

CENSURE FOR MINE INSPECTOR

Should Have Seen That His
Order at Marvine Colliery
Was Obeyed, Says Jury.

2 CHANGES HAVE BEEN MADE

The coroner's jury that probed the accident at the Marvine colliery of the Delaware and Hudson Coal company, September 12, when three men were killed and two injured by being struck by a runaway trip of cars, framed its report last night.

Mine Inspector Llewellyn M. Evans is censured for his failure to see that his order directing the discontinuance of the manway, along which the victims walked, just previous to the accident, was not obeyed by the officials of the company at the time of its issuance, last February. At No. 3 vein the men walked from the manway into the slope and were killed.

Since the jury commenced to hear testimony, the company has abandoned the manway that figured in the inquiry, and is taking steps to discontinue the use of another manway condemned by the inspector.

The cable that broke and caused the runaway had only been in use about six months and was continued in use after the accident, an inspection failing to bring any flaws in it to light. Tuesday the mine inspector directed the company to replace it with a new rope and this is being done.

THE JURY'S FINDING.

The verdict of the coroner's jury follows.

We find that John Zaboloc, Alex Kenwitz and Paul Lyszka were killed by a trip of runaway cars in the Marvine mine of the Delaware & Hudson company at Scranton, Pa., Sept. 12, 1911, while walking down a slope leading from the Clark to the Dunmore No. 4 vein.

We find that the runaway was due to the breaking of a 1½-inch steel cable used for pulling cars up the slope.

The rope has been in use since February last and was in good condition at the time of the accident, to all appearance. The life of similar cables on this plane in the past has been from fourteen to eight months. The load on the rope at the time of the accident was not heavier than usual. There was no indication of a flaw where the break occurred.

The three men who met death were members of a party of eight who started down a manway parallel with the slope, on September 12. At the No. 3 vein, three-quarters of a mile down, is an opening from the manway into the slope. Here five of the men entered the slope to walk to the No. 4 vein. A moment later they were struck by the runaway cars and three of them were killed. The survivors are unable to explain why the men entered the slope. Had they remained in the manway they would not have been killed.

NOTICE WAS GIVEN.

On Feb. 6, 1911, Mine Inspector Llewellyn M. Evans notified General Superintendent Rose, of the Delaware & Hudson company, to discontinue the use of the manway for the reason that in his judgment it was not safe and did not constitute a manway within the meaning of the law. Mr. Rose's reply to this was in effect that the company was not breaking the law by maintaining the manway and the contention thus raised does not seem to have been adjusted.

We believe that the mine inspector should have seen to it that his order with reference to discontinuing the manway was obeyed and the contention raised by Mr. Rose's letter adjudicated by the proper authorities.

James Reardon, John J. Loftus, John Devaney, J. E. Galligan, J. F. Mitchell, T. Ellsworth Davis, Foreman.