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APR 3/6/26*

OFFICIAL REPORT OF ED BOYLE, CHIEF MINE INSPECTOR, AND ROBERT H. BROWN, DISTRICT MINE INSPECTOR, OF DISTRICT NO. 1, OF THE EXPLOSION WHICH OCCURRED AT WILBURTON LA-TIMER COUNTY OKLAHOMA, IN MINE NO. 21, OF THE EASTERN COAL AND MINING COMPANY, ON THE 13th, DAY OF JANUARY, 1926. WHERE 91 LIVES WERE LOST.

GEOLOGICAL SURVEY  
**RECEIVED**  
FEB 26 1926  
WASHINGTON, D. C.  
MINERAL LEASING DIV.

*H.S.*

This investigation was personally made and conducted by the undersigned Ed Boyle, Chief Mine Inspector, and Robert H. Brown, District Mine Inspector for district No. 1, which is the district in the mine is located, and where this explosion occurred, on the morning of January 13, 1926.

All reports indicate that the exact time of the occurrence of the explosion was shortly after 8 o'clock a.m. of said day, shortly after entering the mine for work. The records indicate that 101 men checked in for work that day, and 91 of which lost their lives.

Upon being notified of the disaster, I proceeded to the scene of the accident, notifying all deputy inspectors to be there to render such assistance that might be possible. After a preliminary investigation of the mine, it became apparent that all the men were dead, with the exception of 10, they having made their way out. Although no lives were actually saved as the direct result of the rescue work, nevertheless the rescuers initiated their work promptly and efficiently for the purpose of saving the lives of the entombed miners, if that were possible. And we commend all who participated in said rescue work.

*3/2/26 received*

On entering this mine, we proceeded to entry 16 west and to room 10 around the face of the working places to the head of the 16 west entry, and we find the following measurements show the distance between the cross cuts:

Room 10, cross cut on west side of room 54 feet, east side of room, 35 feet. Next to face of room 10 on east side, the cross cut is 3 feet wide and 2 feet high, with an area of 6 feet.

Room 11, on west side of cross cut 20 feet, east side 34 feet, second cross cut from the face, 32 feet on west side.

Room 12, west side cross cut 33 feet, east side 30 feet, next to the face with cross cut started on east side.

Room 13, cross cut on east side 36 feet, west side 20 feet, second measurement on west side 27 feet.

Room 14, second cross cut on west side 28 feet, one next to face 13 feet, on east side of room 26 feet, next to face of room.

Room 15, cross cut on east side at the face on the west side of room 15 feet.

Room 16, west side 44 feet, east side 18 feet; in this room found man's coat and dinner pail, carbide, and one car partly loaded.

Room 17, on the west side 44 feet, no cross cuts made, tight room.

Room 18, face turning 12 feet up, and 12 feet wide, and third machine cut in this room, but the third cut not drilled. This is the last room on the 16 west entry.

This investigation further shows, that the explosion was caused by the accumulation of gas, which was undoubtedly ignited between rooms 9, and 17, which is hard to determine the exact location or the initial point of the explosion. Room 9, is abandoned, and is caved in to the extent that it is impossible to go in there with any degree of safety, for the purpose of making an investigation. We reached this conclusion from the following evidence. We find from room 10, first room working in the 16th west entry, to and including the 16th room evidence of fire, coked dust on timbers, an evidence of intense heat. From room 16, to the face of the entry, we found no evidence of explosion. We found gas in one room inside of room 16. After making this investigation, and findings, we arrived at the conclusion that the gas which caused this explosion was moved from room 17 or room 18, or both, or heading of entry, as the evidence shows that there was a man loading a car in room 16, and also in room 10, firer working room on entry, which is proof that gas was not in this place at the time when he entered his place of work. But after starting his work the gas was moved from some place inside of one of these rooms, where it would have been ignited, as it was on return of ventilating current, and as the fire boss was one of the victims of the disaster and no one living in that part of the mine, we will never be able to definitely determine the reason this gas was not removed before the men were permitted to go down in the mine on that morning, with the quantities of gas which this explosion indicates were present, and why the bulletin board marked O.K. on top of the mine, which indicates that the mine was clear of

standing gas.

And we further found that the cross cut mentioned between room 9 and 10 insufficient in area to carry the ventilating current with sufficient quantity to properly ventilate the outside workings, which is abandoned, and which is badly caved in, and in such a dangerous condition that we could not get in there to examine as to whether there was any standing gas or not. We also found this entry very dry and dusty.

This investigation further shows, that the mining laws were not being complied with in regard to cross cuts, which carry the ventilating currents through the working places as the law requires that they shall be made not to exceed 30 feet in each pillar of coal on each side of working place which the ventilating current should be carried around the working places, at rate of 200 cubic feet per minute.

If the mining laws had been complied with, this disaster would not have occurred. The law further provides, that all dust must be sprinkled, or sprayed, or removed from the mine. This too was not being complied with.

We then proceeded to the 16th, east entry to room 9, in this room we found the following conditions: Cross cut 24 feet, from the face east side of room 9, this was curtained off from rib of coal on east side of cross cut, on east side of room, there is track for the purpose of taking cars from the place of loading, and taking back to entry. This curtain crosses practically straight west to about 18 inches west of the track, and then 11 feet toward working face of room. On this side of the track we found an ax, a pipe and

a small can of carbide. This hand-ax, it was decided, belonged to the fire boss of the east side, Alex Havenock.

There is herewith attached affidavit showing that this was the working place of Cleo. McKinney and his father, Thomas McKinney.

**CONCLUSIONS:**

This investigation shows the wisdom of insisting upon strict compliance with the State Mining Laws on ventilation, in order to delute and render harmless accumulation of gases, and the importance of co-operation on the part of the fire bosses, Mine foreman and superintendents with the Mining department in keeping the proper amount of air in all working places. It also reveals that it is important that the working miners cooperate with the Mining department in reporting any dangerous condition that might come under their observation, in order that inspectors may be sent to correct the dangerous conditions.

We further concluded that this investigation shows the necessity of rock-dusting, to prevent, and the localizing effects of explosions, thereby reducing the loss of lives and property. In June 1924, I issued a state wide call to all the operators, to meet me in McAlester, Okla. for the purpose of discussing the importance of rock-dusting, which are as follows:

**RULES AND REGULATIONS GOVERNING ALL COAL MINES  
IN THE STATE OF OKLAHOMA, EMPLOYING FIFTEEN MEN  
OR MORE, WHICH WILL BE IN FULL FORCE AND EFFECT  
ON AND AFTER.**

**Rule 1.**

**ROCK-DUSTING:** All main entries and slopes of coal mines in Oklahoma employ-

ing fifteen or more men shall be rock-dusted from the main opening to a point designated by the district mine inspector, and the Chief Mine Inspector. Intake air courses shall be rock-dusted as far as the district mine inspector, and the Chief Mine Inspector deem necessary. At every opening from each working panel entry or slope, there shall be installed rock-dusting barriers so placed that an explosion originating in that level or panel cannot extend to other parts of the mine. These rock-dust barriers shall be of a type which has been tested and approved by the U. S. Bureau of Mines.

**RULE 2.**

**WATER LINES:** All mining machines shall carry a supply of water in such a manner as to wet down and prevent the raising of the coal dust and to avoid a suspension of the dust in the air. This rule shall apply to any mechanical loader that may be installed.

**RULE 3.**

**ENCLOSED LAMPS:** Before closed lamps will be permitted to be installed by any operator in any mine in this State, the following preliminary conditions must be complied with:

1. All mining machines used for undercutting coal must be of the closed type approved by the U. S. Bureau of Mines.
2. No open type motors can be used except in places ventilated by inlet air currents and all switches, circuit breakers, or fuses must be enclosed in explosion proof cases or break under oil.

3. No trolley wires will be permitted to run beyond inlet air currents and all electric wires must be removed from return airways. Upon compliance with the foregoing requirements, the closed lamps cannot be installed and used until approved by the Chief Mine Inspector, and in the event of their approval, until rules and regulations are promulgated governing the use of the same in each mine in this State.

RULE 4.

RESTRICTIONS ON SHOT FIRING: All shot firers are ordered not to light any shots in any mine of this State in any dry or dusty place.

RULE 5.

BRATTICING OLD PLACES: Any section of any mine which has been worked out and abandoned must be bratticed off with brattice built with non-combustible material to be approved by the district mine inspector, and the Chief Mine Inspector, and a drill hole must be put down to said section of the mine which has been worked out and abandoned.

(SIGNED) Ed Doyle, Chief Mine Inspector.

This rule was not put into immediate effect, for the reason, that the operators wanted more time to consider same, and to determine the amount which it would add to the cost of production.

The Mining Laws of this state make no express provision for rock-dusting and the rules were promulgated merely under the discretionary powers of the Chief Mine Inspector, with reference to rock-dusting as a safety measure.

It was agreed to give the operators a reasonable time to consider the same, but within two weeks thereafter, a temporary injunction was issued against the Chief Mine Inspector, at the instance of one of the operators, enjoining the mining department from exercising his discretion in promulgating a rule in another matter, and for that reason the rule on rock-dusting was never put into effect during the pendency of said litigation which is still pending and not finally determined.

If this rule on rock-dusting had been in effect, at the time of this disaster, the explosion would have undoubtedly been confined to the 16th west entry of said mine No. 21, and the loss of lives would have been limited to the miners working in No. 16 west entry, where about 11 men were working.

The condition of this mine was such at the time of this investigation, that it was impossible to make an accurate estimate of the damages done by the explosion, but in our opinion, we estimate the damage to be approximately  
\$50,00.00

Respectfully submitted,

Ed Boyle, Chief Mine Inspector.

Robt. H. Brown, Assistant Inspector.



State of Oklahoma )  
Pittsburg County ) SS

AFFIDAVIT OF CECIL MCKINNEY, WILBURTON, OKLAHOMA.

Cecil McKinney of lawful age, after being duly sworn on oath says that he is a resident of Wilburton, Latimer County, Oklahoma.

That he is an employee of the Eastern Coal & Mining Company, and has been in their employ since about the 4th or 5th of December, 1925. That he never worked in a coal mine, and had no mining experience of any kind until the time aforesaid when he went to work with his father, Thomas McKinney, now deceased.

Affiant further states that on the morning of January 13, 1926 at about 7:10 A. M. he entered mine No. 21, of the Eastern Coal & Mining Company, together with his father, Thomas McKinney and proceeded to his working place in Entry 16 East, Room No. 9 of said mine. That before he entered said mine he inspected the fire bosses' bulletin board, and that the following notation appeared on said board- "1/13/1926- O. K., B. D., A. H." That when affiant and his father reached their working place they met the fire boss, Alee Havenock in affiant's working place. Havenock was fire boss for the east side of the mine. Havenock said "Boys, do not pull the curtain down for a while - there is gas and damp back there, and if you do, you will get burned." The curtain was located at the last breakthrough in room Nine. Havenock, the fire-boss had no more than uttered this statement when the mine blew up.

Affiant further states that about two weeks before Christmas in December, 1925, the mine was dead lined at the top of the shaft. He saw James McConnell at the top of the shaft that morning, and remembers James McConnell saying to the men, "There is just one of two things for you men to do - if you are not going to work, then you will have to go home." McConnell seemed to be very angry because the men would not go down.

Affiant further states: All the time I worked in the mine it never was sprinkled. I have yet the first time to see it sprinkled. All the time I was working in the mine it was very dusty.

Statements to the effect that I went into the mine at 10 o'clock on the morning of January 13th, 1926 are false. I went into the mine for work at 7:10 a.m. on January 13, 1926, and was at my working place when the explosion took place, and remained in the mine until I was removed from there on the morning of January 14, 1926. I cannot remember what was happening in the mine. After the explosion I was in a dazed condition and can remember nothing except crawling around until I was found.

State of Oklahoma )  
Pittsburg County ) SS

AFFIDAVITS OF: Mrs. Cleo McKinney, Wilburton, Oklahoma  
Mrs. Myrtle McKinney, Wilburton, Oklahoma.

Mrs. Cleo McKinney, and Mrs. Myrtle McKinney each for herself after duly sworn on oath states; that she is the mother and wife respectively of Cecil McKinney, and that affiant, Cleo McKinney is the surviving widow of Thomas McKinney, who met his death in a mine explosion at Mine No. 21, Eastern Coal & Mining Company, Wilburton, Oklahoma on the morning of January 13, 1926.

Affiant further states that Cecil McKinney went to work in said mine on the morning of January 13, 1926, together with his father Thomas McKinney, now deceased, That they left home at about 6 o'clock A. M. and that Cecil McKinney never returned to his home until the 14th day of January, 1926 about 9 A. M. That both of the affiants and Cecil McKinney and Thomas McKinney lived in the same house at Wilburton, Oklahoma.

That when Cecil McKinney returned home on the morning of January 14, 1926, he was in a very nervous condition, and has been confined to his bed most of the time since. That Cecil acted when he came home like he was not in his right mind, and treated his relatives as though they were strangers.

Affiants further state that any statement to the effect that Cecil McKinney went into the mine with a rescue party after the explosion took place is absolutely false. Affiants positively state that Cecil went to the mine with his father for the purpose of going to work.

Affiant, Cleo McKinney further states that she remembers an occasion when her husband Thomas McKinney, now deceased, came home from work a short time before Cecil came to work with him in the same mine, and told affiant that he had lit some ~~gas~~ gas in the mine. Said affiant further states that her husband, Thomas McKinney, now deceased told her on many occasions that Mine No. 21, where <sup>he</sup> was working when killed was in a very bad and unsafe condition, that it was the worst mine he had ever worked in. Said affiant further states, that Thomas McKinney, now deceased had been a coal miner for about 8 years, that said Thomas McKinney had been working in Mine No. 21, where he was killed since about the middle of October, 1925.

Affiant further states that no amount was ever checked off from wages of Thomas McKinney, now deceased to apply toward a fund for payment in the event of injury or disability. Any statement to that effect that such check offs were made

As to any amount being checked off from my wages for a fund to be used for payment in the event of injury or disability, any statement to that effect is absolutely false. The statements of wages of the Eastern Coal & Mining Company do not show any check off for any such fund and never have shown same during the time I have been in their employ.

Further affiant says not.

(Signed) Cecil McKinney.

Subscribed to and sworn to before me this the 16th day of January, 1926.

(Signed) Joe A. Brown.  
Notary Public.

(SEAL)

My commission expires Sept. 9, 1926.