

In conclusion, I will say that I am of the opinion that, under the laws of this state, only citizens of the State of West Virginia, who are such as defined by the Constitution of the State, are eligible to and can serve in the positions of mine foremen and fire bosses, as provided in the mining laws of the State.

Yours truly,

WM. G. CONLEY,
Attorney General.
By D. E. MATTHEWS,
Assistant.

MINE EXPLOSIONS—REPORT OF EXPLOSIONS.

ECHO MINE.

Beury, W. Va., March 31st, 1909.

The mine is located at Beury, W. Va., on the main line of the C. & O. Railway, and two miles west of Thurmond, W. Va. It is opened in the Fire Creek seam and is operated by the Beury Brothers Coal & Coke Company.

At 1:30 P. M. March 31st an explosion occurred in this mine which caused the death of Sam Melhorn, Andrew Melhorn, John Blumefield, William Smith, Charles Jones and Andy Sydenstricker.

The last of these men Andy Sydenstricker, was brought out of the mine alive, at 1 P. M. of April 1st, having been in the mine for twenty-four hours after the explosion, and although he was given the very best of care and attention, he died on the Monday morning following, April 5th, from the effects of the poisonous after damp.

I went to this mine on the evening of March 31st, assisted in the rescue work and left there on April 1st, at 2:30 P. M., after all of the bodies had been brought out of the mine leaving Special Inspectors Combs and Raisbeck in charge.

From all the indications shown, and information it was possible to gather, it was determined that the explosion originated in the 4th Right off Carter's entry, known as "Jones Place." It seems that about eighty feet from the face of Jones place a piece of slate 20 feet wide, 30 feet long and 12 inches thick, had fallen a few days before, and Jones together with J. E. Miller had been working at this slate to remove it. They had fired three or four shots of dynamite on the rock, beginning with three sticks and increasing the charge until six sticks were used. Miller testified that they left ten sticks of dynamite in the mine, then they were idle for a week, and Jones, on the morning of March 31st, after getting eight more sticks of dynamite went into the mine by himself. After the explosion, three sticks of dynamite were found in a sack in Jones place, so that he used that day fifteen sticks of dynamite, and the probabilities are that he used all or most of it in the blast which caused the explosion.

The mine is generally damp except in one or two places which were referred by District Inspector J. A. Straughan, in the report of his inspection made March 3rd, 1909.

Notices of the Mining Department and the Instructions of the District Inspector in regard to the proper use of explosives, were posted at the pitmouth, but they seem to have been almost absolutely ignored, and the law flagrantly violated, in as much as several kegs of powder, some of them one-half to three-fourths full were found. And to this indifference to the instructions of the Department must this explosion, with its attendant loss of life, be attributed.

Attached herewith please find copy of a letter dated March 15th, 1909, from Mr. J. A. Straughan, District Mine Inspector to Mr. H. B. Beury, Supt. of Beury Bros. C. & C. Co., in regard to the use of explosives. Also attached please find copy of verdict of Coroner's jury.

LICK BRANCH MINE EXPLOSION.

Decembe 29 1908.

The Lick Branch mine is located in McDowell County on the main line of the Norfolk & Western Railroad, it is a drift mine opening on a small branch of Elkhorn River called Turkey Gap Branch, and is about midway between Bluefield and Welch.

This mine is owned by the Pocahontas Consolidated Collieries Company, with principal offices at Bramwell, West Virginia, Mr. Isaac Mann, of Bramwell is President, James Ellwood Jones, of Switchback, General Manager, Geo. E. Atkinson, General Inside Superintendent, and Cleve Bowers, Mine Foreman.

This mine is developed by two main headings running parallel to each other and about 2000 ft. apart. The left of New Main Entry is worked on the double entry system, and the Old Main or Turkey Gap entries are worked on the double entry system until they break through to Tag River, then they are worked on the three entry system. all of which are shown on the accompanying map. The mine has a producing capacity of 3000 tons daily, but on account of the general depression of business only 800 to 1000 tons daily were being mined.

The last inspection of the mine, made by this Department previous to the explosion of December 29th, is a matter of record and is presented in the evidence of the inquest and reads as follows:

Ventilation	<i>Good.</i>
Drainage	<i>O. K.</i>
Timbering	<i>O. K.</i>
Machineries	<i>O. K.</i>
Gases	<i>None.</i>
Oil used	<i>O. K.</i>
General Safety	<i>O. K.</i>
Recommendations	<i>None.</i>