

State inspector of coal mines reports

Section 63, Pages 1861 - 1890

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.

Creator: Kansas. Inspector of Coal Mines

Date: Between 1884 and 1956

Callnumber: SP 622 K13

KSHS Identifier: DaRT ID: 210191

Item Identifier: 210191

www.kansasmemory.org/item/210191

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me they were firing too fast, that our heads would be getting blown out of that shaft; and I told him that we were not firing too fast, if they would sprinkle those rooms. He said it was not necessary; that we was firing too fast. That is the words he told me.

Q. Did those windy shots or explosions you had while you were there come generally from that entry, that straight entry? A. No, sir; we had it in the second south; it was not while we was up there.

Q. The second south; that is not the faulty entry, is it? A. The west.

Q. Was there any gas in any of those places you fired in there?

A. No, sir; never saw a particle of gas.

Q. Never discovered any gas? A. No, sir.

Q. Were any of those holes left for you to tamp that you could n't tell the condition of them? A. There were some of them in there.

Q. What was the condition of those shots that were left to be tamped? A. Some of them were in low coal; coal up in there was about two foot thick.

Q. Drilled in on the solid any? A. Maybe six or eight inches.

Q. How about those other places up on the west? Were they drilled in on the solid any? A. I never noticed any shots up in there; there were some up in there.

Q. Did you pay any particular attention to it as you went along, or just fired as you came to it? A. We paid attention to some of the shots; paid attention to those shots that we seen was not tamped our ownself. Of course, there were other ones we had no idea about.

Q. Did you ever pay attention enough to those shots to know what they were tamped with, or if they were tamped? A. We took notice that the shots were tamped with coal, slack coal, that was left there; damp.

Q. Damp slack? A. Yes, sir.

Q. Ever discover any that were tamped for drillings out of their holes? A. No, sir.

Q. Thought the holes were all thoroughly tamped, did you? A. Yes, sir.

Q. Was you in the mine the night of the explosion, or since the explosion? A. No, I have n't been in the mine since the explosion.

Q. What was your understanding in running the fan when you were firing? Did you have the fan shut down? A. Yes, sir; we had it shut down in certain entries.

Q. Had it shut down altogether? A. Yes, sir.

Q. What entries were those? A. First north and second south.

Q. What was your idea for having the fan slowed down? A. It was too close to the fan. There was too much cold air in there, and it was dusty, and we thought that it would be a good idea to shut the fan down.

Q. About how many shots did you have lit up at one lighting then, Mr. Valley? A. Three or four; just depended.

Q. Ever have any more than three or four shots lit at one time? A. Some places that we could n't possibly get out of it, we had to light them. If we did n't it would have been dangerous to go back.

Q. About how many mostly did you have lit? A. Between six and eight.

By Mr. Skidmore: Ques. Mr. Dunn knew the condition of the mine, did n't he? Ans. Yes, sir.

Q. Did you regard him as a good foreman, a good man in charge of the work? A. Yes, sir.

Q. He has the reputation, has n't he—or did have—of being a good mine foreman? A. Yes, sir.

Q. And a capable, competent man? A. Yes, sir.

Q. Now how large are those rooms that you thought ought to have been sprinkled? A. Why, I could n't just say. There were just some of them turned, and it was a back entry like; I don't know just how wide they are.



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- Q. Men working in them? A. Yes, sir.
- Q. And when you called Mr. Dunn's attention to it, he told you that he didn't believe they ought to be, or needed to be, damp, didn't he?
- A. That is what he told me.
- Q. Didn't he tell you that he had had a talk with Mr. Bennett, in which Mr. Bennett told him to go there and have them sprinkled? A. No, sir.
- Q. He did sprinkle what he thought was necessary, didn't he, or what he thought was necessary? A. He sprinkled some of the roads; yes, sir.
- Q. And did he tell you that was all, in his judgment, that needed to be sprinkled? A. That was all he sprinkled; he didn't say any more.
- Q. I thought you said a while ago that he said he didn't think it needed to be sprinkled. A. I did.
- Q. Did he tell you that he had sprinkled all the ground there that he thought needed to be sprinkled; that he didn't think the rooms needed any sprinkling? A. That is what he said; yes.
- Q. Isn't the fire of eight shots at one time a good many, don't you think? A. Eight shots?
- Q. Yes; wasn't that pretty fast firing? A. Just customary rule; a shot-firer would try to make himself as safe as he could without going in rotation.
- Q. If it was necessary you would fire twenty, wouldn't you? A. No, sir.
- Q. I say if it was necessary you would fire twenty, wouldn't you?
- A. We could n't do it. We could n't go over there and put ourselves in cannon.
- Q. I say if you thought it was necessary you would fire twenty? A. No, sir.
- Q. How many would you fire? A. Just what it was necessary to get the men from making windy shots.
- Q. What have you been getting for shot-firing? A. \$2.83.
- Q. \$2.83? A. Yes, sir.
- Q. You told Mr. Bennett recently, didn't you, if he would raise that to five dollars you would go back, didn't you? A. I never told Mr. Bennett that.
- Q. Didn't you say if you could get five dollars you would go back and fire if he wanted you to—didn't you? A. No, sir.
- Q. What I mean to say is, that you have said you would go back for five dollars a day? A. If he would do as I wanted to.
- Q. That is what you wanted Mr. Dunn to do? A. Wanted him to sprinkle the roads and rooms, and keep the dust damp.
- Q. That is since Mr. Dunn was killed that you made that proposition? A. Since?
- Q. Yes. A. I had told him that before I quit, that I would go back if he would sprinkle the rooms also, as well as the entry.
- Q. You quit there before Mr. Dunn was killed? A. Yes, sir.
- Q. And others came and took your place? A. Yes, sir.
- Q. Is that mining district dry? A. Yes, sir.
- Q. Entire district? A. Where, in the shaft?
- Q. No, other mines around there. A. Some is dry and some are not.
- Q. You didn't discover any gas in the shaft, did you? A. No, sir; not while I was there.
- Q. Do you think it was simply the dust the miners make that was in the air? A. Yes, sir.
- Q. They didn't clean it up, or attempt to do it, did they? A. I suppose not. It was laying there.
- Q. Was it their duty to clean it up—keep their rooms clean? A. I don't know whose duty it would be, just so it was damp.
- Q. Whose duty is it to clean out a room? A. The way I always thought it was, the boss or the mine owner would sprinkle the room, keep it damp.



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Q. That would be Mr. Dunn, would n't it? A. Yes, sir; that is the man I always went to.

Q. He was the man that had charge, was n't he? A. Yes, sir; he had charge of the shaft.

Q. And work of this kind ought to be looked after by him, in your business? A. Yes, sir.

By Mr. Charles Dunn: Ques. In firing that entry, how have you fired that entry—that is, the second or third south, how did you fire that? Did you light that all together? Ans. We fired the second south up until they got through, and after we fired the second south went right on out until we got through.

Q. The second south—that is the entry that has just been turned off the south. Did you fire the third south, the straight entry, and the smoke room all together? A. No, I don't suppose they did, those that left them.

By Mr. Orr: Ques. He is asking how you fired that in there. Ans. When I was up and fired that there we lit the third south.

Q. And the smoke room all together? A. It was n't very far then, if we were able to light them.

By Mr. Dunn: Ques. You used to do that before the cross-cut was made? There is a cross-cut in there that would enable you to light that and the smoke room all together? Ans. I could n't say.

Q. Before the cross-cut was in, could n't you light the smoke room and entry all together? A. Where Shank Hardy was, up there, they did n't fire the third south then.

Q. They did n't fire that—what was the reason? A. We were so far ahead that the smoke did not bother us. We could light that room and then walk up there.

Q. Which room? A. Third south. We would light that room and go right up in the first, and after that shot went off we would step right in the third north and go on back.

Q. At that time it was the third south before it had been brushed? A. Yes, sir.

Q. There would be two rooms there together—there would be the third south and the smoke room; that is, Shank Hardy's and the entry room, the third south now? A. No, sir.

Q. Did you fire them singly? A. Yes, sir; we fired that room singly.

Q. Well, there is about 200 feet of faulty entry between the outside room and Shank Hardy's place—is n't that so? A. I never measured it.

Q. You know that is a fact, or somewhere near that? A. I don't know.

Q. There is n't any connection between that outside room and Shank Hardy's, is there—the air must travel down the straight entry? A. There could have been quite a good deal of change since then.

Q. There never could have been any connection between that room and Shank Hardy's, unless there should be some good coal developed? A. That is the only way they could get in there.

Q. If you were firing Shank Hardy's room, one room at a time, the smoke would have to come out would n't it? When you were firing that, would you come out towards the face, or towards the fan shaft? A. Towards the fan shaft generally.

Q. Did you wait until that smoke cleared out, or did you go in it through that smoke to fire the last of it? A. We went up the back entry.

Q. You went up the back entry, firing the inside of it? A. Yes, sir.

Q. Don't you think if there was no shots in the third south entry, but was one in the smoke room, don't you think it was possible for one man to go in there and tamp that shot, split his fuse, and go up there and light a shot in the south entry, and then make it from the fan shaft? That is, could he get there before you think the shots would begin to explode, and light seven shots? A. It would depend on what help a man had there.



Q. Were there always two of you when you fired it? A. Sometimes, yes.

By Mr. Orr: Ques. Did you fire two together down there? Ans. Yes, sir.

By Mr. Dunn: Ques. When you was firing that section of the mine, did two of you go together? Ans. Sometimes, when it was hard to keep from making ourselves seen.

Q. After you fired Shank Hardy's place, after you lit the smoke room and the straight entries west, where did you go? Or did you light the third north on the air side? A. No, sir.

Q. What did you fire, then, after you fired the third south entry and Shank Hardy's place; then where did you start to fire? After you had fired the third south and Shank Hardy's place, where did you fire then? A. We fired the straight south and came on down.

Q. The smoke room in the straight west and third entry are all so close connected, did you fire all those shots at once? How many shots would there be there? Well, you would have to light— When you was firing there there would n't be any other room off of the straight west entry going south. You had nothing to fire when you were there, you say, except the third south entry, the smoke room? A. What, the room?

Q. The entry that I told you was n't brushed was that third south, was n't it? You fired those two rooms, Shank Hardy's and the one south of it, did n't you? A. Yes, sir.

Q. And then you went to the fan shaft and waited until those shots went off? A. Went towards the fan.

Q. Then you came up the air-way, the straight west smoke room to the main entry, back up inside of those two rooms that had been fired; then you fired the straight west? A. Yes, sir.

Q. Then you would have to go through and fire the straight west smoke room, would n't you? A. Yes, sir; if it was right close.

Q. The smoke room and the straight west are running parallel with each other. Now, there were always connections every forty feet, or what is supposed to be? A. Sometimes we did, and sometimes we did n't.

Q. If you did n't, was it because the conditions was n't favorable? A. I suppose so.

Q. Did you suppose the ones you had fired in the entry, that had traveled over the entire distance of the cross-cut, that you was violating the law and endangering your own life? A. We knew that.

Q. How far did this entry go over the specified distance of making a cross-cut? A. It was n't, I suppose, over fifteen feet.

Q. Then they started to making a cross-cut? A. I don't know; I quit in between then.

Q. Would you fire the straight west entry and the smoke room together then? A. Sometimes we did, until we got up a little too far.

Q. When it was too far to make a run around? A. Well, now, just supposing you could only fire the straight west entry, of course you could go down—yes, sir.

Q. Well, then, did you light the smoke room and the main entry, or all the rooms? A. We lit the back entry and that room together; that is what you call the third north.

Q. Well, there is two rooms called the third north then. Then there was the smoke room, one room, and what is now called the third north entry? A. Yes, sir.

Q. Did you light them all together? A. Yes, sir.

Q. And did you do that yourselves? A. Yes, sir.

Q. Yourselves, two of you? A. Yes, sir.

Q. And then where did you run—down the main entry or the air-way? A. Down the main entry until we got to the second north.

Q. Was the second north brushed? A. Yes, sir.

Q. The outside air-way that is running—is there any connections with any part there at all? A. There is no cross-cuts there at all.

Q. There is no cross-cuts there at all? A. No, sir.



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Q. After you get into the straight west air-way; when you lit those shots could you always make it in there to safety before you made those shots go? A. Yes, sir.

Q. Two of you could do that easily, could you? A. Yes, sir.

Q. Did you have much time? A. We would just sit down.

Q. How much fuse did the men usually leave for you? A. Some of them left between four and eight inches.

Q. From four to eight inches on the outside of the hole? A. Yes, sir.

Q. Well, now in your judgment of a shot, you had sometimes short shots, say a four-foot shot? A. Yes, sir.

Q. What kind of a fuse did they leave for you then? A. If the shot was left for us to tamp and there was n't four foot of fuse on there we would n't fire it.

Q. How did you determine there was four feet on it? A. We supposed.

Q. Supposing there was a four-foot chance, now they could n't tamp half of the powder and tamp four foot of fuse in the shot unless they had that fuse running right in the powder. Do you believe it is better for a fuse to be right to the bottom of a cartridge than just to be put in a certain length and leave the most of the fuse on the outside? A. Just because they put it way in the cartridge, it is not dangerous to tamp a fuse when they put it way in the powder.

Q. Would you like to light a shot where the fuse was running right down and expect that fuse to set off the powder—the burning fuse running down that powder? Would you consider yourself safe? A. We would consider ourselves as safe as possible.

Q. If you was to meet with a shot that only had a poor chance, and say there was about a two-and-one-half-foot or three-foot hole in it, what would be your judgment as to the amount of powder that would be in that shot? A shot that would have a four-foot chance and a three-foot hole with it, what would be your judgment as to the amount of powder that would be put in that shot to fill it? A. About a foot and a half.

Q. One foot and a half of powder? A. Yes.

Q. In that coal out there? A. Yes, sir.

Q. A four-foot chance, as you say, and a three-foot hole? A. Yes, sir.

Q. Suppose you would put the shot in square and you would n't give your machine any show to lift at the hole, the point of the shot? That is, what you stated, that the shot had a four-foot chance, the point of your shot would just be as thick as the heel? A. Yes, sir.

Q. Your opinion would be that a foot and a half of powder would be sufficient to pull that? A. That is according to the thickness of the coal; yes, sir.

By Mr. Orr: Ques. What do you term a windy shot? Ans. It is a shot that don't do anything but gripping and powders.

Q. Powders how? A. A windy shot can be caused by a shot that has not got enough powder, or it can be caused by a shot that is containing too much powder, or it can be caused by a gripping shot,

Q. What would you call a shot that was gripping considerable on the solid and just came back out of the hole; blew the tamping a little piece out and came back—didn't do its work in the hole? A. I would call that a windy shot.

Q. Did you ever have any of those kind of shots that didn't cause any wind, any extra amount of wind, more than the ordinary concussion from the shot? A. I have had some shots that were pretty windy on account of being slack of powder.

Q. Did you ever have any shot of that kind I spoke of that would cause a little more wind than a shot that would comparatively do its work? A. Sometimes they do; sometimes they don't.

Q. A shot ain't always a windy shot then that is drilled in on the solid, is it? If a shot has not had a chance, it is bound to be a windy shot? A. Bound to be a windy shot?



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- Q. Yes. A. Sure, if it has n't got a chance to pull.
 Q. You have always found that they created an extra concussion?
 A. Yes, sir.
By Mr. Dunn: Ques. You used to work in No. 6, did n't you? Ans. Yes, sir.
 Q. How old was you when you worked in No. 6? A. I was about twelve years old.
 Q. Twelve? A. Yes, sir.
 Q. Well, you would n't hardly be able to judge then. You used to work in No. 11, too, did n't you? A. No, sir.
 Q. Never worked in No. 11? A. No, sir.
 Q. Did you use to work in No. 8? A. Yes, sir.
 Q. Don't you think the work in No. 8 is something similar to No. 11?
 A. Yes, sir.
 Q. Was n't that work over there where you are working now—are you working at Bennett's now? A. Yes, sir.
 Q. Did you ever dig any coal there? A. I dug one day.
 Q. Don't you think the coal over there at Bennett's is of a different nature than that at No. 8? A. Yes, sir.
 Q. How old was you when you worked at No. 8? A. About sixteen years.
 Q. Don't you think it would take more powder to pull a shot in that work going west and north there, of this work, than it did to pull that work there in No. 6 or 8, or around in there? A. There are some places in that shaft that it would take a whole lot of powder to pull that.
 Q. How do you know? A. In the tamping of shots.
 Q. How did you know? You never dug any coal there; how did you know that these shots would do that? Had you dug more coal there, tamping these shots, you would see the amount of powder it would take to pull that shot; but then, you don't know whether the amount of powder would be sufficient or not. A. It looked like it would be sufficient to me.
 Q. How did you know it would take more powder than it did at other mines? A. You could see whether the shot was working or not.
 Q. You were satisfied it took more powder there than it did any place else? A. Yes, sir.
 Q. What do you think was the reason of that? A. Because it was kind of tight, split at the bottom, slack.

FRANK BLANKENSHIP, being produced, sworn, and examined, testified as follows:

By Mr. Orr: Ques. State your name to the stenographer. Ans. Frank A. Blankenship.

- Q. Where are you employed, Frank? A. Bennett's No. 1.
 Q. You working there now? A. Yes, sir.
 Q. How are you employed? A. As a shot-firer.
 Q. How long you fired shots there? A. About two months and two days.
 Q. You ever fire any shots anywhere else besides Bennett's? A. Yes, sir.
 Q. Where? A. Crowe's No. 3, and No. 7 Central, and No. 2 Crowe's.
 Q. About how long you fired shots, Frank? A. About six years.
 Q. You say you are firing at Bennett's mine now? A. Yes, sir.
 Q. In your opinion, what has been the condition of that mine since you started to fire there, Frank, in regard to being dry or dusty? A. Well, it might have been in the shaft. There has been a pretty peculiar condition there for being damp; it was rather dry there.
 Q. You ever consider it was dangerous—dangerously dry? A. Yes, I have considered it was dangerous at times.
 Q. Is there any amount of dust, or extra amount of dust, that you thought could have been avoided? A. Yes, sir; there was.
 Q. Did you ever make complaint to the mine foreman or superin-



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tendent at the time? A. Yes, sir; I made a complaint to the mine foreman at the time.

Q. In what way did you make a complaint? A. I went and told him it was too dusty there and I would like him to sprinkle; that it was dangerous for me to work in there—I could n't see myself safe in working down there in that dust.

Q. Did he comply with your request in making these complaints? A. Not at first; he told me there was n't any dust in it. But afterwards I told him I would quit if he did n't, and he went to sprinkling.

Q. What portion did he sprinkle? A. Just the main entry.

Q. Sprinkle any rooms? A. Sprinkled the mouth of a couple of rooms there.

Q. Did you think that that was all that was necessary to sprinkle at that time? A. No, I did n't think it was all that was necessary.

Q. Did you quit then? A. No, I did n't quit; just got after him to sprinkle some more.

Q. Did he sprinkle the rooms then? A. No, sir; never sprinkled the rooms—just the main entries.

Q. Did you ever make complaint to the manager or superintendent of the company that the mine foreman was n't complying with your request to make the shaft safe, or the mine safe? A. I never said anything to the superintendent that he was n't doing it, but I am certain I spoke to the manager once or twice about having it sprinkled.

Q. You spoke to the manager? A. Yes, sir.

Q. Did you make the same request of him you did of the mine foreman? A. Just simply asked him to have it sprinkled.

Q. What was his answer then? A. He said he would have the pit boss have it sprinkled.

Q. Was it done then? A. Yes, sir.

Q. Rooms sprinkled then? A. No, sir.

Q. How long is it since there was any sprinkling done, to your knowledge? A. It has been about three weeks, on the west side. Of course they had to sprinkle on the east side, because there is a water-haul.

Q. Do you know what method they used in sprinkling? A. No, I can't say particularly, but I think it was a box.

Q. Could they get that box into the rooms? A. I don't know.

Q. Since you have been firing there have you ever had any explosions, or what they term windy shots? A. Yes, sir; I have.

Q. You have had, you say? A. Yes.

Q. Where did they generally occur, or did they occur at any particular place? A. They did occur, for a while, on the second south, and then they changed from there right up straight west.

Q. Could you give any reasons for their occurrence in any of those places generally? A. No, I could n't say; that it was too much powder, that is the way I think it was. I tried to find out last night what was the cause of it. It came last night from the same place I have been thinking it was from. I could n't say.

Q. What makes you think, then, it would be too much powder? A. Just because I could n't see any reason for the windy shots but too much powder; because they did n't seem to be on the solid in any way, and he has his shots all sheared—so I just supposed he must have too much powder.

Q. He fired there again last night, you say? A. Yes, sir.

Q. Was there any dust there last night, or any dust made? A. They had been sprinkling there last night, and no dust lit.

Q. Where did they sprinkle last night? A. Just sprinkled the entries.

Q. Sprinkle any of the rooms? A. Not that I noticed.

Q. Pay any particular attention to notice? A. I did pay particular attention upon the face north. I seen some water up in the entry there; don't know whether it was sprinkled there or not.



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Q. And did those windy shots you had last night occur entirely then on the straight entry? A. Just on the straight entry.

Q. Where the watering was done? A. Where the watering was done.

Q. Well, to what extent were they? A. It was n't very great last night; I don't suppose the fire went any further than about seventy feet.

Q. Do you think the water had any effect on it, then, on that entry?

A. I don't know whether just the sprinkling on the ground had any effect, but the steam they put in I think had some effect on it.

Q. They had some steam in there, did they? A. Yes, sir.

Q. You think that steam checked it from being another explosion, do you; seemed to have checked it from what it was on Monday night? A. From the sound of the shot I thought that if it was n't the same that it was Monday night, it would be near it.

Q. How many shots did you have lit up there last night, Frank, in one lighting? A. From three to five.

Q. Did you wait until those shots would go before you would light any more? A. Yes, sir.

Q. How many shots did you have when that windy shot occurred? A. Three.

Q. Where were they? A. They were in—I don't know whether it was the smoke room or not—the room right above the third south, on the south side, above the third south.

Q. How far is that room in? A. About twenty feet—something like that.

Q. Well, how did you get back into the straight entry, then, when that occurred; did it create any after-damp or bad effects? A. The after-damp was there all right. I waited awhile and then went up the back entry, the smoke entry.

Q. Did you fire that portion of the mine yourself? A. I fired the first three places.

Q. How many of those shots in there, as a general rule, do you have to tamp yourself? A. Well, I average about fifteen of a night.

Q. In that straight west? A. In that straight west.

Q. What seems to be the condition of those shots? A. Well, all that I tamped seemed to be pretty good shots. Some of those—those that are not good I don't tamp.

Q. Did there seem to be any gas in many of those places? A. Haven't seen any gas since I have been in the shaft; just a small bit of it.

Q. Did you light it? A. It lit itself. I did n't know it was in there.

Q. Do you leave many shots you think is n't safe? A. No, I don't leave so many. Don't think I have left over six since I have been in the shaft.

Q. What do you term a windy shot, Frank? A. I have n't got much to say about it, because I don't know what a windy shot is until I get it; but then I think that a shot is either too small or has too much powder in it. I would think that would make more wind; at least I have experienced that it has made more wind than some that is on the solid.

Q. Then you consider a shot that is drilled in on the solid a shot that is out of proportion in all cases? A. No, sir, I don't.

Q. Have you ever been in an explosion in any of these mines around here that you fired that the shots have apparently done good work? A. Yes, sir; I have.

Q. What mine was that? A. Mine No. 3, Crowe.

Q. Did you know that the explosion came from those shots? A. Yes, sir; I did.

Q. And did you attribute any other cause for the explosion at that place whatever than improperly prepared shots? A. Nothing but gas or dust.

Q. Was there any gas there? A. Yes.

Q. What explosion was that at? A. That was the time Jake Shell got burned.

Q. What was the reason that you didn't go out to fire shots last

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Monday night? A. Mr. Martin told me here in town that there was no work.

Q. You didn't go to the mine at all? A. Not at all.

Q. You don't know whether your buddy went out or not, do you? A. Not me; I don't know. I heard he didn't.

Q. Would you have went out and fired that night if you had known there was work? A. Yes, I would have went out if I had known there was work.

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

Q. Have you based any opinion as to what was the cause of the explosion? A. No, I haven't.

Q. You examine any of those shots that was fired on Monday night? A. No, the shots that was fired on Monday night, I didn't see them; I did notice in one, though, a big, long gun, but I don't know whether that shot was fired Monday night.

Q. What place was that, Frank? A. That was in the room just on this side of the third south.

Q. On this side of the third south? A. Yes, sir; the left-hand side.

Q. Whose room is that? A. I don't know.

Q. Well, do you think those shots could have been lit from there on up to the head of the straight west entry at one lighting? A. They could have been lit at one lighting, but a man is in danger when he does it.

Q. It is possible for him to light those, then? A. Yes, he can light them.

Q. Do you think it would be very likely that he would come back along the main entry after lighting those shots in the straight entry? A. After lighting those shots he would have to come out in the main entry.

Q. He would n't necessarily have to come out on the main entry after lighting those unless he lit back from the face? A. Most everybody lights back from the face, after lighting those shots.

Q. Was that your custom in lighting those places in there? A. Not always.

Q. You never lit them all at once? A. Never lit all that is there now at once.

Q. Did Mr. Dunn know your custom of firing those places up there, the method you used in firing? A. I guess not.

Q. He never asked you how you fired those places, and you never told him? A. No, he never did ever tell me.

Q. He never was in the mine with you at any time you was firing, was he? A. No, sir.

Q. Did he ever have occasion to caution you about firing too many shots at once? A. No, he never did.

Q. Well, do you think that if those rooms had been watered to your requirements, and that entry, that that explosion would have occurred as severe as it was? A. No, I don't think it would.

Q. You think that would have checked it? A. I think that would have checked it. Yes, I think that would have checked it if it had been watered as I required it. It would n't have had any dust to gather.

Q. Well, have you been shown, or do you know about, the point where they found Mr. Dunn? A. Well, I have never been shown, but from where they told me I know it.

Q. How far is that, then, from that back entry? A. How far is it from the back entry?

Q. Yes. A. Well, he could get in the back entry about thirty feet.

Q. I mean the back entry from the third south. A. That is a long way. I don't know exactly how far; could n't reckon that.

Q. You could have some judgment. A. Can't never have any judgment. Every time I pass there I pass so fast that I don't have time. It could n't be less than seventy feet.

Q. Seventy feet? A. It could n't be less than that.



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Q. Then you are of the opinion, then—you think he must have lit from the face back and lit those places? A. Yes, sir.

Q. About how many shots would he have lit there at that lighting? A. I don't know. I can't tell you about how many shots there are regularly; there would be about thirteen shots down to there regularly.

Q. Thirteen shots? A. Yes, sir; about thirteen.

Q. You think he could light that many shots in the position they would be in then? A. I knew he could light them.

Q. Do you think that would be a safe amount of shots to light? A. I know it would n't be safe, because the first shot would commence going off just as soon as you got out on the entry.

Q. With the system they have adopted there now, Frank, do you think the mine is safe to fire now? A. Yes, I think it will be.

Q. Did you fire a shot last night, Frank, in that left-hand place off the third north, splitting shot, in there? A. I did.

Q. Was that hole tamped for you? A. Yes, sir.

Q. You don't know what powder there was in there, do you? A. No; but I heard the powder burning after the shot had gone.

Q. Heard it burning? A. Yes, sir.

Q. Do you think it had enough of powder, or too much, or too little? A. I could n't tell nothing about it. I could n't see the powder.

Q. Do you think that shot was properly made when you looked at it? A. The shot sounded all right, but there was powder burning after the shot had gone off.

Q. Well, from the amount of powder that was left with you to tamp wet holes with, how much powder would you put in that shot? A. I put about twelve inches of powder in there.

Q. What seems to be the general usage and custom of tamping the shots there? A. About how much powder they use?

Q. No, in the tamping of them. A. Well, now, they use coal now.

Q. How long have they been using that? A. Some of them have been using it now for a little over a month. I was tamping there one night and found the dummies all filled with drill dust. We pulled it out and reported it, and it is stopped now.

Q. They all use dummies to tamp with, do they? A. I suppose not. All I use is tamped with dummies.

Q. Do you think it can be tamped properly with dummies, not if you have got too many of them? A. Too many; what do you mean by too many?

Q. Five or six dummies to a hole. How many dummies do you consider they ought to tamp with? A. I use two.

Q. You use two dummies? A. Two dummies, and fill the rest with damp dirt.

Q. What length are those dummies they generally use? A. About eight or ten inches.

Q. Do you think they can tamp them solid with those dummies? A. No, I can't; because I crush this end of the dummy as soon as I go to tamping.

By Mr. Dunn: Ques. How many shots did you have up in there last night, Frank, from Shank Hardy's? Ans. Three, four, seven, nine, twelve.

Q. How many shots did Shank have? A. One.

Q. How many was in the entry; the third south? A. Two in the entry and one in the room; about four.

Q. How many was in the main entry? A. Twelve shots.

Q. What was the highest number of shots you had lit up there in from Shank Hardy's at one time? A. Five.

Q. Well, where did you have those five lit? A. In the entrance to the main west entry and the room next to it.

Q. That room on the outside; you fired the inside room and the entry; the outside room—did you fire it alone? A. Fired it alone.

Q. How many of those places did you fire at one time; that is, when



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you first commenced to fire Shank Hardy's, the third south and that room, did you fire the three together? A. Yes; the room on the third south and the third south entry and Shank Hardy's place.

Q. How many was in the third south? A. Three shots in the entry.

Q. Two in the room and one in the entry, along in the brushed entry, and one in Shank Hardy's place? A. Yes.

Q. That was four shots? A. Yes.

Q. Did you light them all together? A. All together.

Q. And after you lit them you went out to the second north, did you? A. Yes, sir.

Q. Did you go in that room? A. No, I did n't go that far down.

Q. Do you know of any other place between that room that James McTavish was working in and that room? A. Two places.

Q. And you went into one of those places, did you? A. Yes.

Q. After those shots went, how did you go? Did you go straight up the main west entry? You went out the second north and up the main air-way? A. No.

Q. Did n't that smoke force you down the main west entry? A. You have got me mistaken. I was n't on the south side of the entry at all. When I lit those shots I went in the third north and down the air-way; went right down the air-way. There is a switch below Shank Hardy's place, and I went in that room and waited.

Q. That is on the north side? A. I was on the other side from Shank Hardy's.

Q. You must have went to the third room and down the air-way. A. That is what I mean.

Q. And then you came up there again and lit that room on the inside? A. The first room.

Q. How many shots was in there? A. Three.

Q. And you came back in the same place and — A. Went down the air-way again.

Q. Then you came back and lit the straight entry and the room? A. Yes, sir.

Q. Is there any connection? The smoke room, you understand, is on the right-hand side of the entry. A. There is a connection right there in front of the inside room, inside of this room I have just lit; there is a hole through right there.

Q. You lit those five shots and went back to the same place? A. Yes, sir.

Q. After you came back, did n't the force of those shots blow any smoke through that connection into the cross-cut and that other room? A. Yes, sir; but not much.

Q. What did you do then? A. I sat down.

Q. Then what did you light? A. I lit the smoke room then and the room off the smoke room.

Q. That room off of the smoke room—is that the room where the splitting shot was? A. Yes, sir.

Q. How many shots was in those places? A. Five.

Q. You lit the five? A. Yes, sir.

Q. Then how many rooms is there in there? A. One more.

Q. Then you just had that one room in the third north entry to light? A. Yes, sir.

Q. How many shots was in there? A. Four.

Q. And you are supposing that that splitting shot there was the shot that gave off fire and you heard burning? A. Yes, sir.

Q. How do you think that was the shot after the five shots you had lit? A. Because I know just how I light a shot, and I have fired enough to know just how I fix the fuse; and the rest of the shots was all right, and that shot, it had been drilled out, and I knew that must have been the shot that had been fired.

Q. Did that shot go last, Frank? A. Yes.

Q. What makes you think it was the last? A. Just because it was the last I lit.

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Q. Why did you light that shot last, if there was five shots in there—three in the smoke room and two in that room? You must have been doubling on your firing to have fired that shot last. To take care of your own safety you would start to light on the inside rib next to the main entry, wouldn't you? A. No, I don't light that way. Well, now there is a shot right there inside of this shot, and this is a long fuse on this shot and I feel skittish about this shot, and I light it last.

Q. Well, you see in lighting five shots you are not able to judge the amount of fuse that is on there; but if you were trying to take care of yourself why would n't you light that first, knowing that it would have a greater disposition to burn before lighting that shot, rather than lighting the rest; but the long one, that would give you the greatest chance to get away—why didn't you light that first? A. I knew something of this shot before I went there.

Q. Was n't it because you knew there was a long fuse on that shot that you waited to light it last? A. No, sir.

Q. You did n't think it was a safe shot? A. No, sir.

Q. Then why did you fire it? A. I did n't say I did n't think it was a safe shot, but I did n't think there was enough powder in the shot, but I thought the right amount of powder might have been put back in.

Q. Do you know the man that worked there? A. No.

Q. Do you think from the appearance that he was a reliable miner? A. Yes; I could n't tell which one that shot belonged to, anyway.

Q. You would naturally think it belonged to the man that worked in that room? A. No, I would n't say it belonged to him, because it was n't marked for him.

Q. It was n't marked for him? A. No; three shots marked for the smoke room, and two of them was in the smoke room and one in the room off the smoke room, and that shot—

Q. Well, that shot was in the cross-cut between the cross-cut and the room you spoke of off the smoke room? A. Both of them was off the third north; there was only five shots in three places.

Q. You said you only lit two—the room off the smoke room and the smoke room. A. I am just trying to explain.

Q. That would be three places. How many shots was in this third place? There was three shots in the smoke room, two in the room off of the smoke room, was n't there? A. No; it was three shots marked in the smoke room; that means one off the room for the smoke room and two in the next room, which makes it five.

Q. Well, then, there was those five shots in three rooms that you had to light? A. Yes, sir.

Q. Well, then, you believed that you could rely on this man; because his shots had been prepared in nice shape previous to this, you were satisfied that he was a good, practical miner? A. Yes.

Q. Well, then, you entered the smoke room first to light, didn't you; that is where you started to light; there was two shots in the smoke room and one off the smoke room? Wouldn't you start to light on the left-hand rib of the smoke room; that is, provided that his first lighting shot was on that side, and supposing this being the left-hand side, you would light that shot first and come out in the other room off of the smoke room? And then when you was traveling through the room—there was a shot lit in the big room, was n't they? A. Yes, sir.

Q. You say you lit that room first? There was another shot inside of that shot; then you must have lit that shot last; that is, allowing you was taking some precaution yourself, you must have lit the smoke room, lit the shot off of the smoke room, then doubled on your tracks to light the other; and then came back across this one that you had lit again? A. That's what I did.

Q. What made you scared of this shot? According to your own statement, you thought that that shot had been prepared different from what it should be. This shot was a light shot, according to your judgment, and you consider yourself a practical man, don't you, Frank? You



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would have about twelve inches of powder in that shot? A. Twelve or fourteen inches.

Q. That shot had a six-foot chance, did n't it, Frank? A. Yes, sir.

Q. And there was a cut of one and one-half feet in that shot, was n't there? A. It was all right if it had had good—

Q. You don't know, but you judge that there was twelve or fourteen inches of powder in that shot. Well, if it had a six-foot chance and a six-foot hole, you would judge that it would have five feet of fuse on there; therefore you could n't judge how much of fuse was on it? A. No, sir.

Q. Now, would n't it have been much safer for you—don't you think it would have been much safer for you to have lit that shot after you had lit the first two shots in the smoke room, knowing that that shot was in the first room altogether, the shots that you had lit? You see by doing that you was running away from the shots, and by doing the way you have done; that was giving you ample time to get away. A. Well, I just naturally felt safer in doing the way I was, because right in front of this shot I could turn right on up the track.

Q. How do you mean you could turn right up the track? A. Turned away from this middle shot. But if I had lit this shot first and gone right on up—

Q. After you had lit this smoke room you traveled in off of the smoke room, did n't you? A. Yes, sir.

Q. That is, the smoke room is running parallel with the straight west? A. Yes, sir.

Q. Well, then, this room off of the third north, that is the third room that you would light; after you had lit this last shot you would have to come out of that room, out of the third north, and then go down the air-way? A. Now, I was in that room yesterday morning, and I never found any coal there yesterday morning, and I know there was n't any shooting done until last night.

Q. Well, now here—those rooms from this outside place that is working, McTavish's room, it is just about to stop; isn't it true that it is a distance of nearly 200 feet, or perhaps more, from that to the face of the straight west entry? A. Perhaps it would be 300 feet.

Q. Well, then, how far is the third south entry, according to your judgment, off of the main west entry? A. The third south?

Q. Yes, sir; the third south. A. I guess about forty feet.

Q. Well, how many rooms now is there off of the third north? A. Including the smoke room, there is three; two on the left and one on the right.

Q. Which side of the entry is the smoke room on? A. The west smoke room, the straight west smoke room, is on the left hand. I don't know which one; I guess it must be the one on the right-hand side of it.

Q. Well, listen here, Frank; you know how the air current must travel. A. The air current comes right up there in the right-hand room there.

Q. All of these rooms, in your judgment, that are turned off of the third north entry, what is the furthest distance that either one of these rooms are in off the main entry? A. Well, now I could n't judge how far that room is off of the entry—there is not over eighteen feet.

Q. Well, then, according to your statement here awhile ago, you did ask the pit boss to sprinkle the entries, and you say he did that? A. Yes, he did it after a while.

Q. Well, then, if he sprinkled the entries there ain't none of those rooms in a sufficient distance to accumulate much dust; and by sprinkling the entries—if you was to give the entries a good, thorough sprinkling would n't that, by saturating or moistening the dust on the entries, would n't that be equivalent to the rooms? A. If he did that, and kept it up, it would be all right. He would sprinkle one day, and whenever you would get after him he would sprinkle them again; because, he explained it to me in this way, that any shaft around here has more dust



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than that shaft has. I explained to him that where the entries was it was thick with dust. He would tell me to go to such a shaft, and if they was n't sprinkled there was more dust than there was in this place. He just did n't think it was necessary to sprinkle at all.

Q. Did you think yourself, Frank, that the danger and the risk was so great that you took it upon yourself that you would go around and make an investigation of the mines where they sprinkled the roads at regular intervals? A. It was n't that. Because other people was oftentimes coming and speaking of it, and then to prove to him that what I said was true.

Q. Of course you always hold the highest price on your labor, and will accept the highest price that you can get in your line of labor? A. I have refused it last month.

Q. Was it because you thought the danger was greatest? A. No, it was not.

Q. Did you tell the pit boss that you had been offered a bigger price? A. I did.

Q. What did he say? A. He never made any answer.

Q. Did you tell him that you thought the conditions in that mine were such that the chances were greater than they were in other places, and that the conditions at that mine would warrant you in asking for higher wages? A. I did.

Q. It was just because you was looking after your personal safety that you was making this complaint to the boss about the condition of the roads being so dusty; that you did n't have any selfish motive in asking for higher wages? A. It was just for my safety.

Q. And because you did n't think it was safe in not sprinkling the roads? A. I did.

Q. Some of the remarks that you have made kind of reflects on the management—that you are giving to the state mine inspector—kind of reflects on the management. A. Look how long it was before he did it. Well, he did do it to comply with my wishes after I said I would quit that time.

Q. Did you like Jim? A. Yes, sir.

Q. Would you rather work for Jim at a little less price than you would for anyone else? A. I did do it.

Q. Just because you liked Jim? A. He had sent for me to come over here, and I wanted to stay with him.

Q. Ain't you satisfied, Frank, that those rooms not being very far off of the entries and Jim sprinkling the entries, that you thought that was sufficient—and really was n't it sufficient if he would sprinkle the entries for a distance of 300 feet? Now from there out in the rooms that had traveled any distance, or underwent any distance, it was a distance of what you judge to be about 300 feet? A. Yes, sir; I would say about 300.

Q. Well, then, if the distance was 300 feet, Frank, now in this section which he had sprinkled up in the west entry—you considered that that was about the most dangerous place—that was where you were expecting the explosions to occur? A. No, I expected the explosions to occur at the first entry in the south.

Q. Well, then, you say from where. A. Well, then, from there, if he would sprinkle the entries sufficiently for to moisten the dust for all that distance of 300 feet.

Q. Supposing—don't you suppose that that would be sufficient for to obviate any danger that might occur then from windy shots in the straight west entry? A. If he did this regularly, as I requested. I told him to sprinkle every day until it got perfectly damp, then he could lay off some; and he did n't do that.

Q. Well, about how often do you think, in your judgment, he sprinkled? A. He sprinkled three times from the time I started to work there until this explosion. The shaft has been sprinkled three times since I have been there, with the exception of yesterday.

Q. When he did sprinkle, did he do it thoroughly; that is, give them



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a good sprinkling; that is, so you thought that it was all right? A. No, not at all times; once he did.

Q. Well, then, when the mine was working, was it possible for him to get water up there in sufficient quantities for to give that dust a proper drenching to lay that dust? Do you think it was possible for him to do that; that is, for helping the protection of the men—that is, when they were working? A. I don't know. I could n't tell you exactly how long. It run all the time.

Q. Don't you think that might have had something to do with it, and him not sprinkling as regularly as you thought was necessary? A. It might, on certain days, had something to do with it.

Q. Well, if the mine had been running, Frank, what time do you go down in the evening? A. Half past four.

Q. Don't you think it would have been better for you to have said to Jim that you would lay out there and wait for the mine to be sprinkled before you went in there to fire? A. I laid out that half hour of the time; he compelled me to.

Q. What is their quitting time—four o'clock? A. Four o'clock was; they have changed it.

Q. In thirty minutes do you suppose he could take water up there in sufficient quantities from the time the mine had quit until you went to work? A. He could have dampened it lots. In a few days he could have had sufficient moisture.

By Mr. Orr: Ques. Do none of those rooms in there, Frank, go in over eighteen or twenty feet? Ans. In the shaft you mean?

Q. In that west section. A. Yes; some in there over eighteen or twenty feet in the west section.

Q. Where are those places you had reference to that are not in over eighteen or twenty feet? A. On the third north.

Q. Well, where is there any of the rooms that are in further than that on the west? A. Any further than that?

Q. Yes; what is the furthest distance your rooms are in there on the first entry? A. I don't know. There is two rooms on the south side that are in quite a distance; don't know how far it is.

Q. Any idea how far they are in? A. No; haven't any idea. I know I can come in from the second south; come right up the second or third room from the mouth of the entry and come in the face of the rooms.

Q. One hundred feet, or 150 feet? A. Can't tell.

Q. Ain't over twenty feet, are they? A. Yes, sir.

Q. Over fifty? A. Yes, sir; I guess.

Q. Well, when you requested those rooms to be watered, was it those rooms that were in twenty feet, or did you make any special provisions? A. No.

Q. You wanted all the rooms watered up to the face? A. I wanted them all watered; didn't care whether they watered them up to the face or not.

Q. Did you consider it was necessary to water them to the face? A. Yes, sir; it was.

Q. Well, did you consider that watering the entry was sufficient on those places that were only eighteen or twenty feet in? A. Those places that was only eighteen or twenty feet in? Yes, I suppose that would have been sufficient, because there is never more than two of them at a time.

Q. Do you know the reason that Mr. Valley quit firing with you? A. No, not particularly; I heard him tell Mr. Dunn one evening that it was the last time he was going to tell him to sprinkle.

Q. Did n't tell anything to you? A. No, only that he was going deaf.

Q. Going deaf? A. Yes, sir.

Q. Did he say on one occasion that if he did n't sprinkle them he was going to quit? A. Yes, sir.

Q. Did he sprinkle them then? A. No, sir; not while he was there.



Q. Did you and Mr. Valley fire together when you were firing? A. A portion of the mine.

Q. What portion? A. We started in the first north; fired the first north, second south, and a portion of the west; and then we would go over and fire east.

Q. And fired the balance of the west yourselves? A. The balance of the west ourselves. For a while we fired double all the way around when I first went there.

Q. Since you have been firing there, has there been any time that there has been sufficient fire made by those shots to go up the shaft? A. I don't know; I guess not, because it didn't go up there.

Q. Do you think that if they were using squibs there instead of fuse that it would make that mine safer to fire? A. No, I don't think so, because I am afraid of squibs.

Q. Why are you afraid of squibs? A. Because I got hurt with them.

Q. Where did you get hurt with them? A. In mine No. 2.

Q. How did you get hurt? A. I don't know. It just went off.

Q. How long did you fire with squibs? A. All the way from 1899 up until they put on fuse.

Q. Do you think if you were firing squibs you would have a better opportunity of knowing the condition of a shot? A. I think I would have a better opportunity to know the condition of a shot.

Q. Would you know if the shot was ever tamped? A. Yes.

Q. Don't you think it would be a little safer? A. Yes, sir.

Q. You prefer the fuse, don't you, Frank? A. Yes, sir.

Q. For the simple reason that you can get out a little quicker and do your work a little quicker? A. Yes, sir. If I have got squibs; if I have got fuse I have n't got no blame on me at all.

Q. If a man has a false tamped hole that would be his lookout; that would n't be yours? A. He would n't look at it that way.

Q. Any more than you could do your work a little more rapidly than with a fuse? A. I am naturally afraid of squibs. One went off on me.

Q. Never had any fuse that went off on you sooner than you expected? A. I have had some go off on me sooner than I expected, but not with me in the room, though; and squibs has done that.

Q. Don't you think that as a general rule there has been more shot-firers killed and hurt and accidents happened to them since they started to using the fuse than there was with the squibs? A. I don't know. There has been more killed right around in here, I think. You see everybody that gets killed is not shot-firers that goes down and lights the fuse; just somebody goes down to make a dollar or two and gets killed.

Q. They are shot-firers, aren't they? A. No; just going around to take the shot-firers' places.

Q. Then they would have to be shot-firers if they fired the squibs, wouldn't they? A. Yes, they would have to be shot-firers.

Q. That would prevent that then if that was the case, would n't it?

A. I don't know; sometimes shot-firers get killed that fires with squibs.

JOE KING, of lawful age, being produced, sworn, and examined, testified as follows:

By Mr. Orr: Ques. State your name to the stenographer. Ans. Joe King.

Q. How are you employed, Joe? A. Shot-firer.

Q. Where? A. Bennett's mine No. 1.

Q. How long you been firing shots there, Joe? A. How long?

Q. Yes. A. Just started there this month.

Q. First of this month? A. Third.

Q. Ever fire shots anywhere else? A. Never had regular job firing shots, but I have fired some.

Q. What portion of the mine did you fire? A. Where, at Bennett's?

Q. Yes. A. When I first started I helped to fire all over, but now on the east side, and a small portion of the west, the first north and



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second south, in a room between second and third; that is as far as I fired.

Q. Did you fire these places singly? A. Me and Frank go together.

Q. Does Frank go with you on the east side? A. No, sir.

Q. Did you ever fire up in the straight west at the face of the entry?

A. No, sir.

Q. Never fire any of that? A. No, sir; Frank would always fire that when he and I was together. I would light the third south while he would light the straight west.

Q. The straight west? A. I think it was the third south.

Q. Did you do that as a regular thing? A. When him and I was together I did.

Q. Did you go together pretty regular? A. Went together three nights, I believe; then we separated.

Q. Did you have any explosions or windy shots there any of those nights? A. Had one windy shot that I heard from when him and I was together.

Q. Where was you when that happened? A. Down there on the right-hand side entrance. Don't know what you would call that place; smoke room, I guess.

Q. Where was that old room? A. It was the first switch on the left-hand side of the entry outside of the second south, I believe; I guess it is the first entry that turns off of the south.

Q. Well, how do you know there was an explosion, Joe? A. Only from the wind. I know it made enough racket. I did n't see any fire. I haven't seen no fire since I commenced shooting.

Q. How are those places in there—dry, dusty, wet, damp, or how? A. Over the west side it seemed to be pretty dusty everywhere. On the east side it did n't seem very dusty; on the east side there was water enough to swim in almost.

Q. Did you ever fear firing those shots on the west side? A. No, not much. I was afraid enough to light them to get clear out of the way before I let them go.

Q. Where did you think you would get to? A. I would fire the first north and when those were going would fire the second south.

Q. How far is that first north in? A. How far is it in?

Q. Yes. A. I don't know; pretty good bit.

Q. Three hundred yards? A. I don't know.

Q. Was it 200 yards? A. About, I guess; maybe further; maybe not so far; it looked to me like that much anyhow. Oh, it is further than that.

Q. Further than 200 yards? A. Yes, sir; to my idea.

Q. And you can light five places, then, and get down to the second south? A. Not five places—five shots. There is a little room there, in the back entry; appears to be a little air-course.

Q. They ever have more than five shots up there, Joe? A. We had sometimes six and seven.

Q. And you can light all of those and get down and around? A. I would n't; there would be two of us, me and Frank both.

Q. And you would light all those and get down on the second south as far as you could go? A. We would have to get quick, though.

Q. Did you ever experience any windy shots or explosions in there? A. Might have been.

Q. Any gas in any of those places? A. Not that I have seen or heard.

Q. Find any gas in any of those places on the second south? A. Little in the holes; guess that is gas.

Q. Ever light it? A. No, sir; I had no business lighting it. The powder lit it.

Q. Did you ever find any gas on the east side? A. I had one lit since I have been there; east side, and it was n't gas.

Q. Have you ever been in a mine after an explosion, Joe? A. You mean right after it happened?



Q. Yes; several days after it happened, or when one happened. A. Yes, sir; I have been down to Schwab's after that happened last year.

Q. How long you been working in the mines? A. Ever since 1895.

Q. Mostly around this district? A. Yes, sir.

Q. And you have been in there since that last explosion, have you? A. Yes, sir; I was there last night.

Q. And have you formed any opinion as to what you think was the cause of the explosion? A. No, sir; I don't know where it happened.

Q. You did n't go up there, then, to see what was the cause of it? A. No, sir.

Q. Well, did you ever make any request of the pit boss to have any of those places watered on the west side there while you was firing? A. No, sir; I did n't have anything to do with the west only two entries, and I did n't have to be in there when those shots were going. I just told him I thought it would be a good idea to move that drill dust away from the drill.

Q. Was that all the request you made of him? A. Yes, sir.

Q. You ought to have some idea, Joe, as to the cause of the explosion; you have been firing there for some time. A. I ain't got no idea about this explosion. If I had been down there—been able to get out—I might have told you how it happened. You see I was pretty near in town when it happened, and I did n't go over there to see. I guess it happened from a windy shot.

Q. What is a windy shot, Joe? A. Lots of different ways a shot can be windy, I suppose. Put in a big shot, not enough powder to pull it, that will make wind; put in a shot with too much powder, that will make wind—lots of different ways a shot can make wind.

Q. How do you base your judgment on that? A. Powder going ain't got no chance to break what it is behind. It has got to get out of there some way. Too much powder for the amount of coal on the shot, I suppose, that will make wind, too.

Q. Do you have many of those kind of shots over there? A. I don't. If I do it goes down some other entry; it don't go where I am at. If you have an explosion there it would n't do anything; it won't burn you.

Q. Well, do you think that dust would have anything to do with an explosion, Joe, a windy shot would occur? A. From what people say about it, it would.

Q. You have been firing off and on for sometime; you ought to have an idea. A. Where I was firing I don't know nothing about no explosion in where I am, and I did n't think nothing about around where it happened at.

Q. You never thought nothing about the explosion, did you; you just went ahead and fired? A. Yes, sir.

Q. Was there any condition or things on the west side that would make you have any fear to fire the shots there? A. The only shape you would have, his hair would blow up, and it would fill his eyes and ears; it ain't nothing about what kind of a shot. When I gets mine lit I tries to get to a place so that if it explodes it won't burn you to death. It might smother you to death after it is over, but I try to be far enough out of the way so it won't burn you.

Q. Was there any explosion or anything that you thought was dangerous in that shaft, that you would get so far away from it? A. If I would light one out here on top I would get away from it so there would n't be danger of being hurt.

Q. How do you do when you are firing on the east side? A. I do the same way; I light it and get away from it, out of the way.

Q. You don't get as far on the east side as you do on the west side? A. Yes, sir; I get far enough in the water without getting my feet wet.

Q. You can't get in the water without getting your feet wet, can you? A. Depends on how business is down there; props to walk on.

Q. How do you find your holes tamped, Joe; tamped out of the mouth of the hole? A. Some is, and some ain't.

Q. Can you tell what they are tamped with? A. Just what I see.

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Q. What do you see? A. Just see small chunks of coal on the outside, but can't see inside.

Q. What do you find the best to tamp with when you find wet holes? A. I ain't found any wet holes; only fine coal and damp.

Q. No drillings in them? A. No, sir.

Q. How large are your dummies? A. Eight inches and a half; some not so long, and some longer.

Q. About how many shots was the most you have ever been able to light, Joe, at one lighting, before you started to make your getaway? A. Most I ever did light was eight.

Q. Eight? A. Yes, sir.

Q. How far could you get away from them before they begin to go? A. Right in the same old place.

Q. How far would that be from where you started to light? A. I can't tell; it was a good distance.

Q. One hundred yards? A. Yes, I guess it is.

Q. More than 100? A. Yes, the way I have to go it is more than 100, and I think it would be more than 100 if it was just straight.

Q. Well, about how far would it be in your best judgment? You can tell within 50 or 100 yards. A. I guess it would be about 150 yards.

Q. You can light those eight shots and get that 150 yards before they begin to go? A. Pretty near it.

Q. When was the last time you was down to the face of that west entry? A. Oh, I ain't been down there since I have been there.

Q. You ain't been down the face of it? A. No, sir.

Q. Did you go out to the mine the night of the explosion? A. No, sir.

Q. Nor before the explosion? A. No, sir.

Q. You did n't report for work that night? A. No, sir; some people said it was working and some said it was n't, and it was snowing and I did n't go to see.

S. A. ENYART, of lawful age, being produced, sworn, and examined, testified as follows:

By Mr. Orr: Ques. State your name to the stenographer. Ans. S. A. Enyart.

Q. How you employed, Si.? A. Digging coal.

Q. Where? A. Bennett's No. 1.

Q. What portion of the mine you work in, Si.? A. Over on the second south now; been over there four or five days.

Q. Second south on the west? A. On the west; yes.

Q. What is the condition of that side of the mine, Si.; or have you been around through it any? A. Yes, I have been around through it lots. It is dry in places and damp in places; water holes along. It is what I would call pretty dry.

Q. Is there considerable dust in that side of the mine, or not? A. Yes, quite a little dust.

Q. Where does the dust seem to accumulate most? A. In the old rooms.

Q. In along the roadways? A. Yes, dust along the roadways.

Q. Is there sufficient dust accumulated there to make it dangerous? A. Well, I believe there is enough dust, Jim, to help an explosion—to help it out. I believe that after a windy shot starts there is dust enough there to make it accumulate and get stronger as it goes.

Q. Do you think they could avoid the accumulation of that dust in any way? A. To a certain extent I believe they could. I think by sprinkling they could avoid a good deal of it.

Q. You think by sprinkling they could make it practically safe? A. Safer than what it is.

Q. Have you detected any gas in that part of the mine you are in, or any portion of it? A. No, I never saw any gas in that mine.

Q. You don't think there would be sufficient gas or anything to assist in explosions? A. No, I don't think there is.

Q. Do you know of any watering or sprinkling that has been done



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in that portion of the mine? A. No, I don't. I know they have been hauling water there now for pretty near a month. They have been carrying it from the east side. But the east side of the mine is pretty well sprinkled along the whole road, hauling water back and forwards to that mine, in pretty good shape. There has not been any sprinkling done there since I have been there.

Q. Has there been any sprinkling done that you would know of? A. No, I don't think I know of any sprinkling that has been done there. Of course it might have been sprinkled there a few days before I went over on that side.

Q. You was through the mine since the explosion, was n't you, Si.? A. Yes, sir.

Q. Have you come to any conclusion as to what was the cause of the explosion? A. Well, I have come to what I thought. Of course it is just a theory with me. There is sufficient gas that would cause an explosion there. I think the sudden change in the atmosphere had something to do with it; and then I think the mine is pretty close where that explosion started. They just went through a fault probably 300 feet, and the mine is pretty close there, and I think that would have bearings towards making an explosion; that is, a windy shot has no chance to expand itself.

Q. Do you think an explosion could have occurred in there, even with those conditions, with a normal shot? A. Well, I don't know about that. Now I examined those shots there, and the way I examined them, if they were fired like I thought they were fired I don't think there were any bad shots there at all that started this. There was one shot that I would call a very bad shot.

Q. Where was that shot? A. That was on the first room turned back from the heading.

Q. Which side of the entry? A. On the south side.

Q. What made up the condition of that shot, Si.? A. I think that shot was the least bit gripping and I think there would have been about one-half of a hole left there, and it did n't have sufficient powder to pull the shot; and I think that was the shot that caused the fire.

Q. That caused the fire? A. Yes, sir; but I don't believe that shot was sufficient enough to have made the explosion if these shots had n't been going.

Q. You think that that shot going, and those other shots, that if that portion of the mine was thoroughly watered, that this explosion would n't have been so severe? A. That is a question I can't answer. Of course if it had been watered thoroughly I don't think it would have been so severe.

Q. About how many shots do you think were lit at that time? A. I don't think there were over six lit at that lighting, as I can form my opinion; there might possibly have been seven.

Q. What is your idea as to the way he lit those shots, Si.; that is, from where he was found, and the condition of those shots in places? A. From the way I understand it, and from the way I found things when I went through, he had lit five rooms; he had lit these rooms and made his getaway, and then had made this run up to the head, and made this explosion when he started; and I think he was stunned and thrown down, and, of course, having no light, I think he was suffocated.

Q. Have you seen the place, the place where he was found, did n't you? A. Yes, sir.

Q. Do you think it was possible for him to have lighted that entry and continued along those places to the third south? A. No, I don't think it was possible for a man to have lighted those shots and gone the distance he had to go.

Q. You was n't at work on that day of the explosion, were you, Si.? A. No, I was n't at work on that day.

Q. Did the shot-firers make any complaint to you as a committeeman, in regard to not getting those places watered? A. No, I don't think

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they ever did; no, I don't think they ever mentioned it to a committee-man at all.

Q. Ever make any complaint in regard to anything else? A. No, I never heard any complaint from the shot-firers.

Q. Ever hear any complaint from the miners about the shot-firers leaving shots? A. No; I heard complaints that they had missed their room, but nothing in regard to those firing conditions.

Q. It is your opinion, then, that he lit that second south and came on up to the third south and lit them in those places on the third entry before he went into the straight entry at all? A. Yes, sir, it is my opinion; I don't see how he could have done otherwise and get away from where he was found. If I am not mistaken, he was about ten steps, or thirty feet, from what they call the second south, and that is where they all run to make their getaway, as I understand it.

Q. Well, how far was it from the third south to where he was found? A. The third south? Well, he was between the second north and the third south; it could n't have been a very great distance from where he was found.

Q. About how far? A. That third south—I believe Hardy drives that room west of the third south; well, I would say it might have been fifty feet, maybe more.

Q. How far would that have been from the head of the main west entry? A. Might have been something like 150 feet from where he was found; probably 200 feet.

Q. Did you discover any evidence of fire in there, Si.—like there had been much fire? A. Yes, there was a little fire there, but not much; on two or three props we could tell that it had been scorched. Then we found a mouse there that had been burnt a little bit; those long whiskers were scorched, but it was very little burnt.

Q. Did you see Mr. Dunn after they had got him out of the mine? A. I helped to take him to the cage and go up with him; I did n't see him after that.

Q. Did you examine him to see if there were any burns on him? A. We could n't see no burnt places on him that night; his hair did n't seem to be burned no way.

Q. Do you know what is the general usage in tamping, Si.; that is, what they tamp with? A. That is owing to the man that is tamping. I think most of the men use fine coal, but I guess some of the men use drill dust; but most of the men, I think, use fine coal to tamp with.

Q. Well, what do they tamp with as a general thing—with dummies? A. Mostly with dummies. Most of them will use two dummies to a hole. If they have got a six-foot hole they will use two dummies and fine coal the rest of the way; and some of them don't use dummies at all.

By Mr. Dunn: Ques. Did you see the mine after the explosion, Si.? Ans. Yes, sir.

Q. Did you see any evidence along on the rib of charred coal dust, just like it would be coked, where there would be evidence of a strong fire? A. No, I don't believe there was much charred coal dust. We found a little evidence of some fire on the props—two or three.

Q. What is your theory of an explosion, Si.? Do you think that where there would be perhaps three or four shots going off in close succession generating gases and a hot powder smoke, and the atmosphere being impregnated with this coal dust and inflammables, that a shot going off and throwing fire would ignite that and cause an explosion? A. I think so.

Q. Don't you think that when this explosion started on its course that it would feed the fire and cause a greater flame and help the explosion? A. Yes, I believe the fire and dust, the more dust the more it would help this explosion.

Q. Don't you think that an explosion of the force that one was out there, that there would be considerable fire until it almost reached the bottom? A. No; it did n't show much that there had been any fire.

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Q. You say that there was considerable dust along there. If it was fire to commence with, and some dust, then this explosion would be fed from this dust as it proceeded on its way? A. From what I understand of this explosion and what I observed from the looks after I went there, there was n't much dust in that explosion; it seemed the fire must have started it, but it seemed the further it went the stronger it got.

Q. How far do you think the fire traveled before it went out? A. Well, now, we looked at this room where this explosion started, and there was about a two-and-a-half-foot hole there, and down on the cross-cut there to another room we could find where it had sputtered again.

Q. How far was that from the point from where you think the explosion started? A. It must have been thirty or forty feet.

Q. How far was this mouse down the entry that you found with his whiskers singed? A. Probably thirty feet.

Q. On the inside or outside? A. On the inside towards the head.

Q. Don't you think it would be the most logical conclusion to come to that after Jimmie lit those two shots in the entry in that room, that while he might have made an effort to get to the second north in the air-way to safety, that you think the distance was so great that you don't think a man could have made that one before those shots went off? A. Not the distance. In speaking of firing those six shots, and then those two, I don't think a man could do it.

Q. You say that you think that shot was fired before he lit those six? A. That is my theory.

Q. That is your theory? A. Yes, sir.

Q. Then he must have proceeded to the entry then before he could have lighted those six? A. Yes, sir; that is my theory.

Q. Do you think he would have plenty of time to make that run before the shots started to go? A. The only trouble would be there owing to the length of the fuse and the trouble he had in this last room lighting. In lighting these shots he might have had trouble with the fuse. He might have been detained there, and when he started to make his run these shots refused to go. I believe if he could have lit those shots and made the run he would have had plenty of time.

Q. Don't you think that those shots commenced to go before he reached that point, and he, instead of continuing to make on to the second north to safety, that he fell into, or went into, one of these rooms going south, just immediately inside of where he was found? A. Well, he may have done that, but if he did he had crawled back out. He was found lying just at this switch right on the entry. If he had crawled in that room, he may have crawled in and crawled back out.

Q. Don't you think if he had crawled in there after the explosion occurred, and went past them, that he might have realized he could n't live in there, and knowing the location of the air-way, he may have made an attempt to run out there and been overcome before he could reach it? A. Yes, sir.

Q. Don't you think if he had been on the entry that there was sufficient fire came down that to have burned him if he had been on the entry? A. I don't think there was much fire about that.

Q. Don't you think that an explosion of that force would lift a man off his feet and carry him down the entry and lift him like a tool-box and bruise him up? A. Yes, when it first started, to my opinion, it was very strong, but the further it got the stronger it got, until it went to the bottom. The further it got, the stronger that explosion got.

Q. Well, now, don't you think that that explosion would have more of a tendency to gather strength on the inside where the work had n't been developed, than it would on the outside, for the simple reason that it had that 250 feet of fault to travel through, and immediately after it traveled through it had room to expand before it— A. Well, it is owing to how it started. If it was started lightly, the further it got the stronger it got. It didn't expand no way; it didn't even go to the fan house. It looks to me like it would have followed the main air-course down, but it did n't. I think the explosion was n't strong enough to have



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spent itself there. I think it expanded in that entry and fed it right on down until it got to the main shaft.

Q. Do you think that shaft over there would give off an unusual amount of dust than other mines you have worked in? A. I don't know. I have worked in drier mines and in wetter mines.

Q. Did you ever take your drillings and hold it over a lamp? A. I believe drillings will help along an explosion.

Q. Well, you know it will ignite very easily of itself? A. Yes, sir.

Q. Well, there is evidence there, from what I can learn. Well, I saw it myself on the outside of where his remains were found, of this coal dust that was on the rib, you understand, in a coked condition, as if it had been burned. It could n't have got there any other way only by fire, because it showed evidence of fire. How do you account for that? A. I don't know. We did not find this. I was over that mine a half dozen times, up and down there, but the only place we found fire to show that there was much fire, was right on those props, and this mouse.

Q. Then don't you think that my theory would be safer than this, that you said in your testimony to James, that you supposed he was on the entry when the explosion took place? Don't you believe that the most logical way would be that those shots had commenced to go when he went in there, and he being a practical man, knowing he would be overcome if he remained where he was, and that he made the dash after the explosion had passed over him, the fire and wind, and then he made an attempt to go through the gases to the entry? A. Those places was fired.

Q. I am talking about the point perhaps twenty feet or thirty feet inside where he was found. Say that he had taken refuge in there and the explosion took place and passed him and he knew that would pass in on him, and he knew the location of the air-way and knew he was n't very far from it, and came out of there after the fire and explosion had passed, and was making for this air-way, that that might account for him not being burned? A. I believe that if he had went in there for refuge, as you say, and had his presence of mind, that he would have made it across there if he was within ten steps of that place, and I believe a man can go forty or fifty yards in those damps. I believe he was stunned some way. Of course he might not have been hurt, but of course the explosion, the force of it, will lots of times stun a man.

Q. You mean the vibration will stun a man? A. Yes. And if he were in that entry of course he was blown down; but I believe after he was blown down he crawled a ways; although he was lying in a position as if he had not crawled, but he was lying with his face up.

Q. What side of the entry did you find him on? A. In going in he would be on the left-hand side, and coming out on the right-hand side.

Q. Don't you suppose in making that dash that he would naturally make, don't you think that might account for him being on the left-hand side up against the rail, or close to the rail? A. Of course everybody has his idea as to where he was found and the way he was found.

Q. But to place you in a similar position, don't you think if you was to do that, that you would naturally go to the left-hand side and hold to the left-hand side of the rail in making your escape? A. A man naturally would; he would follow the rail.

Q. Well, is it not evident that Jimmie was on the entry when the explosion took place, from the fact that he wasn't burned and the mouse was? A. Well, you could just detect the mouse being burnt—as I said, just those long whiskers; and if this explosion had blown him down, and if there had been a fire that would have went over him and—

Q. Well, the mouse would naturally be closer to the bottom than he would be—how do you account for the mouse being burnt? A. The mouse might have been thrown down that entry probably fifty or seventy-five feet. We found it lying along the rib, and the mouse might have been thrown down that far.

Q. Well, there was no evidence at all that he had been singed or scorched at all? A. No; not exactly as I seen that night.



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Q. Don't you think that being the fact that that would confirm it in your mind that he did n't happen to be just on the entry when the explosion took place? A. I don't believe there was fire enough to have burned him much, even if he had been down there.

Q. Don't you think that the theory I have advanced in regard to that would be the most logical for a practical man? A. Your theory is all right, and I think my theory is all right, in one sense of the word; that is about what I would have done. If I would have lit those six, I would have made my run for the second south.

Q. Do you think that if instead of coming down the main entry he would have went into the third north and down the main air-way, that he would have been safe and would have escaped the explosion altogether and saved his life? A. Yes, sir.

Q. Then why, if you believe that, why would you make the same run that he did? A. Because the shot-firers always go there for safety, and I would make the same run that they took.

Q. Then in doing that you would n't be doing right, if after an explosion should occur it would have gone down the main entry? A. It generally goes against the air, does n't it?

Q. Its force was direct from the fact that the explosion took place in the main entry, and it had the same effect as a gun-shot coming out of a gun barrel. Down the air-way—you would n't hardly think that it would be reasonable for it to do that, would you? A. Most all of these explosions go against the air. If this had been strong enough I am satisfied it would have went direct to that fan house.

Q. Don't you think there was a part of that explosion went down the air-way too? A. I don't think there was much of it; might have been a little went, but not much, I don't think.

Q. If, according to your theory, that an explosion goes against the air, it would naturally go down the air-course instead of going down the main entry? A. That is one thing I can't see, why it did n't. Now I can't see why that explosion kept on the main entry straight down, and never went down this air-course.

Q. You say that it goes against it. If that explosion went against the air he would undoubtedly have lost his life just the same as if he had been in the main entry, would n't he? A. The second or third north is an old room that is driven a long ways there without any cross-cuts, and that, as a general thing, is where the shot-firers would make.

Q. By traveling down, if he did n't have hardly time to make this run from the face of the straight west entry to the second north of the main entry, his chances would be less in going down the main entry from the fact that the main entry is not brushed, and he could n't travel with the same speed; so he would be closer to where the explosion started by going down the main air-way than the way he did, notwithstanding your theory that had he went down the main air-way that the explosion would have followed that course? A. I believe he would have been safe if he had taken the air-course.

Q. How do you reconcile the fact that he would have saved his life by going down the air-course and the explosion was to take that course too? A. It is the course the explosion took that I am speaking of. But I say it had as good a chance to have went down the air-course as it did the main entry. That is reasonable; it had as good a course to have spent its force that way as it would down the main entry.

Q. I don't see why, because if what you say is true, that it goes against the air, it would have went down the main air-course instead of the main entry; but it is evident that the main force was on the main entry, of the explosion. A. Yes.

Q. How far, then, do you believe that he could have traveled if he had went down the air-course? How far, in your opinion, was he from the face of the main west entry to the place that he was found? A. Well, he was n't over ten steps; I guess about thirty feet.

Q. I mean from the face of the straight west entry to the place he was found after he had lost his life? A. Well, if he had even got into

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there he would have been safe enough. I believe if he had been down that air-course they would have found him.

Q. I don't mean that. I mean how far do you think he had traveled from the face of the main west entry to where he was found? A. It must be 250 feet; maybe 300 feet—something of that kind; quite a distance.

Q. Then if he had taken the air-way he would have had to lit those shots and those of the third north entry, and then through the third north entry down to the main air-way, wouldn't he? A. If he was taking the main entry to go that way. But the way you asked the question, if he had been on this main air-course he would have had a chance to get out; yes. But I would n't take the course that he did.

Q. Well, what I am trying to get at—we passed over that a few minutes ago, Si.; as you say, it was about 250 or 300 feet from the face of the main west entry to where he was found? A. Just about that much.

Q. He could n't have traveled a very great distance, from the fact that he did n't have the room to travel? A. Yes, sir.

Q. Then he would be closer to the explosion than the place he was found, by making to the main air-way and trying to make that his course, wouldn't he? A. No, sir.

Q. You mean there would have been a probability of him being overcome there, but the men could have got to him much quicker? A. Yes, sir.

Q. But still, you knowing that to be a fact, you would n't do that yourself—you would take the main entry yourself? A. Yes, sir; I think I would have taken the same way that he did; that is the idea that I have got. Of course none of us know.

JOE WILKINSON, being produced, sworn, and examined, testified as follows:

By Mr. Orr: Ques. Where are you employed? Ans. Bennett's mine No. 1.

Q. How? A. Miner.

Q. What part of the mine do you work in? A. Second north on the east.

Q. What is the condition of that portion of the mine, Joe, in regard to being dry, dusty, or wet? A. Quite damp and wet.

Q. No dust on that side of the mine? A. No, sir.

Q. Ever work on the west side any? A. I used to, three months ago.

Q. What was the condition of that side of the mine then? A. It was n't opened up very much then, and where I worked there was quite a little water.

Q. Have you been on that side since you started to work on the east? A. Not until the other day.

Q. What seemed to be the condition of the mine then, Joe? A. It was pretty dry; did n't see no water.

Q. Seem to be much dust laying around? A. Quite a little dust.

Q. Did it show any appearance of being watered or sprinkled at any time, to your idea? A. Not that I seen then.

Q. Have the shot-firers ever made any complaint to you as a committeeman about not getting the places properly watered or sprinkled? A. No.

Q. Made any other complaint to you in regard to shots? A. No; not to me.

Q. Miners ever make any complaint to you about shots not being fired for them, or left? A. I heard a couple of men say one morning that they had shots left, but did n't make much kick about it.

Q. Did you go in to see those shots as to why they were left, or make any investigation of it? A. No; they were fired the next night.

Q. You never had to examine any shots, then, that the shot-firers left? A. No.

Q. Have you discovered any gas in that mine over there that would



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have a tendency towards an explosion? A. No; have n't seen a bit of gas.

Q. Do you know anybody that has? A. No; I could n't say.

Q. Well, what was the general custom in tamping the holes over there; that is, what do they use for tamping, as a general thing, to your knowledge? A. Lots of men make one or two dummies, fill them full of slack from along the rib. Most of the men get it there—damper there than any other place.

Q. Is there any of them use the drillings out of the holes? A. I believe some of them fill up their dummies with drillings.

Q. Well, do you think that is a bad method of tamping? A. I think it is.

Q. Well, was the holes as a general thing—that is, of your knowledge—tamped out the mouth of the hole thoroughly? A. All I ever seen was tamped out the mouth of the hole.

Q. Well, you have been in the mine since the explosion, Joe; have you based any opinion as to what was the cause of it? A. Well, I think it was kind of dry mostly, and a couple of shots that went off helped to make fire and started it, with the wind together.

Q. Where were those shot, Joe? A. Straight west.

Q. In the room there? A. Yes, sir.

Q. Which side was that room on? A. On the south side; first room next to the face.

Q. What seemed to be the general condition of those shots? A. The west one was all right, but the other one just pulled right straight back.

Q. Were those shots in on the solid? A. No, I did n't think they were.

Q. Did you examine them any? A. No; I seen them examined, and don't think they were in on the solid.

Q. And what do you think was the cause of them flying back on the heel like that? A. Too light mostly, and would n't be enough powder there.

Q. Do you think those shots themselves would have caused the explosion? A. I think that those others going off, and this one coming right after it would have caused the explosion.

Q. Do you think those two shots being fired by themselves would have been sufficient to have caused the explosion, together with the other conditions of the mine? A. I think there had been a little wind from them and that the smoke there had helped to make more, smoke and fire together.

Q. Did you discover much evidence of any intense heat or fire? A. Only on about three props showed fire.

Q. Where were those props? A. They were on the other side of the entry from that room, about four or five yards down there.

Q. On the inside or outside of the room? A. On the outside of the room.

Q. Notice any evidence of fire back out along the main entry? A. Only found a little mouse there with its whiskers burned; the only evidence I seen.

Q. How far would that be from the face of the main entrance? A. Probably 200 or 250 feet.

Q. Did you find any evidence of fire other than that mouse at that point? A. No, I never.

Q. Do you think the dust had anything to do with the explosion; that is, being a factor in the explosion? A. I don't believe it would have been so strong if the roads had been wet good.

Q. Do you think it is necessary that those rooms should be watered there, Joe? A. I do.

Q. Was you at work on the day of the explosion? A. No.

Q. Was you at the mine that night after the explosion? A. No, sir.

Q. Was you in the mine after it happened? A. Just down at the bottom of the air-shaft.

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Q. Well, did you go no further than the bottom of the air-shaft? A. No; we were told that they had found him there, and we came up to see if they got the cages loose, and we stayed on top after that.

Q. How long was it after the explosion that you got out there? A. I guess it must have been about thirty minutes—somewhere between twenty or thirty minutes.

Q. Was there any effects of the explosion at the bottom of the shaft? A. The after-damp. After you got into the air-course you would smell it, and see a little dust there.

Q. Was there any dust there to any extent? A. No, sir.

Q. You think, then, that the explosion originated from those shots in that room on the south side of the entry, then? A. That is my opinion of it—with those six shots going together.

Q. From where they found Mr. Dunn, what way do you think he proceeded in firing those shots? A. My opinion is that he left the shots in the face of the entry and came to that room and made his get-away.

Q. You think he could n't have went back from the face of the entry, back to the third south, and lit all those shots, and then tried to get over to that back entry? A. I don't think he would have tried to do; being a strange man, I don't think he would ever have tried to do that.

Q. Don't you think he would have been as likely as anybody, Joe, to do that, knowing the mine thoroughly? A. No; I know I would n't ever do it—light that room and then light the other.

Q. Well, do you think, then, that he was on the entry at the time the explosion occurred? A. The way the thing appears, I believe he was.

Q. You seen him after they brought him out, did n't you? A. No; he was covered up with canvas then, after they brought him out.

Q. You think, then, that those shots in there was powdered too light, was the cause of the way then went? A. Some of them was n't too light; there was quite big shots in there.

Q. Big shots? A. Yes, sir; big shots.

Q. Well, was there any other conditions around in that portion of the mine that you think would tend to assist the explosion, or cause one? A. Well, lots of dust in all the rooms, which I think ought to have been dampened.

Q. Don't know of any other cause than that that would contribute to it? A. No, I don't.

Q. From what shots you seen in there that was n't fired that night, Joe, after being in after the explosion, do you think that there was good judgment used in placing those shots you seen? A. No, I don't think there was. There was one there especially that was n't good judgment.

Q. What was the condition of that shot? A. It had a good long chance, but it was too light; had too much powder in it.

Q. Do you know the man that worked in that room? A. Just know him when I see him.

Q. Do you know anything about his workmanship or experience in the mines? A. No, I don't.

Q. From the manner in which he placed that shot, do you think that he showed any judgment in the manner in which he placed it, or powdered it? A. Don't think he had much judgment about it.

Q. Don't think he was an experienced man? A. No, not on that shot.

JOHN G. MALLAMS, of lawful age, being produced, sworn, and examined, testified as follows:

By Mr. Orr: Ques. State your name to the stenographer. Ans. John G. Mallams.

Q. Where are you employed, John? A. Crowe's mine No. 7.

Q. How are you employed? A. Mine foreman.

Q. Was you at Bennett's mine the night of the explosion, John? A. Yes, sir.



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Q. How did you come to be there that night? A. I heard the whistle blowing, and thought there was an explosion.

Q. Where was you when you heard the whistle? A. About a quarter of a mile from the mine.

Q. What did you do when you got to the mine—Bennett's mine, John? A. As soon as I got there I tried to get some lamps to go down, and there was n't very many lamps there, and the night man had a lantern and Mr. Hamilton and Mr. Kitchenor had a lamp and they got down ahead of me; and the night man gave me his lantern and it was n't lit, and of course it took about a minute or two to light the lantern; we could n't light it outside and we went in the air-shaft to light it, but it was kind of windy in there; but we got it lit finally and got started down.

Q. Was the fan going when you got to the shaft? A. Yes, sir.

Q. Do you know who started the fan? A. I do not.

Q. Well, how did you proceed after you got to the bottom of the shaft, John? A. After we got to the bottom, Mr. Kitchenor and Stuart Hamilton, they got to this trap-door—it was open—they just got the trap-door shut when I went down, and the air seemed to split there, part went one way of the air-course and the other the other, and we made over on the main west entry and followed the air right up until we came to the first break-through, and there was a curtain right on the first break-through, and from the appearance of the curtain the explosion had n't been very heavy; it had n't knocked that curtain down; we opened the curtain and went over on that main entry there, and the after-damp was so strong we could n't stand it. The other boys—Mr. Kitchenor, Mr. Walber, and Richard Mallams—they started up the back entry, and it being strong there, I says to the boys, "Don't go too fast; you are going too fast altogether." And by that time they was quite a ways ahead of me, and I stopped right there and went back through this curtain again. I had kind of an idea that he was around there somewhere, and when I went through this curtain I heard him groan, and I did n't know whether it was him or not, and I listened again and I heard the sound again, and from the sound I knew he was n't very far from where I was, and I started down to get him and I got pretty near to him and I pretty near got into the damp. I could n't stand it any more, and I went back and stopped a few seconds to get a breath of air. By that time those other boys were about fifty or seventy-five yards away. I hollered to them to come, that I had found him, and I went up there about fifty or seventy-five yards and all four of us ran down there, and it was pretty strong then, and we got him and brought him up to the air-course.

Q. He was still alive when you found him? A. Yes, sir.

Q. Well, was he able to speak or say anything when you got there? A. No, sir.

Q. How long did he live after you got him out? A. I don't know exactly; somewhere about twenty minutes, I should judge.

Q. Well, was that door propped open, John, or apparently been blown open? A. I could n't say. Mr. Hamilton and Mr. Kitchenor, they was at the door before I was, and they shut the door.

Q. In what position was Mr. Dunn when you found him? A. He was lying on his back, a little bit on his left side, with his face out toward the shaft; his head out that way.

Q. Well, did it appear as though he had been blown that way, or did he show any signs that he had been making an attempt to get out of there? A. From the condition I found him, I don't suppose he had. We went back from the place we found him and found his cap and lamp. We found his cap about fifteen feet in from where he laid, and his knife we found about where he was laying.

Q. Did you notice any evidence of burns or bruises on him when you found him? A. No, sir.

Q. Did you examine the place to see if you discovered any fire or

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anything in the neighborhood of where you found him? A. No, sir; I was too sick. After I got him I did n't try to examine anything.

Q. Did the after-damp seem to be very strong down that back entry, John? A. No, sir; the air was good down that back entry after we got there.

Q. Do you think from what you seen that the explosion came down that back entry there? A. I think it did. It seemed as if the dust was along the ribs on the side.

Q. Did you make any attempt to restore respiration in him after you got him? A. Yes, sir.

Q. Seem to produce any effect? A. No, it did not.

Q. Well, how long would it be, do you suppose, from the time you heard the whistle until you found him? A. It was n't over a half hour anyhow. I don't hardly think it would be that long; probably twenty-five minutes. We was only in the mine about fifteen minutes, I think, when we found him.

Q. Do you think the effects of the damp that it was when you got down there would have been sufficient to have killed him in that length of time if he had n't been blown or bruised up? A. Yes, sir; I do.

Q. You believe, then, that he was killed entirely from the after-damp? A. I think so.

Q. Have you been in the mine since, John? A. No, sir; I haven't.

Q. You would n't base any opinion, then, as to what you think caused the explosion? A. No, sir; I can't say that I would.

Q. Have you been in Bennett's mine any time previous to this lately? A. No, sir; that's the first time I ever was in the mine.

By Mr. Dunn: Ques. When you heard the whistle blow it immediately attracted your attention to the mine, did it, John? A. Yes, sir.

Q. Did you see any smoke issuing from the fan shaft? A. No, sir.

Q. There was n't any? A. I did n't see any smoke from either shaft. It was the whistle that attracted my attention.

Q. You think the smoke had all passed away? A. The smoke was coming up the main shaft when we got there, but the force was spent.

Q. You could n't detect it from the fan shaft at all after you got there? A. Oh, no.

Q. Don't you think the fan, before you got there, had had time to wipe everything out of the air-way? A. If anything did come up there it had wiped it out, because it was clear when we got there.

Q. Was it clear when you got up there—the point where you came out? A. The air was going up that back entry; you could n't hardly keep a light.

Q. You shut that door to the fan shaft immediately when you went to the bottom? A. Mr. Kitchenor did, and Mr. Hamilton, and my brother.

Q. At that time would n't the biggest volume of air pass through there and shut the door instead of going up the main entry? A. Yes, sir.

Q. Well, then, immediately on that door being shut and a full volume of air going up the air-way, don't you think that volume of air coming up there would be sufficient to carry off all impurities as it traveled?

A. Well, from the way it was coming then it would n't take it long to clean it out.

Q. After you came out of the air-way on to the main entry, do you think there was any air at all on the main entry? A. The air was n't very pure there.

Q. Don't you think there was any pure air had reached that point at that time? A. No, sir.

Q. Well, then, the main entry; would that be the return? A. The door was knocked off the main entry. I discovered that when we were carrying him out.

Q. Where was this door situated that was knocked off the main



entry? It seemed to be about seventy-five yards from the bottom, I should judge. I could n't tell; somewhere about that, though.

Q. That would be just between the first and second north? A. I think so.

Q. Well, the idea of that door—the door was on the main entry—the idea of that door being on the main entry was to force the air into those rooms and the second south entry. Was that the idea for the door being on the main entry? A. I don't know; never made any investigation.

Q. If there would be no connections from the second south entry to the main entry—you understand there is about 75 or 100 feet of fault there and there is no connections—then the air would necessarily have to travel, for ventilating the main entry, down to the main entry. The idea for that door being on there would be, then—the air would n't have any course—the idea for the door being on the main entry would be to force the current of air off of the main entry into the south— A. I think so.

Q. Well, then, if the air that was traveling up the air-way, you understand—it would be bound to have a short cut right straight down the main entry to the bottom if that door was blown off? A. Yes, sir.

Q. But would have to come direct to the bottom? A. Yes, sir.

Q. Except what leakage there would be. Well, then, don't you think the volume of air that was traveling up there, that while it carried everything ahead of it, that sufficient time had elapsed, knowing it was going up one side and down the other; that is, the volume of air that was traveling up the main air-course and the main west entry—you say everything was perfectly clear as far as you would advance; that you never came in contact with anything? A. Yes, sir.

Q. Then the point that you came out of was perfectly clear then was at the second north. Well, then, it only had to travel a distance of 285 feet from there to the third north, you say, until it had made its return; then it would have to travel 285 feet, or not quite that distance, to reach him, making the distance from the point that you come out something over seventy-five feet to the point that you would reach him. The fact of that stopping being blown out would help him, because it would lessen the distance that the air would have to travel before it would reach him. A. Yes, sir.

Q. That would all be in his favor? A. Yes, sir.

Q. Then the fact that this air was lost and impurities being found in the air-way, it was evident that some part of the explosion came down the air-way? A. I think so.

Q. The fact of that door being closed it forced everything ahead of it quicker than you could travel? A. Yes, sir.

Q. How do you account for the air-way being perfectly clean, then, and this stopping being blown out and no fresh air having appeared yet on the main entry? A. I don't know, but the air was going up strong. We found him about eight yards further up the main entry from that break-through.

Q. Was you any further in, Johnny, than the point that you found Jim laying? A. Just far enough to find his cap and lamp. They were in about fifteen feet further from where he was. We could n't find his cap and lamp, and hunted to see if they had been blown there.

Q. On the body you never found any bruises or anything to indicate that he had been blown any distance? A. No; it did n't look like he had from appearances, although it seems kind of strange that his cap and lamp had been laying fifteen feet further in. We never found any marks on him that would indicate that he had been blown.

Q. Well, you say the fact that his cap and lamp had been found some distance further in would indicate that he had been blown some distance? A. Yes; if he had n't been blown, I think if he had been trying to get out, that he would have been in a different position than that we found him. The position we found him in he was laying almost on his back.