explosion? A. I don't think so.
- Q. Did you ever leave any shots? A. Yes, sir; I left a shot nearly every night.
- Q. When did you fire on the other side of the mine last? A. About three weeks ago; maybe a little longer.
- Q. What was the condition of that side of the mine? A. It was dusty.
- Q. Did you ever hear of any complaining or have any cause of complaining of the dust? A. No, sir.
- Q. Did you ever discover any gas in this mine? A. A little; not enough to amount to anything.
- Q. Enough to cause an explosion? A. No, sir.
- Q. Was there enough there to cause a fire? A. There was enough to fan out my light and that was about all there was to it.
- Q. Have you been in the mine since the explosion? A. No, sir.
- Q. Have you done any firing since? A. No, sir.
- Q. Have you any idea as to what caused the explosion? A. No, I never been down, and don't know.
- Q. About how long have you fired shots? A. About two or three months in this mine.
- Q. How long have you fired in this field? A. About fifteen years, off and on. Before I came here I fired three years in Iowa.
- By Mr. Creeg: Q. Would you consider No. 2 a safer mine than any you ever fired in? A. I would not say, although it is as safe as some mines that I have fired in.
- Q. Have you been cautioned by the mine foreman or anyone else about firing improper shots? A. Yes, sir.
- Q. About split shots? A. Yes, sir.
- Q. Do you use your own judgment in firing these shots? A. Yes, sir.
- Q. Did I understand you to say you never asked to have the roads sprinkled? A. ———
- Q. Did you not consider it dusty enough to be sprinkled, when you were firing shots? A. Yes, the roads were pretty dusty in some places.
- Q. Did you ever call the mine foreman's attention to this? A. No, sir.
- Q. What was the general rule in running the fan? A. They let it slow down.
- Q. What was your idea of the fan proposition; as a shot-firer, do you think the fan should be run slow? A. Yes, sir.



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Q. Do you think it was running slow enough this night to be satisfactory? A. Yes, sir.

Q. Did these places have any windy shots, to speak of, that they would mention to you? A. Once in a while.

Q. Did they ever have any they considered dangerous? A. Only that one night I went over there.

Q. Did they have as many as you had? A. Yes, sir.

Q. Did you have as many as they had? A. No; they had more than I had, the two of them.

Q. Where did these windy shots occur most frequently? A. They occurred mostly any place, one place and another.

Q. Any particular place where these windy shots occurred? A. Yes, the most of them followed the straight south into the smoke-room.

Q. Was this on the first or the last of the air? A. On the first.

Q. How long ago has this been? A. Quite awhile ago.

Q. Are there as many of these windy shots in summer as in fall and winter? A. No, there is not.

Q. How many shots would you light, one after the other. A. I do not know; three, four, five, sometimes different.

Q. Did you ever light more than five? A. I expect I have.

Q. What was your opinion as to rapid firing; do you think it would have any tendency to cause an explosion? A. I don't know; I expect it would in some places.

Q. Did you ever experience it that way? A. No, sir; well, when I was at Iowa sometimes I would only light two or three.

Q. Did you ever take precaution in lighting as few as possible? A. Well, I just lit as few as I thought would keep the dust down when I was tamping; that is the way I done.

Q. How would you tamp, with slack or dry dust? A. Sometimes with slack and sometimes with dust.

Q. Did you ever have any particular result when you tamped with slack, and when you tamped with dust? A. I never saw any difference.

MR. J. W. BALL, being produced, sworn, and examined, testified as follows:

Ques. How are you employed? Ans. I am mining coal at mine No. 2.

Q. What portion of the mine do you work in? A. West first.

Q. Did you work on the day of the explosion? A. Yes, sir.

Q. Did you ever discover any gas in your place? A. Some, but very little.

Q. Do you think that the gas was a factor as to the cause of the explosion? A. No, sir.

Q. What was the condition of the portion of the mine which you worked in? A. It was pretty dry; but it was not very dusty where I worked, but in about 150 feet from the fall it was pretty dusty.

Q. Did you ever hear anyone complaining of the dust? A. No, sir.

Q. Did you ever hear tell of any sprinkling of the mine until after the explosion? A. No, sir. I have been working on the inside but a little while and I know but little about it.

Q. How long have you been mining? A. About twenty-four years.

Q. You ought to have an idea as to the cause of the explosion.

A. _____

Q. Did you ever fire any shots? A. Yes, sir; I have fired some shots.

Q. Do you think that dust then would be a factor in an explosion?

A. _____

Q. Do you think that the dust that was here would be a factor on the explosion that occurred on the 18th? A. I do.

Q. Have you been down in the mine since the explosion? A. Yes, sir.

Q. Could you tell as to your own idea as to where the explosion started? A. Yes, sir; I think it occurred in the fourth west, close to the smoke-room.

Q. What leads you to believe that this is where the explosion started?

A. From the props being blown out; the fire on the ties.



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Q. You think that the dust had a great deal to do with this? A. Well, if it had not been for the dust I don't think it would have amounted to as much.

Q. Do you have any idea as to how long it took those shot-firers to fire those shots? A. It took them from two to two and a half hours.

Q. Did you ever pay particular attention to it? A. No, sir.

Q. Do you think that rapid firing is a factor in the explosion? A. Yes, sir.

Q. Do you think that the amount of shots that were in that night would have any effect by rapid firing? A. Yes, sir. I had three shots in, and if every man in had even one or two I think that rapid firing would be a cause.

Q. What would be your idea as to the cause of the explosion, Mr. Ball? A. I think it was due to the dust and rapid firing.

Q. You think that these conditions are the cause of the explosion? A. Yes, sir.

Q. Did you examine the first room joining in the smoke-room off the fourth west on the north side? A. Yes, sir.

Q. Did you examine the shots that were fired? A. Yes, sir. One was a split shot.

Q. Do you think that this was a proper shot to fire? A. No, sir.

Q. If you had been firing shots would you have fired this shot? A. No, sir.

Q. You think that this was not a proper shot to fire? A. No, sir.

Q. Did you examine that room from the face to the outside? A. Yes, sir.

Q. When you came back did you follow up the air-course into the smoke-room? A. Yes, sir.

Q. Then you are satisfied that it was in this room where the explosion started? A. Yes, sir.

Q. And also it was this shot that caused it? A. Yes, sir.

MR. TOM STEVENS being produced, sworn, and examined, testified as follows:

Ques. How are you employed? Ans. In coal-mine No. 2.

Q. What portion of the mine? A. Driving the fourth west on the north side.

Q. How long have you worked in this mine? A. I do not know; but I think I was one of the first men in it.

Q. How long did you work in the fourth west? A. I don't know exactly.

Q. What was the condition of that part of the mine with regard to being dry, dusty, or wet? A. That part—I don't think it was dusty; I know it was dry.

Q. Do you think that the dust had anything to do with the explosion? A. I do not have any idea.

Q. Did you ever hear or see of any investigations made about the condition of the mine? A. I don't believe I have.

Q. Has the shot-firer ever had an occasion to caution you in regard to your shots? A. No, sir.

Q. Have you been in the mine since the explosion? A. I have been through part of it.

Q. What part? A. I was in the fourth west, and I was in nearly all the places.

Q. Have you been around all these places as to place your opinion as to the cause of the explosion? A. No, sir.

Q. You have not formed any opinion? A. No, sir.

Q. Did you ever fire shots? A. Yes, sir; I fired one night.

Q. How long ago? A. It has been a year last October.

Q. Is that the only firing you ever done? A. No, I fired several in the old shaft.

Q. How did you fire the shaft? A. That night we would take one



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side and then the other and prepare them, and then we would come back and he would fire one side and I would fire the other.

Q. In that order all were prepared before you commenced firing? A. Yes, sir.

Q. And then you fired just about as fast as you could get from one place to the other? A. Yes, sir.

Q. You did not wait? A. I believe so.

Q. Did you consider that the shots were fired pretty rapid? A. Yes, sir.

Q. What was the number of shots you would light; that is, ready to fire? A. If it was favorable we would light maybe one dozen, or about two dozen. And any other time we would light about ten.

Q. Did you fire any shots that you thought dangerous? A. We did not have anything that we thought dangerous that night.

Q. Did you leave any shots that night that you considered improper shots? A. I don't believe we left a shot that night.

Q. From the time the shot-firers commenced and the time they got through firing the shots do you think they had taken sufficient time? A. I could not say. I don't remember of ever seeing them come out.

Q. Do you consider one and one-half or one and three-fourths hours' time for firing for 125 or 130 men pretty rapid? A. I believe I do.

Q. Did you ever discover any gas in this mine? A. There was a little in my room at times, but not enough to hurt anything.

Q. Was there ever gas enough to be a factor in case of an explosion? A. No, sir.

Q. Do you know of, or have any knowledge of, any account of sprinkling the roads before the explosion in the mine? A. No, sir.

Q. You do not consider it necessary to sprinkle the fourth west? A. I don't believe I would.

Q. Did it seem to be dry? A. A little.

Q. Did you examine the shot in the first room off the fourth west? A. No, sir.

Q. Did you ever find any gas in the fourth west? A. No, sir.

MR. WILLIAM SELIG, being produced, sworn, and examined, testified as follows:

Ques. How are you employed? Ans. By the Sheridan Coal Company as a miner.

Q. What portion of the mine did you work in? A. The west.

Q. Were you at work on the day of the explosion? A. Yes, sir.

Q. In a room? A. Yes, sir.

Q. What room? A. The first room off the fourth west.

Q. What was the condition of that portion of the mine, as being dry or wet? A. Where I was it was dry and dusty.

Q. Was there considerable dust? A. Yes, sir.

Q. Do you consider that that portion of the mine should be sprinkled? A. I do.

Q. In your opinion, do you think there was dust enough to assist in the explosion? A. I expect there was.

Q. You say you work in the first room off the fourth west? A. Yes, sir.

Q. Have you been around the mine? A. I have.

Q. Have you been all through the mine? A. No, sir.

Q. Have you been in no other place since the explosion? A. No, sir.

Q. Were you in any other place since the explosion? A. No, sir.

Q. Did there seem to be any signs of an explosion or a split shot? A. I saw signs of an explosion.

Q. Did you see any fire on the timbers? A. Yes, sir.

Q. Did you go up the smoke-room? A. No, sir.

Q. You made that shot in the left of your place on the 18th? A. Yes, sir.

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Q. When did you make the shot that was intended to split that standing shot? A. There was no split to it.

Q. How deep was the hole? A. Four feet. That was the first shot that was fired. And the one on the rib was the first one drilled.

Q. How far was the hole from the rib? A. It was from fifteen to eighteen inches from the rib.

Q. Did you drill that hole? A. Yes; that was another shot.

Q. The first shot that was fired was the shot that you intended to blow out the coal? A. No, the second.

Q. Did you think that the second shot was a satisfactory shot? A. No, sir.

Q. How deep did you say the first hole was on the rib? A. About five feet.

Q. How much was broken off. A. I don't know.

Q. How much powder was there in that hole? A. About a foot and one-half.

Q. About how thick was this shot across the back? A. I do not know. I could n't exactly tell you.

Q. Did you pay particular attention to this shot? A. Yes, sir.

Q. You paid particular attention to this shot—the explosion occurred in this place; that is, you have some idea. You ought to be able to give some opinion. A. I never made it a shot to work about four feet across.

Q. How deep was the other one you made? A. About five feet.

Q. How much was broken off? A. I don't know.

Q. You have an idea how much was broken off, and how much was standing on? A. ———

Q. How large did the hole appear to be? A. About four feet.

Q. Did you drill five feet deep? A. Yes, sir.

Q. How much powder was in that hole? A. About two and one-half feet.

Q. How much was left standing on? A. About a foot and a half.

Q. Did that shot do its work? A. Yes, sir.

Q. Did you reach the back of that shot? A. No, sir.

Q. About how much was left standing on the hole on the rib? A. About one foot and four inches.

Q. Do you not think that the first one worked back on the one you depended on blowing out the coal? A. No, sir.

Q. How long have you been digging coal? A. About eight years.

Q. Around this vicinity? A. Yes, sir; ever since I was nine years old.

Q. How old are you now? A. About twenty-five.

Q. And you dug coal eight years? A. Yes, sir.

Q. You say you did not examine your place? A. Yes, sir.

Q. Did you see any evidence of dust on the timbers? A. Yes, sir.

Q. Did you examine the timbers the next day you went to work? A. No, sir.

Q. Have you ever fired shots? A. No, sir.

Q. Have you been through any of the other places lately? A. No, sir.

Q. How many shots did you have in this night? A. Two; one in each room.

Q. You only had one shot in the first room? A. Yes, sir.

Q. That was the shot along the rib? A. No, the shot from the rib.

Q. You did not go through the air-course to the smoke room. A. No, sir.

Q. Do you think that shot done its work previous to that night? A. It worked all right.

Q. When did you fire that shot on the rib? A. The night before the explosion.

By Mr. Greeg: Ques. Do you find mine No. 2 of the Sheridan Coal Company to be in ordinarily good condition? Ans. Yes, sir.

Q. The reason you fired the shot that four-foot hole was because the shot did not do its work? A. Because it was all the coal I was taking out there.



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MR. J. W. BALL recalled:

Ques. Were you in this room we were just speaking about? Ans. Yes, sir.

Q. Will you mention as near as possible the amount of hole that was left after the shot had been fired? A. It appeared to be about five or six feet. We measured in about four feet.

Q. Do you consider this a split shot? A. Yes, sir.

Q. Which one of these shots do you think were fired first? A. The split shot.

Q. What was the distance between the one on the rib and the split? A. From eighteen to twenty inches.

MR. JOHN WATHERN, being produced, sworn, and examined, testified as follows:

Ques. How are you employed? A. Digging in the third west on the north.

Q. Were you at work on the day of the explosion? A. Yes, sir.

Q. You say you work in the third west on the north? A. Yes, sir.

Q. What was the condition of that portion of the mine as in regard to being dusty? A. Well, from my room back to the face and down to the first there is some dust, but very little; but inside it is in pretty fair condition.

Q. Would you consider it dusty enough to be a factor on the explosion? A. I don't think it would be; it might help a little.

Q. Has there ever been any effort made to get that dust sprinkled? A. Not that I know of.

Q. You are on a committee here, are you not? A. Yes, sir.

Q. Did the shot-firers ever have an occasion to complain as to improper shots? A. No, only when the diggers would send for a committee I would go and examine the shot, and even if I did n't see anything wrong with it I said nothing, because I think a shot-firer knows when he sees a shot whether he wants to fire it or not, and for that reason I think it is best to let him express his opinion.

Q. You believe in letting them have their own judgment? A. Yes, sir.

Q. Did you ever discover gas in your place? A. No, sir.

Q. Do you know of any gas being in the mine? A. Yes, once when I was working in the back, I was putting my powder in the hole, and a whiff of it.

Q. Do you consider the gas any factor in the explosion? A. No, sir.

Q. Did you ever fire shots? A. No, sir, not in this field; I have fired for myself.

Q. Did you ever have an occasion to know what time it took to fire this mine? A. No, sir.

Q. Have you been down the mine since the explosion? A. Yes, sir.

Q. Have you based your opinion as to what was the cause of the explosion? A. My opinion is that it started in the fourth west.

Q. Have you examined the first and second places? A. Yes, sir.

Q. Does this lead you to believe that you have an idea where the explosion started? A. Yes, I paid particular attention to the split shot in the first place.

Q. What was the condition of these shots? A. Well, this shot did not work, and it showed that it was a split shot or it would have worked right in the first place.

Q. What was the dimensions of these shots? A. The way the coal started, the split shot I would judge to be about six or seven feet on the point of the shot, and the heel of the shot is about four feet, and it seems to be a five- or six-foot hole.

Q. About how much powder do you judge was in that hole? A. About three feet.

Q. How far was it from the rib? A. About eighteen or twenty inches.

Q. About how much was left on? A. About three and one-half feet.

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Q. Was the hole drilled? A. Yes; and I believe it was about on a level, and as deep as the other.

Q. Was Selig in the place at that time? A. Yes.

Q. Did you call his attention to that shot? A. No, sir.

Q. About how much powder would it take to blow this shot? A. I don't have no idea.

Q. In other conditions would you prepare this shot this way? A. No, sir.

Q. You never fired any shots? A. No, sir.

Q. Would you have fired that shot that night? A. No, sir.

By Mr. Greeg: Ques. From your present knowledge, do you consider mine No. 2 in good condition generally? Ans. Yes, sir, as far as I know. Sometimes we do have a little trouble, a time or two, on account of air; not long ago quite a few came up and went home again.

Q. How long ago has this been? A. About three weeks ago.

Q. Do you think that if this portion of the mine would have been damper that the explosion would have occurred? A. I don't know; I only was up there once.

Q. Did you examine around this thing? A. No, sir.

Q. Do you think that if this portion of the mine was sprinkled and the dust kept down it would be safer? A. I don't know.

Q. Did you ever see or hear of this mine being sprinkled before the explosion? A. I don't know anything about it.

Q. What is your opinion as to the cause of the explosion? A. My opinion is that it started close to the smoke room, in the fourth west.

Q. You already said it was an improper shot, and that you would not have fired it. Do you think if it had not have been fired it would have made any difference? A. Yes, sir.

Q. Now, in this particular case, do you think this is where the explosion occurred? A. Yes, sir.

Q. Do you know of any shots being fired; that is, in a thing of this kind? A. No, sir.

Q. Do you think that a shot of that kind, under any conditions, would be a windy shot? A. Yes, sir; I consider that a windy shot.

Q. Do you know of any shots being fired after the explosion? A. No, sir.

Q. What seems to be the general contents used in tamping a hole? A. I always tamp with coarse slack.

Q. Do you tamp with drill dust? A. No, sir.

Q. Do you consider that proper? A. Yes, sir.

Q. Do you know of any mine that use this? A. No, sir.

Q. Do you know what they use for tamping? A. No, sir.

Q. So far as you know, what method would you try to prevent these things, for explosions? A. I don't know.

Q. Do you think that rapid firing has anything to do with it? A. Yes, I do.

Q. Would you consider the number of shots fired for 125 or 130 men in one and three-fourths hours rapid firing? A. Yes, sir.

Q. Have you seen these shots since the explosion? A. Yes, sir.

Q. Do you think that this shot we are speaking of was fired after the one in the first room? A. I think it was.

Q. Do you think it would have done its work if the other would not have went off? A. Yes, sir.

Q. Do you think that if they were firing according to the scale that explosions would be as frequent? A. No, sir.

Mr. J. M. Fox, being produced, sworn, and examined, testified as follows:

Ques. How are you employed, Mr. Fox? Ans. Mining at mine No. 2.

Q. Where do you work? A. In the fourth west back entry, close to the smoke room.

Q. Were you at work on the day of the explosion? A. Yes, sir.



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Q. What was the condition of this portion of the mine? A. Well, from the inside to the face there was comparatively no dust, and from there on out there was considerable dust.

Q. Do you think there is dust enough in these places that they should be watered in order to prevent explosions? A. I don't exactly know, because when they are firing shots it causes a great deal more dust to rise.

Q. Did you ever have an occasion to be around the north side? A. Yes, I have been around a little.

Q. What is the condition of this part of the mine? A. From the second room on in there is considerable dust.

Q. Do you think it should be watered? A. Yes, sir.

Q. Did you ever fire shots? A. Yes, I fired quite a few shots around this district.

Q. About how long? A. Well, off and on, about fifteen years.

Q. In your opinion, is this mine any dustier than any you have ever fired in? A. In fact I do not know; Iowa is as dusty, and so is 18.

By Mr. Creeg: Ques. Do you consider mine No. 2 in general in good condition? Ans. As far as I know it is.

By James Orr: Ques. Did you ever discover any gas in your place? Ans. I saw a little once when I was firing in the fourth west.

Q. Do you think it would be sufficient to assist in an explosion? A. No, sir.

Q. Do you think that rapid firing had anything to do with this? A. Yes, sir.

Q. Give your opinion as closely as you can as how this explosion started. A. Well, I think it was caused by two shots—one in the fourth east and one in the fourth west. I think they lit the one in the fourth east and then crossed over and lit the one in the fourth west; I think that there was a windy shot in the fourth east, and it coming together with this split shot caused the explosion.

Q. Did you examine these places carefully? A. I did.

Q. Did you examine the fire marks from the face of the room down the air-course? A. No, sir.

Q. You really don't know what way the flame went? A. No, sir.

Q. You did not examine the fire after you left the room? A. Only when I came out; it showed that it came out of that room.

Q. Did you consider that a split shot? A. Yes, sir.

Q. Did you pay any particular attention to these shots? A. No, sir.

Q. How long do you judge it would take to fire this mine? A. I would judge two hours long enough.

Q. How would you fire these shots? A. Well, when I was in Iowa we would just fire three shots and then stop.

Q. What if one of these shots would have been a windy shot, where would you have been then? A. I don't think I would have been here.

MR. JAS. LYNCH, being produced, sworn, and examined, testified as follows:

Ques. How are you employed? Ans. As a miner in mine No. 2.

Q. What part do you work in at the present time? A. In the third east on the north.

Q. What is the condition of that portion of the mine—is it wet? A. The roads are a little dry and dusty.

Q. How about the rooms—are they dusty? A. I don't know much about the rooms.

Q. Do you think there is sufficient dust to require watering? A. Yes, sir.

Q. Do you know of any watering that has ever been done? A. Yes; one week to-day.

Q. Do you know of any being done before the explosion? A. No, sir.

Q. Did you ever see the drivers cleaning dust up? A. Yes, sir.

Q. Do they clean dust out of the smoke room? A. Yes, sir.



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- Q. Have you been down the mine since the explosion? A. Yes, sir.
- Q. Have you based any opinion as to what caused the explosion?
- A. Yes, I think that the shot in Mr. Ball's room was a windy shot, and when it came in contact with the one in the room we are talking about, together with the dust, caused the explosion.
- Q. Would you consider this shot in the fourth west a split shot?
- A. Yes, sir.
- Q. Do you know the dimensions of that shot? A. I don't know; I run a tamping bar in, and if I remember right it was about four feet. And the other hole I judge is four or five inches deeper than the hole on the rib.
- Q. From the appearance of the work of the hole, do you think that he used good judgment? A. No, sir.
- Q. Did you ever discover gas enough in any of these places to assist in an explosion? A. No, sir.
- Q. Did you examine the mine carefully after the explosion. A. No, sir.
- MR. S. W. McVEY, being produced, sworn, and examined, testified as follows:
- Ques. How are you employed? Ans. Miner in mine No. 2.
- Q. What portion of the mine do you work in? A. Fourth east off the south, back of the smoke room.
- Q. Did you ever work on the north side? A. Yes, sir.
- Q. How long ago? A. About one year last August.
- Q. Have you been on the north side in the last week or two? A. No, sir.
- Q. Do you know the condition of that portion of the mine? A. I never paid much attention to it.
- Q. Do you know the condition as with regard to being dry and dusty?
- A. No, I do not; I never paid much attention to it.
- Q. Did the shot-firers ever complain to you? A. No, sir.
- Q. Did any one ever complain to you? A. No, sir.
- Q. What was the condition of the portion of the mine you worked in? A. Good in general condition; there was no dust.
- Q. Do you suppose the dust on the north side was a factor in the explosion? A. No, sir.
- Q. Did you see that shot in the fourth west, in the second room—that split shot? A. Yes, sir.
- Q. What was your opinion of that shot; do you think it was practical? A. No, sir.
- Q. Have you ever been in that room to investigate that shot? A. Yes, sir.
- Q. As to your judgment, do you think it was safe to fire? A. No, sir.
- Q. Have you based your opinion as to the cause of the explosion?
- A. My opinion is that this split shot went off first and then went across into the second room in the fourth east, and they both came in close contact, which resulted in the explosion.
- Q. Do you think there is any other factor along with that shot helped the explosion? A. Well, yes; when that split shot went off it was bound to raise quite a lot of dust, and the dust would surely help.
- Q. Did you ever discover any gas in this mine? A. I don't remember.
- Q. Do you know how long it took them to fire the mine? A. No, I don't.
- Q. Did you ever fire shots? A. Yes, sir; I fired quite a few on squibs.
- Q. Do you consider one and one-half or two hours sufficient time to fire this mine? A. No, sir.
- Q. Do you think this is due to rapid firing? A. Yes, sir.
- Q. Do you think they fired too rapid that night? A. I don't know; I don't think they fired any faster that night than before.
- Q. Do you know about how many men were at work on that day?
- A. No, sir.



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MR. D. M. DAWSON, being produced, sworn, and examined, testified as follows:

Ques. How are you employed? Ans. Miner in the third east of the north.

Q. What is the condition of that portion of the mine in regard to being dry, dusty? A. The conditions are dry.

Q. Considerable dust? A. There is a good deal of dust on the roads.

Q. You ever been in the rooms? A. No, sir.

Q. Did you ever discover any gas in your place? A. I found a great deal of gas, but nothing dangerous.

Q. Do you think that the gas would be a factor in the explosion? A. No, sir.

Q. Do you think that the dust along this road would be a factor?

A. I think it would—it and rapid firing.

Q. About how long did it take to fire this mine? A. Well, they went out from 5:15 to 6 o'clock, and they went down anywhere between 3.30 and 4 o'clock.

Q. That depends on the number of men, then, the time they get out? A. Yes, sir.

Q. Have you been in the fourth west? A. Yes, sir.

Q. What was your opinion of that shot; do you think the explosion started in that place? A. Yes, sir.

Q. Did you travel around down the smoke room? A. No, sir.

Q. You did not go in that place on the east side? A. No, sir.

Q. Did you discover any chartered coal? A. Yes, sir.

Q. Was you in the third? A. Not until the next day.

Q. When was you in that place last, the fourth west? A. Last Wednesday, I believe, was the last time.

Q. Do you think that if this portion of the mine was watered, and the dust kept down, that the explosion would not have had any tendency to occur? A. I don't think that was the cause of the explosion.

Q. Do you think it helped considerably in the explosion? A. Yes, sir.

Q. Is there any shots in that third east that you would consider a part of that explosion? A. This shot you were talking about was a pretty light shot, but it could happen from being too much on the solid.

Q. Do you know of any way that this rapid shot-firing could be checked? A. I think the best way would be to employ some one to go along and watch them do this work.

Q. Do you think they could check this by compelling them to stay in the mine a certain number of hours? A. No, sir.

Q. Do you know of any watering or sprinkling of the dusty roads before the explosion? A. Yes, sir.

Q. How long ago has this been? A. I don't know.

By Mr. Creeg: Ques. Do you consider mine No. 2 a safe mine, as a general thing? A. Yes, sir.

Q. Would you have fired this shot? A. That is a hard matter to decide, although I don't think it was a practical shot.

MR. J. R. TAYLOR, being produced, sworn, and examined, testified as follows:

Ques. How are you employed? Ans. As a driver in mine No. 2.

Q. Did you ever drive on the north side? A. Very frequent.

Q. What is the condition of the north side of the mine? A. It is fair; but before the explosion, between the second and third, was pretty dusty.

Q. Did you ever do any other work on the north side? A. No, sir.

Q. How long ago has this been? A. About six months.

Q. Have you ever fired any shots? A. Yes, sir.

Q. Have you ever heard any complaining as to the dust? A. No, sir.

Q. Have you ever fired shots anywhere besides here? A. Yes, sir.

Q. Have you gone through the north side of the mine since the explosion? A. Yes, sir.



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Q. What would be your opinion as to the cause? A. Well, I have been in the other places, and from what I could see it was caused in the fourth west.

Q. Do you think rapid firing would have anything to do with it? A. Yes, sir.

Q. How do you know that they fired rapid? A. Well sometimes at home I could hear the shots go off, and other times when I would be down to the shaft talking to the night-watch I could hear them go off—five and six together.

Q. Did you ever have an occasion to be at the shaft when the shot-firers came up? A. Yes, sir.

Q. How long did it take them to fire the shaft? A. From one hour and a half to two hours.

Q. Have you been in the fourth west since the explosion? A. Yes, sir.

Q. Have you ever cleaned roads? A. Yes, sir.

Q. Did you ever see the drivers cleaning on the north side? A. Yes, sir.

MR. E. M. ROBERTS, being produced, sworn, and examined, testified as follows:

Ques. How are you employed? Ans. As superintendent of the Sheridan Coal Company, at Fuller, Kan.

Q. Were you in the mine on the day of the explosion? A. No, sir.

Q. What occurred to you when the explosion happened? A. I went down; a call came to me about 5:15 or 5:12.

Q. When was the last time you was down the mine before the explosion? A. I was down the day before.

Q. Do you remember what part you was in? A. I was in Tom's place.

Q. Where is that? A. In the fourth west.

Q. What is the condition of that portion of the mine? A. Well, it is never too dry, although the roads are naturally a little dry.

Q. Have you been pretty well through the mine since the explosion? A. Yes, sir.

Q. Did you form some opinion as to where it started, and to the cause of it? A. Yes; my opinion is it started in the fourth west, the first room off the back entry.

Q. Why do you form this opinion? A. Well, that man had a shot, I find, with about a four-and-a-half-foot heel and seven foot on the toe, and it didn't do anything, and he then drilled a five-foot hole about eighteen inches from the hole he had in on the rib, and I think this shot backed in on the other one.

Q. Do you think that the dust was a factor in the explosion? A. No, sir.

Q. Do you think there is gas enough inside to increase the explosion? A. No, sir.

Q. In regard to rapid firing; do you know what time it took them to do this firing? A. I don't know.

Q. What was your instructions to them? A. To fire together.

Q. Do you think they would light as many that way as by themselves? A. No, sir.

Q. Did you consider these men practical shot-firers? A. Yes, sir.

Q. You received a letter from me in regard to this. Did you do any watering of the roads? A. Yes, sir.

Q. You looked at the letter you received? A. Yes, sir.

Q. You took it as good advice? A. Yes, sir.

Q. Do you think by compelling the shot-firers to stay in the mine a certain number of hours, they would take their time in firing? A. No; I went with them one night and took them in the fourth west and then in the third east, and then in the fourth east, and I don't think they ever done this before.

Q. You believe this rapid firing cannot be stopped? A. No, sir.



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MR. GEORGE COPELAND, being produced, sworn, and examined, testified as follows:

Ques. How are you employed? Ans. As engineer at mine No. 2.

Q. Was you at the mine when the explosion occurred? A. Yes, sir.

Q. What occurred when the explosion took place? A. The first thing I thought of was the fan, and I turned and run to it; but it just blew some boards out of the bottom of it.

Q. Did the fan stop? A. Yes, sir.

Q. How long was it stopped? A. About five minutes.

Q. Was there any other damage done to the mine on the outside? A. Only the tippie was blown off.

Q. What time did that occur? A. It was between twenty and twenty-five minutes after five; I had just looked at the time. I was just going down the mine to work on the pumps.

Q. Do you know what time they went in? A. No, sir.

Q. Did you always stay at the mine until the shot-firers came out? A. Yes, sir.

Q. How long does it require to fire the mine? A. They went down between 3:30 and 4 o'clock, and came out about twenty-five minutes and fifteen minutes to six, and sometimes about six o'clock.

Q. About what speed do you run the fan? A. About twenty or twenty-five revolutions.

Q. About what speed do you run it when working? A. About fifty-five or sixty.

Q. Did you ever hear any complaining to this? A. No, sir.

Q. Did you ever hear the shots going off in the mine? A. Only when I was down in the mine doing some work.

Q. You do not know how rapid they fired then? A. I have been down in there and heard the shots going off, one right after the other.

INVESTIGATION

Of explosion which occurred at Weir Junction Coal Company mine No. 2, January 18, 1905, at Weir, Kan., January 24, 1905.

Testimony of D. L. BORDERS:

Ques. Where do you live? Ans. I live close to the Central coal-mine No. 18.

Q. Where are you employed? A. I have been employed at the Weir Junction Coal Company's mine No. 2.

Q. Was you at work on the 18th of this month, or Wednesday last? A. Yes, sir, if that was the 18th.

Q. What portion of the mine did you work in? A. On the first south on the west side, in a room that had been formerly occupied, and at the first working place on the left; I don't know myself exactly—I would have to go past the place before I could find it.

Q. Have you only worked two days in this mine? A. Well, I worked two days on the entry.

Q. Where did you work on the other side? A. On the first south on the east.

Q. How long did you work on the first south on the east? A. Well, since about the 5th of October, off and on.

Q. Did you ever discover any gas in the place you worked on the east? A. No, sir.

Q. Well, did you ever discover any gas in the place where you worked on the first south on the east? A. I discovered none in my place.

Q. Was there any gas on the same entry where you worked? A. No, sir. Well, I heard one fellow say it was hot in his place, just across



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the entry from my room on the east side. He just complained of being hot.

Q. He didn't have any knowledge of gas being there, did he? A. No, sir; he just complained of being hot.

Q. How many shots did you have on the day of the 18th, Dan? A. I had two shots in one place, and the boss had given my place to another fellow by the name of Marshall Oliver, on the 17th, and he came to work on the 18th and found me in his place, and I told him, to avoid throwing him off till the next day, we could put in three shots in one room, consisting of two shots for myself and one for him, making the three shots in the same room.

Q. How much powder had you in these shots, Dan? A. Two holes five and one-half feet deep and three feet of powder in one, three feet two or three inches in the other. I drilled a short hole about four feet deep, and we put in eighteen or twenty inches in that hole.

Q. How were those shots—in solid coal, or where coal had been shot before? A. The two-foot were in solid coal; the four-foot hole we made, we aimed it to spread, but the shot-firers had lit it the night before and it failed to go.

Q. How much of the old hole was there left that they had fired the night before? A. I didn't measure the old hole myself, but it seems to me that he had four feet of the old hole or three and one-half, or something like that; I don't remember just exactly, but it seemed to me that he had three or four feet.

Q. Was you drilling in the same direction? A. In the same direction probably.

Q. How far was it from the old hole? A. It was said to be about six or eight and maybe ten inches from the old hole.

Q. How big did that make the shot? A. That made the shot about three feet.

Q. How much powder did you say you had in that? A. Eighteen or twenty inches—not exceeding twenty.

Q. Did you tamp the hole? A. I fixed the powder and this man Oliver tamped the hole.

Q. What did he tamp with? A. He tamped with the slack coal.

Q. How was the slack coal, dry or wet? You spoke of the tamping being dry. Did you tamp it to the mouth of the hole? A. Yes, sir.

Q. How far was the face of your place in from the entry? A. Well, I don't know; I believe it was something like four lengths of rails.

Q. Was there any horsebacks cut in that place? A. One cut far back, I believe.

Q. Was that place in there dry or wet? A. My working place is dry.

Q. Not much dust in it, is there? A. Yes, sir, quite a bit of dust in the old roadway.

Q. Does it have to be watered or sprinkled like? A. I don't know, as I have only worked there about two shifts. I went into one room and worked a little, then was off about two weeks.

Q. How was your place on the east side of the shaft, was it wet or dry? A. It was rather damp.

Q. Well, was there any dust in it at all? A. No, sir; no dust in it.

Q. Well, have you been in the mine since the explosion here, Dan? A. Yes, sir.

Q. Have you been all through those entries where the explosion was? A. We came straight down the entry to the main part and across the shaft into the first south on the west into my room or place.

Q. Have you any idea as to what caused this explosion, from what you have seen? A. I have not been in the shaft since the explosion, but I am satisfied the shot with the eighteen or twenty inches of powder in the hole simply blowed the tamping out, and must have been the cause of the fire.

Q. Well, did you notice any evidence of fire in your place? A. No evidence as I have knowledge of.



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Q. Well, did you look for any evidence of fire? A. I looked around on purpose to see if there was fire, but did n't discover any.

Q. Well, do you think then that that shot with the eighteen inches of powder could have caused such a terrific explosion as this one was? A. In my judgment I don't think that alone could have caused such a destructive explosion.

Q. Well, what else do you think it would take to cause it, Dan; do you think there was any gas to help it along? A. I don't know; there might have been some gas to help it along.

Q. Do you have any knowledge as to how the shot-firers fire those shots, or how their custom is? A. No, sir; I have never been down there.

Testimony of EARNEST SHAW:

Ques. State where you live and where you are employed, Earnie.

Ans. I live here in the company's camp. My occupation is a mine foreman at mine No. 2, in charge of the Weir Junction Coal Company.

Q. Was you at work on the 18th day of this month, on the day of this explosion, Earnie? A. Yes, sir.

Q. What seemed to be the condition of the mine in general? A. Well, I thought the mine was in very good shape that day.

Q. Had you at any time that evening or night felt as though something was going to happen? A. No, I felt all right; I met the shot-firers in the first south on the west, where the explosion first started.

Q. At what time did you meet them there? A. About ten till four o'clock.

Q. Were they going in to fire shots at that time? A. No, sir; they were going to see the shot-firer's brother, is the answer they always gave me. One of the shot-firer's brother is employed in the entry, and they usually go in to see him in the evenings before they commence work.

Q. At what time does the mine generally quit, Earnie? A. At four o'clock.

Q. What time do they usually commence firing? A. Well, they are supposed to begin at 4:30; sometimes they are out by 4:30, so I could n't swear to any certain time; they always know the men are out before they commence to fire.

Q. Well, did you notice what time it was when the explosion occurred? A. No, I just heard it, and that was about all that I remember.

Q. Do you know the approximate of what time it was? A. Well, I should judge it was about twenty minutes till five o'clock.

Q. How soon after four o'clock was the men all out that evening, or do you remember? A. I don't remember of any one being hoisted that evening after four o'clock.

Q. Well, if they had started at 4:30, they would have been firing about ten minutes? A. Yes, sir; if they commenced at 4:30 it would give them ten minutes firing.

Q. What was the usual custom in firing; that is, how do they commence? A. I believe they go into the west side together, and one takes the right-hand room and the other takes the left one, and go that way; that is, in those entries where there are more men working. But in the entries where there are not many men I guess they could probably take them single.

Q. How many men work on the west side? A. Twenty-three, I believe.

Q. About how many shots will each man average? A. Well, about two shots to the man—probably exceed that, and not more than three shots to the man. Those entrymen have about three shots usually and a cross-cut. That would make them at least forty-six shots on that side of the mine.

Q. How was that side of the mine—dry, dusty, or wet? A. The roadway was damp on that side of the mine.

Q. How was the rooms? A. The rooms all were in very good shape; and I don't think that there is more than about a dozen rooms on that



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side of the mine that are dry—only those on the first south on the east.

Q. Is there any place that you have to bail water out of? A. Yes, sir; that entry where the explosion occurred.

Q. What place was that? A. The first south on the west.

Q. Is that the room or the entry? A. Well, in Knighton's room we haven't taken water from that room for I guess ten days.

Q. What Knighton is that, Humphrey Knighton? A. Yes, sir.

Q. What is done with the water? A. The water that is taken from that entry is put on the road first south.

Q. Well, was there any of those places where it showed signs of gas. A. No, sir.

Q. Did you ever find any through horsebacks? A. Well, not enough to speak of; probably a little in two or three entries where I have been in the mine I saw just enough to make a flash, that is all.

Q. Well, what do you think was the cause of the explosion, Earnie, or have you based any opinion on it? A. No, I haven't had time; I did n't feel like it.

Q. Well, have you been in any of those places from the first south on the east or west? A. Yes, sir; I have been in all of those places on the left.

Q. Well, have n't you come to any conclusion as to where it started, or what could be the cause of it, in your own mind? A. Well, from my judgment, it started on the second left.

Q. In what room was that? A. In Border's room.

Q. Well, what was your idea that was the cause of it starting there? A. Well, all that I could lay it to was the heavy firing and the winter conditions. I don't know why it should commence in that one particular place.

Q. Well, what effect would the winter have on it, if there is no gas in the mine, Earnie? A. Well, I don't know, unless it is the heavy air and so many shots going off at one time.

Q. How was the fan that night, or do you know. A. The fan was not running.

Q. Was it stopped altogether? A. We stopped the fan just before the shot-firers commenced their work.

Q. Have the shot-firers ever made any complaint to you about having windy shots, or the face being dry? A. No, they never have made any complaint to me.

Q. Do you know of them making any complaint to any other miner? A. No, I never heard any complaint. I always told the shot-firers if they ever seen anything that was dry to call my attention to it, for fear I might overlook it myself; and I always made it a point to keep the roadways damp in those entries, and instructed the fireman to keep the doors open and keep all pressure off of those entries.

Q. Well, do you usually go into the working rooms, Earnie, in the two first south entries? How often do you sprinkle on the first south on the west? A. Every day.

Q. Did you sprinkle any of the rooms? A. Well, the water always run into the rooms.

Q. Well, you don't take any water into the rooms, do you? A. Just down to the rooms.

Q. Who generally does the sprinkling? A. Well, the first south on the west was done by Anthon Adamson and Humphrey Knighton.

Q. How long had you been working here? A. Since the 18th of last April.

Q. You was not there at the time of the last explosion, was you?

A. No, sir.

Q. Now you say those men when firing shots always went together?

A. Yes, sir.

Q. Well now, how do you account for the fact that one of these men were found in the first south on the west, while the other fellow was found on the east side of the shaft? A. Well, from the way that I looked at it, they had lit up their rooms; each man lit up his part until

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there was a space of five rooms between Border's room and the one that the man was found in, so he had run into that room which they usually both go into and wait until the balance of these shots go. We have a hook in a post to hold the trap-door open on the mouth of the room on the first south entry, and light that room and take the east side of the mine. But this night Enhoff tried to take the east side and Guy the other.

Q. Well, do you think then that they took their regular route? A. No, I just think Enhoff had made up his mind to finish lighting first and went to the other side of the mine.

Q. Do you think that he would be doing justice to his partner by going off and leaving him? A. I don't know; probably they had an understanding about this.

Q. Well, you said the first south road was sprinkled pretty often? A. Every work day; that is, the entry on the mouth of the road.

Q. When were you through the rooms in that first south on the west? A. About sixty minutes before quitting time.

Q. Well, did you notice a good deal of coal dust around the ribs and pillars, more than usual? A. No more than usual.

Q. Have you been in there since the explosion, have n't you? A. I have.

Q. Was you in the second room above Border's room? A. Yes, sir.

Q. In there since the explosion? A. No, I was just in the mouth of that room.

Q. Then you could n't say positive where the explosion started, in Border's room or not? A. No, I had all that I wanted of the explosion.

Q. Had you ever given the shot-firers any instructions as to go together. A. No; but I always talked to them about the condition of the roads, and to be careful in lighting the shots, and not to hurry with their work.

Q. Did this man Gale, that got killed, did he ever complain to you about windy shots in that first south? A. Never did.

Q. It was a fact that some of the doors have been blown out by windy shots? A. One time about four months ago, I guess, the door on the entry was battered up or blown out.

Q. Blowed entirely out? A. Well, I believe part of the frame was blown out.

Q. Well, don't the shot-firers make any complaint in regard to this? A. No, they blame themselves for it. When I put the door up it was too close to the shots, and I always instructed them to leave it open. That day they closed the door in going out in a hurry, and it blowed part of the frame of the door of. That was the only time of any evidence of any explosion of any kind, and that was the only time that they had complained about that; and they only wished they had not shut the door before the shots were all gone, then that would not have happened.

Testimony of HARVEY ENHOFF:

Ques. What is your occupation? Ans. Mining.

Q. Where are you employed? A. At Schwab's shaft No. 2, or the Weir Junction Coal Company.

Q. What portion of the mine do you work? A. The first south on the west.

Q. How long have you worked there? A. About five months.

Q. What place did you work in? A. The second room on the left on the first south.

Q. Have you worked in that room for five months, did you say? A. No; I started in the first room in the entry, though I don't know just how far it was, probably thirty feet and a cross-cut, and shot the entry about sixty feet.

Q. Did you cut any horsebacks in that place, Harvey? A. Yes, sir; one when I started.

Q. Did you ever discover any gas in your place? A. Just a little



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when drilling through a horseback in the back of the hole; just a little bit—enough to flash, that was all.

Q. Is your place wet or dry? A. Well, it is dry.

Q. Is there any accumulations of dust in it? A. But very little—a little bit on the ribs and on the side of the track, but a very little.

Q. Did they ever sprinkle water in your place? A. Not to my knowledge. It don't look like it; you could n't tell it if they did.

Q. Did they ever dump any water into the mouth of that place? A. They bailed water out of the first south and poured it up the entry, and it ran down into my room and into the mouth of my place.

Q. Well, if the water was poured in that entry would the water run into your place? A. But a very little; a little in front of my place.

Q. Well, would it lay the dust in your place, was what I had reference to? A. No, sir.

Q. Was the shot-firers in your place that night before they commenced firing? A. They were not in my place as I know of. I was out and going home when I met my brother a half mile up the track.

Q. About what time was that? A. Well, about three o'clock, I think.

Q. Was n't that before quitting time? A. Yes, sir.

Q. Do you know about what time they begin firing? A. Yes, they begin firing as quick as everybody was up, and I guess they went on in; don't know just exactly when they commenced firing.

Q. Well, how do you know when everybody is up? A. Well, they sit around until everybody is off of the bottom, or until they see them.

Q. Do you live with your brother? Or both of you stay in the same house? A. Yes, sir.

Q. Have you ever heard him make any complaint as to having any windy shots that could make an explosion of any kind? A. No, sir; I don't believe I have.

Q. Of him being troubled with windy shots? A. None that I remember of.

Q. Did he ever make any complaint of the place being dry or dusty or troubled with gas? A. No, sir, I don't believe I have; if I have I don't remember of it.

Q. How long has your brother been shot-firing? A. Well, I don't know about his shot-firing here; I could n't say just how long he has been here.

Q. What is your approximate? A. Well, I don't know just when he started.

Q. Did he fire here one month or two months? A. Well, he fired here a while, then quit and went away; I guess he has been firing here about a month or a little bit more, but could n't say for sure.

Q. How long have you been working in the mines? A. Five years, or a little over four years.

Q. Did you ever fire shots? A. No, sir.

Q. Then you never fired with your brother or anybody else here? A. No, sir.

Q. Well, do you know anything about firing? A. Well, they start on the straight west and begin firing that way, is all that I know about it.

Q. Single or together? A. Together. I went down in the mine the night of the explosion and stayed there until they came out, and I asked them where my brother was, and they told me that he was up there by the ash bin.

Q. You have no idea in your own mind as to what caused this explosion? A. No, sir, I have n't.

Testimony of WILLIAM JONES:

Ques. State what your occupation is. Ans. My occupation is a miner.

Q. Where are you employed? A. At Weir Junction coal shaft or Schwab's No. 2.

Q. Are you employed as a miner? A. No, sir.

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Q. In what respect, driving or what? A. Well, I don't know; I do a little of everything—driving and everything.

Q. Are you supposed to look after the air? A. I suppose so.

Q. When were you through the mines last—that is, in general, around the air-courses? A. I could n't say for certain.

Q. Well, within any reasonable length of time? A. Well, about a week ago I was through the whole works, from the first south to the second on the east.

Q. Well, what was the condition of those places—dry or what? A. They were dry.

Q. Was you ever through the first south on the east, or the first south on the west lately? A. No, sir.

Q. Were you down there in those rooms on the entry? A. Yes, sir.

Q. How were they—dry, dusty, or what? A. No, sir; not what you would call dry or dusty, just tolerable.

Q. You have reference to the rooms in both entries, do you? A. No, sir; just on the east.

Q. How were those rooms on the first south on the west? A. They were dry.

Q. Were there considerable dust in them? A. No, sir; not much—a little of slack.

Q. Did they ever water these places enough to lay the dust, that you know of? A. No, sir; not to my knowledge.

Q. Well, do you think that they needed watering to keep the dust down? A. No, sir; I don't see as the rooms needed wetting.

Q. In going around did you ever discover any gas? A. No, sir.

Q. You fired shots here alone, did n't you? A. Yes, sir.

Q. How long ago? A. The 10th of November.

Q. Of last November? A. Yes, sir.

Q. Did you fire with either one of those men? A. No, sir; not in that shaft.

Q. But did you with either one of those men? A. Yes, sir.

Q. Well, what was their custom of firing? A. We went together.

Q. How did you fire? A. One took one side of the entry and the other man the other side.

Q. Did you ever have any windy shots or explosions? A. Two that I know of.

Q. Where did they occur? A. At the last shift, when I fired was on the first south on the west and one on the first south on the east.

Q. Did you go back to those shots after the windy shots had occurred? A. No, sir; only on the first shot on the west we went back on the entry.

Q. Well, what I had reference to was your going in to see the shots that caused the wind? A. No, sir.

Q. Then you don't know what kind of condition they were in, or what work they had done? A. No, sir.

Q. Have you been in the mine since the explosion? A. Yes, sir.

Q. Have you been all through it—what part of the mine have you been in since the explosion? A. The second south on the east and the first south on the west, and went part way in on the east.

Q. Well, do you have any special opinion as to what caused this explosion? A. No, sir, I don't know as I have; as far as I could see it was that shot in that fellow's room?

Q. What fellow's room? A. I don't know whose room it was.

Q. Well, who was the fellow, Borders—or what shot do you have reference to? A. I don't know of any shot I have reference to, only what I have heard and the looks of the face of his room.

Q. You did n't go to the face to see the shot, did you? A. No, sir.

Q. Well, what extent does the ribs show? A. Well, they are burnt and it looks to me more than any room in there. The rib was burnt into coke in the mouth of his room.



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Testimony of FRANK MACKENTIRE:

Ques. What is your occupation? Ans. Day man.

Q. Where are you working? A. At the Weir Junction coal-mine, or Schwab's No. 2.

Q. In what respect is the day man? A. Well, the day men have a little bit of everything; track laying is my work.

Q. Is it something that will take you over the mine? A. Yes, sir.

Q. Well, what seemed to be the condition of the mine, Frank, in reference to being dry, dusty, and gassy? A. Well, I never have seen any gas in there but about once, and a mighty little, in the second south on the east.

Q. Was there enough to have burnt a man if he had lit it—did it burn any? A. No, sir.

Q. Well, how was the place—dry, dusty, or wet? A. Damp, moist. Well, in some of the entries it is pretty damp, and in some few rooms they are troubled with it being dry; some of them are not so dry.

Q. Are they dry enough that the dust could accumulate in them so that an explosion could have occurred? A. Well, I don't know but what it might.

Q. You looked into those rooms between the first south and east, have you? A. Yes, sir.

Q. How do they occur to be—dry, dusty, or wet? A. Well, they are tolerably dry.

Q. Well, I had reference to it before the explosion. A. Well, I have not been through them since the explosion.

Q. Well, do you know what custom the shot-firers are firing or the route they take? A. Well, I have fired in there on extra shifts, and we generally started on the straight west entry and go right around.

Q. Did you fire together? A. Yes, sir.

Q. Who did you fire with? A. Well, the last firing I done was with Charley Jones.

Q. How long ago was that? A. Well, I don't know exactly, but about four weeks; just before these fellows started.

Q. You was firing before those fellows came on—that is, the regular shot-firers, Bob Dalton and Frank Deitz? A. ———.

Q. What did the old shot-firers quit for, or do you know? A. Well, I don't know why they quit; they just laid off and never came back to work is all that I know.

Q. Did they have any windy shots or anything to scare them up to cause them to quit? A. None that I know of.

Q. When you were firing extra did you ever have any windy shots? A. Yes, sir.

Q. Where did they occur? A. On the first south on the west and first south on the east entry.

Q. Well, did you go back to examine those shots to see if you could give any idea as to what caused them? A. No, sir.

Q. Have you been in the mine since the explosion? A. Yes, sir.

Q. Well, did you come to any conclusion in your own mind as to what was the cause of it? A. Well, my opinion is that the shot in Border's place is what started it.

Q. Well, if you had been shooting that, Frank, how much powder would you have put in that shot? A. Maybe a foot and a half.

Q. How deep would you have had the hole? A. I wouldn't have had any deeper hole than four feet.

Q. Well, do you think the powder that was put into that hole could cause an explosion to the extent that this was? A. Well, my opinion is is started from that shot.

Q. Well, there must have been something important with it; what other factor do you think could have been? A. Well, I don't know, without it could have been dust.

Q. Well, do you think the dust was a factor in the explosion or played any important part? A. I don't know what else could have been the cause.



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Q. Do you think there was any gas to assist it? A. No, I think not.
Q. Well, do you think then that that agitated the dust that caused the explosion in that mine? A. Well, that is the way I think it started from that shot.

Q. Well, you think if those places had been watered and no accumulation of dust this would not have occurred? A. Well, I can't say for certain.

Q. Well, then, you think there is none to speak of? A. Well, that is something that is hard to say, as you cannot tell very much about explosions, but it seems to me it started from that shot; but I guess there are explosions where there is not any dust.

Q. Well, how do you account for Enhoff being on the east side of the mine and Guy on the west side when the explosion occurred? A. Well, I think he got his shots lit first and got out.

Q. Well, was that the general custom to do that? A. Well, the last time I fired we fired part of the rooms on the right and fired down the entry down to the cross-cut; there could have been two or three places they never lit; we crossed the shaft and went to the first north and made about three lights.

Q. How many shots would you have lit at one time? A. Well, sometimes we would n't have over—well, we would have from two to eight shots.

Q. Do you think that those fellows followed that custom, not firing more than eight shots? A. No, I don't think they did.

Q. How long have you worked in the mines, Mr. Mackentire? A. All of my life.

Q. Did you ever work in a mine that exploded before? A. Yes, sir.

Q. Did you ever see a shot that consisted of what was called blown-out shot? A. Yes, sir.

Q. Now, what makes you so positive that this was the shot that started the fire? A. Well, I think it blowed the tamping out.

Q. Was you in any of the rest of the rooms, or all of them? A. Every one, I think.

Q. Was you in the second above Border's room? A. Yes, sir; I think I was.

Q. You noticed that shot then, did you? A. Well, I could n't say whether I did or not, but I think there was a shot standing on the right-hand side.

Q. Did you see any fire in there? A. Well, there has been fire all over there, I think, by the looks of the props; I could n't say for certain, but I know I was up and down all of the rooms and I noticed fire in several of them.

Q. You say you noticed the shots that was partly blown out? A. I think there was a shot in the first or second room.

Q. Well, you noticed it? A. Yes, sir; but I could n't say whether that shot caused the explosion or not.

Q. It is not evident in looking at the two shots, is it? A. No, sir.

Q. Now in planning the shots in that man's room that shot the explosion was from the fact that gas and no evidence of fire? A. Yes, sir.

Q. Well, could it be possible that both of these shots were throwing fire at the same time? A. That might be, that four or five were throwing fire at the same time if they were lit, but I don't know how many were lit.

Q. Who was the party that found Guy; was it you, Frank? A. Yes, sir.

Q. Where did you find him? A. In the first room that is working on the west on the first south.

Q. How far was he from the entry? A. Let me see; I should judge it was about 100 feet.

Q. About how far would it be from the face of the place? A. Well, I knew how far it was after we measured, but don't know now; I should judge it would be about sixty or sixty-five feet from the face.

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Q. Do you think he was killed right there or struggled somewhere else, and what is your opinion about it? A. Well, I don't know; it seemed that he was on his way out.

Q. Where the shots were lit in that place? A. No, sir.

Q. Well, he would n't hardly got his road out unless he had those shots lit, would he? A. Well, I don't know; it is hard to say.

Q. Have you lit shots in there and went into that same place and waited for the shots to go above you, then went out? Was he burned or died from the effects of the burn? A. Well, I could n't say. I don't know what caused his death; whether it was from the burn or sucking the fire down or not.

Q. Well, it was evident that he was really burned, was he? A. Yes, sir.

Testimony of JOHN PATTERSON:

Ques. Where are you employed, John? Ans. At the Weir Junction coal-mine, or Schwab's No. 2.

Q. How are you employed? A. As a miner.

Q. What portion of the mine do you work in? A. On the second north on the east side of the shaft.

Q. How long did you work there, John? A. About six months, or less time.

Q. What was the condition of that part of the mine in reference to being wet or dry? A. In good condition, I guess.

Q. Did you ever hear of any gas being in the other part of the mine? A. It has been about two months since I was in the other part of the mine.

Q. Was you in there at that time? A. Yes, sir.

Q. What part of the mine was you in? A. I was in the second south on the west side of the shaft.

Q. What condition was that part of the mine in? A. Pretty wet where I looked; in pretty good condition, I guess.

Q. Have you reference to the rooms, or just the entries? A. There was not but one room open when I was there, and it was in good condition.

Q. Was you ever in the west or first south on the east? A. No, sir.

Q. Did you ever discover any gas in your place, John? A. Not worth speaking of.

Q. Did you ever cut any horsebacks in your place? A. Yes, sir.

Q. Did you ever discover any gas inside of your horseback? A. None to amount to anything.

Q. You never heard any complaint of having gas in their places, and have you been in the mine since the explosion, John? A. Yes, sir.

Q. Had you based any opinion as to the cause of this explosion? A. Not a bit.

Q. Did you see those shots in the Borders place? A. Yes, sir.

Q. What effect do you think they would have? A. I think they had one that might cause a little trouble.

Q. What shot was that? A. The one on the right hand.

Q. To what effect do you think that would have, John? A. Well, it makes lots of fire and wind.

Q. Do you think that shot itself would cause the wind and fire that has been demonstrated in that explosion? A. No, sir, I don't.

Q. Well, what would it be, in your opinion? A. I think in the first place there were too many shots lit at one time, as it seemed to be a little dry in those rooms; and in my opinion there were two tight shots there.

Q. In one place, you mean? A. No; I mean one in Tom Knighton's place and one in Border's place.

Q. Well, do you think that the accumulation of dust and two tight shots was the cause of this explosion? A. Yes, sir.

Q. You don't think that there was any gas in connection with it? A. No, sir.

Q. You are an old miner, John; what would you reckon it would



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take to cause this explosion? A. Well, I will tell you, I think it is lighting so many shots at a time, and to take more time would be the best thing that I know of.

Q. Do you think that would remedy it any? A. I don't know whether it would or not.

Q. Well, do you remember at this same mine, John, an explosion occurred when there was only one shot lit? A. Then we did n't have the room to expand that we have now to cause an explosion.

Testimony of ED. WALDON:

Ques. What is your occupation, Ed.? Ans. Working in the mines.

Q. Well, how are you employed? A. Day work and driving.

Q. What entry do you drive, on the west side, or in all of them? Do you have to come into any of those places to help them with their cars? A. Several of them.

Q. Which side are the places on? A. The right side of the entry.

Q. Did you ever discover any gas in any of these places? A. No, sir.

Q. Never heard them complain of any gas? A. No, sir.

Q. How are the places—dry and dusty? A. They seem pretty dry; only coal slack.

Q. Well, there could be considerable dust accumulate there, could n't there? A. Yes, sir.

Q. You did n't have to go into any of those places in the left? A. No, sir; I never was in there.

Q. How do they occur to you—dry, dusty, or wet? A. The water seems to be along the entry there.

Q. Who dumps the water on the entry? A. Humphrey Knighton.

Q. How do they dump the water along there? A. By those men employed; Humphrey Knighton is one of them.

Q. Are they coal diggers, or coal miners? A. Yes, sir.

Q. Well, you never sprinkled any roadways or places, did you? A. No, sir; not since I have been there.

Q. How long have you been working in that mine? A. Since the 1st of September; all together I have worked in the mines about eighteen years.

Q. Have you been in those rooms on the first south on the west, and was you up in the face of those rooms? A. Yes, sir; in both of the places.

Q. And had you based any opinion in your own mind as to what caused the explosion? A. No, I have n't.

Q. What did you think of those shots in Border's place when you saw them? A. Well, I thought they were all right, except he had too much powder in it.

Q. Well, do you think that would have caused the windy shot to explode? A. Well, it seemed to blow out the tamping and shot on the solid.

Q. Well, do you think that had any tendency to cause an explosion? A. Well, I think it would.

Q. Well, do you think it was sufficient to have caused as terrific explosion as this was? A. Well, I think there was a good deal of fire around, and there was good evidence of it starting from those shots.

Testimony of WILLIAM GEDDES:

Ques. Where are you employed, William? Ans. At Weir Junction coal-mine, or Schwab's No. 2.

Q. How, driving? A. Yes, sir.

Q. How long have you been working there, Bill? A. Only about a week. I had not worked quite a week when the explosion occurred.

Q. Had you not done anything else only drive? A. I went in and helped sprinkle one evening.

Q. What portion did you help sprinkle, just the entry? A. Just the entry.

Q. Were you in any of those rooms, and how did they occur to you—dry, dusty, or how? A. Pretty dry.

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Q. Were they as dry as the entry was? A. Well, I guess they were pretty near as dry as the entry was.

Q. You only sprinkled it once along the mouth of the room. About how many rooms are there along that entry, Bill? A. Four or five.

Q. How much water did you generally put on them? A. Well, there was about six rooms working when I was in there, and we put about three boxes.

Q. Has the road been watered any since that, that you know of, or was that the first time they had been watered since you have been there? A. That was the first time that I know of.

Q. Well, that is what I meant, the first time that you knew of. Have you been in the mine since the explosion, Bill? A. Just down that evening to the foot of the shaft.

Testimony of JONATHAN SCHWAB:

Ques. Are you a miner? Ans. No, sir.

Q. State what capacity you hold. A. I am the superintendent of the mine.

Q. Had you been in the mine No. 2, Jonathan? A. On the 8th, 9th and 10th I was in the mine.

Q. Was you through the mine in general? A. I was through all of the entries excepting the first south on the east and the second south on the east.

Q. Well, do you travel on the entry or on the room, or both? A. I traveled only on the entries, with the exception of the second north and third north, I went through the rooms.

Q. What was the condition of those places, Jonathan, in regard to being wet or dry? A. Well, in the entries and rooms where I was it seemed to be in very good condition on the first south; on the west was pretty wet on the entry.

Q. How was the rooms? A. I was not in the rooms on the entry; we were in the right-hand rooms, and they were in very good condition.

Q. Was they so you thought that they needed no sprinkling or the dust to be removed any way, Jonathan? A. Well, the rooms that I was in was the rooms next to the face, but they were the only two that I was in, and they were wet; it was the condition of the top that I went in there to see.

Q. What were your orders to the miners in regard to gassy places, dry and wet places? A. Well, we have had no gas; I don't know as I have given any orders in regard to putting on water only to keep the roadway well wet up.

Q. Well, you didn't give them any instructions as to watering the rooms? A. Well, I don't know as I did.

Q. Well, have you been through the mine since the explosion, Jonathan? A. Yes, sir; as far as the explosion traveled.

Q. Have you based your opinion or come to any conclusion in your own mind as to what caused the explosion? A. Well, I think in the first place there was a blown-out shot which started the flame and left the fire and caused agitation so intense that the amount of heat and smoke spread and caused the explosion.

Q. Do you think, then, that there must have been some dust in there to have caused it? Where do you think the dust could have gone through, Jonathan? A. In my judgment, the most of the dust was in the abandoned rooms.

Q. Did you ever have any rules made or any ideas to prevent these things? A. I think that it would be well for every individual miner to keep the dust and slack swept up well from the rib and loaded out, and each one be careful in making shots so the powder may do its work and throw the intended shot, along without keeping the mine dampened in the dry places, and that the shot-firers should take their time in firing the shots.

Q. Don't you think if those places had been watered and the dust pretty well dampened down this explosion would not have occurred, or



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would not have been so severe, Jonathan? A. Well, I don't know how to answer that.

Q. Well, give us your opinion on that? A. Well, a person would think so; it is hard to tell, as there are mines that are wet and then blow up.

Testimony of CHARLEY GIRARD:

Ques. Where are you employed, Charley? Ans. At the Weir Junction coal-mine, or Schwab's No. 2.

Q. How? A. A miner.

Q. What portion of the mine do you work in? A. I work in the second north on the east side.

Q. Is mining all that you have done since you have been here? A. Yes, sir; only one or two days in another fellow's place.

Q. How long ago was that? A. When I first came here to work.

Q. Did you work on the company's works? A. Yes, sir; one day since the explosion and one when I first started.

Q. Were you working on the company work, and what was the condition of the place where you worked as being wet or dry in the entry or rooms? A. The rooms were pretty dry.

Q. Is n't there any dust accumulated in them? A. Yes, sir; in some of them.

Q. Is those rooms sprinkled with water? A. None that I know of—no, sir.

Q. Well, have you been in any other portion of the mine, such as the first south on the east or the first south on the west? How did the entries in those rooms occur to you, as being wet or dry? A. They were dry, as far as I know.

Q. Was there any accumulation of dust in them? A. Yes, sir; in some of them.

Q. How was the entries? A. The entries were terribly watery in them in some places.

Q. Have you been in the mine since the explosion, Charley? A. Yes, sir; one day I worked.

Q. Was you pretty well through that portion of the mine in which the explosion occurred? A. Yes, sir; in the entries.

Q. Were you up in any of the faces of the rooms? A. No, sir; only the day that I went with you.

Q. Well, I have reference to that day or any other day since the explosion. A. Yes, sir; I went with you.

Q. Well, had you made up your mind or formed any opinion of your own as to what caused the explosion? A. Yes, sir.

Q. Well, you might state what it was, Charley. A. Well, in the first place, I think there was too many shots lit in that entry; and the next thing I think it was a little too dry in those rooms.

Q. Was there anything else that you think might have caused it? A. Well, those two shots surely was the cause of lighting that dust and smoke.

Q. Where was those two shots, Charley? A. Well, one of them was in Tom Knighton's place, and the other one was in Dan Border's room. I think those was the two shots that caused the explosion.

Q. Where were those shots situated in the room, Charley? A. Border's was on the right hand of the room, and I forget where Knighton's was; I think it was about the center of his room, if I am not mistaken, as I never noticed which side of the place it was on.

Q. How did those shots seem to work, Charley? A. Well, Knighton's shot cracked the coal—that is just about all; and the other shot did n't crack the coal—it all blowed out and blowed the tamping out of the hole. Knighton's shot was what you would call a windy shot.

Q. Do you think that there was any gas in connection with that explosion, Charley? A. No, sir, I don't; there was hardly any gas in the place at all.

Q. Well, do you think, then, if those places had been well watered



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and the dust kept down that this explosion would not have been so severe? A. No, sir.

Q. Well, do you think it would have resulted in any serious effect whatever? A. I don't know; it might. It stands to reason if it would have been wet it would n't have been so bad as it was.

Q. You never fired any shots here did you, Charley? A. No, sir; I did n't.

Q. You don't know what the custom was in firing? A. No, sir; I don't.

Q. You was with the party that found Guy, was n't you? A. Yes, sir; but I was not the one that found him first.

Q. Well, have you based any opinion as to how he was traveling when the explosion occurred, or whether he had left that place or just going into it? A. I don't know; I could n't say as to that.

Q. Was the shots fired in the place that he was in? A. No, sir; they had never been lit.

INVESTIGATION

As to cause of explosion in mine No. 1 of the J. H. Bennett Coal Company, near Weir City, Kan., January 22, 1906, held at Weir City, Kan., January 26, 1906, by Mr. James Orr, state mine inspector.

MR. J. H. BENNETT, being produced, sworn, and examined, testified as follows:

By Mr. Orr: State your name to the stenographer. Ans. J. H. Bennett.

Q. What position do you hold, Mr. Bennett, with this company? A. President and general manager.

Q. Who is your foreman at this mine? A. James Dunn, jr.

Q. Did Mr. Dunn have full control of the mine workings? A. Yes, sir.

Q. Have you been through the mine any time lately before the explosion? A. No, not since we had that fault in there; that is the last time I was there.

Q. How long ago was that, Mr. Bennett? A. I should judge somewhere about three months ago; I don't know just the date.

Q. Did you notice any irregularities in the mine or poor condition, that you made any recommendations to the foreman at that time about? A. Yes, I told him that we had better drive that entry down to the cut on that fault to get on the other entry. I suppose we drove that entry down through.

Q. Have you, at any time during the last two months, had any complaints from the mine foreman or the shot-firers, or any of the employees, in regard to the condition of the mine? A. I heard the shot-firers say they wanted to sprinkle the west side. I told Mr. Dunn, and he gave them orders to do it.

Q. Do you know whether he did it or not? A. I don't know; he told me he did.

Q. Do you know what method he used in sprinkling? A. I suppose he used the water tanks. He took it out of the water tanks and put it on the road.

Q. Do you know whether he watered any of the rooms or air-courses? A. No, I don't know whether he watered it at all; he told me he had watered it. I don't know what part of the mine he watered at all. It was under his control, and I don't know anything about that at all.

Q. What was the last time that you have been on the west side, Mr. Bennett? A. I was on that side the same time the squeeze was, about three months ago. I went all through the mine that day.

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Q. Did that portion of the mine appear to you to be dry and dusty at that time? A. Not very bad at that time; no, sir.

Q. You believe the dust, then, is a factor in those explosions, do you, Mr. Bennett? A. I don't know; I could n't tell you that. There is so many theories and so many accidents happened that I could n't tell. I could n't give my opinion as I don't know anything about it; because we have had explosions here when there was only one shot-firer in the mine, and we have had explosions in wet mines.

Q. How long ago was it, or how recently, since the shot-firers made complaint to you about having those places watered? A. I should judge somewhere about a month, maybe; somewhere along there.

Q. Not later than that time? A. No, I don't believe; it might have been three or four weeks—can't tell you exactly the date. I should judge somewhere along there.

Q. And did they make any other complaint as to the mine foreman not complying with your request then as to watering those places? A. No, sir, not that I know of, any time but that. They complained that the entry was dry; he said he would sprinkle it, and he afterwards told me he had done it.

Q. There were several of your shot-firers quit out there within the last one or two months, have n't they? A. Yes, two quit.

Q. Did they give any reasons why they quit? A. They did n't to me.

Q. Do you know whether they did to Mr. Dunn? A. No, I don't know. Mr. Dunn spoke to Mr. Valley, and he said he was getting too old to fire shots.

Q. Well, has there been any explosions, or what might be called or termed windy shots, in the last few months? A. Yes, I have heard them complain about windy shots.

Q. To what extent did they seem to be, or do you know? A. I don't know.

Q. Did you receive a circular letter from me, Mr. Bennett, as mine inspector, in the early part of the winter, in regard to watering roads and other conditions of the mines? A. Yes, sir.

Q. How did you treat that, Mr. Bennett? A. Gave it to Mr. Dunn; he has got the letter. I gave him the letter, and told him I wanted him to look after it.

Q. You had considered those recommendations were in proper order, had you? A. Yes, sir; turned that over to Mr. Dunn himself the day I got it—that evening.

Q. Have you been in the mine since the explosion, Mr. Bennett? A. No, sir; have not.

Q. Well, do you have any opinion as to how the explosion occurred, or what was the cause of it? A. No, I don't know, only what I have heard other people talking.

Q. No opinion of your own? A. No, sir; just simply hearsay that I have heard other people say that was down and seen it.

By Mr. Skidmore: Ques. How old a man is Mr. Dunn? Ans. Thirty-one years.

Q. Was he a practical coal-miner? A. Yes, sir.

Q. Do you know how long he had been engaged in that business? A. As long as I ever knew him.

Q. How long have you known the man? A. Ever since he was a young man; I could n't state the number of years—ever since he was a young fellow.

Q. Ten or fifteen years? A. I expect it is that long.

Q. How long has he been the mine boss? A. I don't know just how long he has been out there.

Q. Well, about how long? A. I should judge somewhere from six to seven months; along there somewhere.

Q. Has he ever been in a similar position with any other company? A. Yes, sir; Central Coal and Coke Company.



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Q. Do you know how long he had been boss there? A. I don't know just how long he was with them; he has been in two mines there.

Q. Did you regard him as a capable, competent man to fill that position? A. Yes, sir; I did.

Q. Did he have full and complete charge of the work? A. Yes, sir.

Q. And what he said in reference to running the mine there was the law of the mine? A. Yes, sir; he had full control.

Q. Do you know what a windy shot is? A. Well, what they call a windy shot—a shot that is put in the solid; an unlawful shot.

Q. An unlawful shot? A. Yes, sir.

Q. And whose fault is it that those kind of shots are put in? A. I suppose it is the miner's. We have no control over them that way.

Q. How deep is your mine? A. My main shaft was seventy-eight feet to the coal.

Q. And on the west side you say it is a little dry? A. Yes, sir; I just got through some faults on the west side; the east side is not developed.

Q. And you told Mr. Dunn, did you, that you wanted him to take such care of that as ought to be taken? A. Yes, sir; and showed him Mr. Orr's letter in regard to it.

Q. Did he afterwards tell you that he had complied with the letter? A. Yes, sir.

Q. Is this the same gentleman who was killed a few days ago at the mine? A. Yes, sir.

Q. What position did he occupy at that time? A. Mine foreman.

Q. The same position he had been filling for the past six months?

A. Yes, sir; ever since he had been with me.

Q. And it is the same gentleman that you gave the letter to from the mine inspector? A. Yes, sir.

Q. In operating the mine, Mr. Bennett, do you necessarily rely upon the judgment and actions of the mine foreman, or the person in charge, as Mr. Dunn was? A. Yes, sir.

Q. You defer all these matters to him, and you look after the shipping of coal and business on the outside, do you? A. Yes, sir.

Q. Did Mr. Dunn consult you, or did you know that he was going to fire the shots that caused his death? A. No, sir.

Q. You had no talk with him prior to his going down? A. No, sir; did n't know he was down there before it happened.

Q. Was it his duty to look after firing shots? A. Yes, it was his duty to see shot-firers fired the shots.

Q. Did your company have in its employ at that time shot-firers? A. Yes, sir.

Q. And were they under the control and direction of Mr. Dunn? A. Yes, sir.

Q. Do you personally know why Mr. Dunn fired those shots himself?

A. I don't know only what I have heard on the outside. He went down and fired the shots. I did n't see him do it.

By Mr. Orr: Ques. In regard to a windy shot, Mr. Bennett, do you term that a windy shot is entirely one that is in on the solid? A. What I consider a windy shot, Mr. Orr, is this: After a shot is put in the solid and it is stronger in the back than it is on the heel, it is a windy shot.

Q. Do you consider a shot of that kind would be a windy shot under all circumstances? A. Yes, I do. If the shot is in such a shape that the powder cannot spend itself I think it is a dangerous shot.

Q. What do you term a blown-out shot, Mr. Bennett? A. That is another windy shot, too.

Q. That is, if you mean it has too much coal for the powder to get out? A. Not exactly; I believe there is two terms in those shots. I think there is such a thing as making a windy shot by putting too much powder in. What I term a blown-out shot is one that kicks out only on

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the back of the heel. I don't think there is any danger in the windy shot that is evenly divided.

Q. You think in all cases that a shot that is drilled in the solid is a windy shot? A. It is more liable to be.

Q. Do you consider a shot that was drilled in on the solid and had been fired and created no wind, would you consider that a windy shot? A. That is pretty hard to tell, whether it creates wind or not. I wouldn't want to be there to see. I consider it an unlawful shot, a shot of that kind.

Q. Well, what do you term is a lawful shot, Mr. Bennett? A. I don't know exactly what the law says in regard to it. I think it says, though, that a shot shall be either mined or sheared, and that it shall be no bigger than the regular vein. I ain't certain about it. I think that is the way it is.

Q. Do you think a shot of that kind would be practical, Mr. Bennett; according to your idea of the law, do you think it would be a practical shot? A. What do you mean by a practical shot?

Q. Do you think it would be a safe shot? A. I don't know. It would be safe all right if there was the right kind of powder put there to do its work. I suppose there could be dangerous shots, I don't care how you put them in.

Q. Well, we have a good many different heights of coal in this field. While it seems to be the interpretation by a great many that that is the law, I don't read it that way, or my interpretation don't give it that way. We will take, for instance, that you have a piece of faulty coal twelve inches high: do you think it would be safe to put a shot in that coal the height of that vein, five or six feet? A. No, I don't. You are talking about faulty work now; I was talking about regular work. I don't know how you could put a faulty shot in a one-foot vein and comply with the law.

Q. Even two feet thick? A. Well, I don't know whether—I could n't tell you how that would work; it is a pretty hard matter to judge a shot in a piece of faulty work. I am referring to ordinary work; regular work.

Q. You don't know the reason, Mr. Bennett, why those shot-firers did n't go out to work that night, do you? A. Yes, one of them claimed that he did n't know the mine was working; that he had phoned in to the office and Mr. Martin told him that the shaft was n't working; that their shaft was n't working on account of no cars, and the other mines had blown off.

Q. Did you see Mr. Dunn after they brought him out of the mine? A. I just seen him in the canvas after they took him up and put him in the wagon.

Q. Did you examine him after they brought him home to the house? A. Yes, sir.

Q. Did you notice any burns or scars on him from fire? A. No, sir.

Q. Did he have any bruises or scratches? A. He had a few little scratches here on these fingers, and I believe there was a little mark on one of his legs.

Q. Seem to be a heavy bruise? A. No, sir; just little scratches.

Q. You don't think, then, that he had been burned? A. No, sir; you could n't see any marks. We looked at his clothes, and could n't see any signs of fire on his clothes. We went to see if any fire had gone over him, and could n't see anything on his clothes—no marks of any kind.

MR. TALEEN VALLEY, being produced, sworn, and examined, testified as follows:

By Mr. Orr: Ques. State your name to the stenographer. Ans. Taleen Valley.

Q. Where are you employed, Mr. Valley? A. At the present time?

Q. Yes, sir. A. Digging coal.

Q. Where? A. At Hamilton's.



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Q. How long have you been digging at Hamilton's, Mr. Valley? A. I started there about two days ago.

Q. Did you ever fire any shots in this district? A. Yes, sir.

Q. How long have you fired shots, Mr. Valley? A. Fired shots for about seven years, off and on.

Q. Ever fire any shots at Bennett's mine No. 1? A. Yes, sir.

Q. How long ago? A. Oh, the last shift I put in was—I quit there the last of the year.

Q. Last of last month? A. Yes, sir.

Q. How long have you fired there, Mr. Valley? A. I could n't tell exactly how long or when I started; I guess Mr. Bennett could tell you that.

Q. You can tell about when you started, can't you? A. I know it was about between three and four months, anyhow.

Q. What portion of the mine did you fire, Mr. Valley? A. I fired west and east both.

Q. Who fired with you? A. Why, my father for a while, and Mr. Blankenship.

Q. Did your father fire with you up to the time you quit? A. No, sir.

Q. He quit before you? A. Yes, sir.

Q. Did he have any special reasons for quitting? A. Yes, sir; that is what he told me.

Q. What were his reasons for quitting? A. Because they would not sprinkle the rooms and air-course. He claimed there was enough dust to blow that shaft up, in the rooms.

Q. Did he make the complaint to the mine boss, or Mr. Bennett, as manager, to get those places sprinkled? A. Yes, sir; he made complaint to the boss.

Q. Did he sprinkle them after that? A. He sprinkled the entries, but not the rooms.

Q. Did he give any reasons for not sprinkling the rooms? A. He claimed it was unnecessary.

Q. You still stayed on firing after that, did n't you? A. Yes, sir.

Q. Who went on to fire with you after that? A. Frank Blankenship.

Q. Did you ever have any windy shots or explosions there when you were firing with your father or Mr. Blankenship? A. Yes, sir.

Q. How severe were they? A. Pretty bad. If we had been on the entry we would have smothered. We had to come through by the fan. I suppose the fire came about ninety feet.

Q. Blow out any stoppings, or blow down any doors? A. We had the doors propped open. It blew the tool boxes and props—anything it caught.

Q. Do you know where those explosions came from—any certain place? A. They came from the face of that entry. It was caused from dust that was in there.

Q. Did you go in there and examine the shots after this thing occurred? A. No, sir; not until the next evening, when I seen him.

Q. What was the condition of those shots? Did those shots seem to be properly placed, practical and lawful shots? A. As near as the average shaft, they would be.

Q. Did you think they were safe shots to fire? A. Yes, sir; we thought they would be.

Q. Did you ever leave any shots that you thought were not safe to fire for any of the miners? A. No, sir; not that I remember of.

Q. Well, when you quit, Mr. Valley, did you have any special reason for quitting? A. Well, sir, I went up to Mr. Dunn; had been at him for about a week or so to sprinkle those roads and rooms; and he told him, and he tried to argue it to me that it was not necessary. I told him it was, and the next time I told him that I would quit; that it would be the last time I would tell him so. I fired down to the last of the year and quit.

Q. Did you ever make complaint to Mr. Bennett about those requests being carried out? A. No, sir; I was in his office one day and he told