

DEPARTMENT OF THE INTERIOR
BUREAU OF MINES

REPORT

ON

VILLA MINE FIRE

MILL CREEK CANNEL MINING CO.

Villa, Kanawha County, W. Va.

May 20, 1918.

INVESTIGATORS:-

D. J. Parker, Mine Safety Engineer
Geo. S. McCaa, Ass't Mining Engineer
Robert Lilly, Foreman Miner
Wm. H. Forbes, First Aid Miner

Pittsburgh, Pa.,
November 26, 1918.

Report by
D. J. Parker.

J.M.P.
1/8/19

INTRODUCTION

About 2 o'clock P. M., on May 20, 1918 a fire occurred in the main-air-course of the Villa Mine of the Mill Creek Cannel Mining Company, resulting in the death of thirteen men and two mules, only two men escaping alive.

All of the men died from suffocation. Four bodies were recovered about 6 P. M. on the day following the fire and the remaining nine were located and removed early on the morning of May 22nd.

GENERAL INFORMATION

Location:- The Villa Mine is located in Kanawha County, West Virginia, District No. 6 of the State Mine Inspection Department, about ten miles east of Charleston and five miles from Milliken, the nearest railroad station and shipping point on the Coal & Coke Railroad. The post-office is Villa, West Virginia.

Ownership:- The mine is operated by the Mill Creek Cannel Mining Company of which Mr. J. H. Deegan, Electric Building, Cleveland, Ohio, is president; C. H. Blaine of Villa, W. Va., General Manager and B. S. Buckner, also of Villa, W. Va., Mine Foreman.

Geology: No. 5 Block (Middle Kittaning) Coal. At one to ten feet under the East Lynn sandstone there occurs the most persistent and important coal bed in the whole Allegheny series. This bed has been mined in the Kanawha Valley for more than seventy-five years, and was named the No. 5 Block Coal. It lies from sixty to two hundred feet above a hard, persistent black flint rock, which occurs in the Kanawha and Elk Valleys and has been named the Kanawha Black Flint. This coal bed is nearly always found at its proper geological horizon and of workable thickness, and most probably represents the Lower and Middle Kittaning beds combined, since the bed is generally a multiple one, separated into two or more strata by partings of slate and bone.

In Kanawha County this coal is usually of "Block" type, and is hard, breaking into large blocks. It forms an excellent steam and domestic fuel, is very hard, not breaking easily in marketing, and does not disintegrate when exposed to the air, thus forming an excellent coal for shipping purposes. (West Virginia Geological Survey; 1914).

Coal: The Villa Mine is located in the Elk District, near the head waters of Mill Creek, and is opened on the No. 5 Block Coal according to the Kanawha County Reports of the West Virginia Geological Survey. The reports of the State Department of Mines designates it as the Mill Creek Cannel seam.

The seam averages about 3' - 6" in thickness with a more or less

persistent shale parting of approximately 2" in thickness, occurring usually about one foot from the bottom.

The seam is composed entirely of cannel coal of excellent quality. The portion lying below the shale parting is of "Block" type.

Roof: The immediate roof consists of slate of fairly good quality but requires systematic timbering to make it safe. Rolls or Horsebacks are encountered from time to time. The main roof is composed largely of sandstone of variable thickness.

Floor: The floor for the most part is composed of a hard fire clay with a glossy surface and does not become mixed with the coal.

Gas: Methane has never been detected.

DEVELOPMENT AND SYSTEM OF WORKING.

The Villa Mine is a drift opening, having a main entry and air course. The mine was opened several years ago and developed on the room and pillar system with apparently but little thought having been given to a uniform or systematic lay out of the mine. (Unfortunately a map of the mine was not available. Only one print was to be had following the accident and due to possible errors it is understood that the print was of little value to the exploring parties.)

A small shaft some fifteen feet in depth connected a section of the abandoned workings with the outside. Due to the condition of the shaft as brought out at the Coroner's Inquest (see Appendix) it did not, under the State Mining Law, constitute a "second opening." While the area mined covered several acres, at the same time the live workings were limited, only fifteen men being employed underground.

Mining:

It is understood that the entire output was shot off the solid.

Explosives:

Black blasting powder was used to shoot the coal.

Haulage:

Two mules handle the output from the face to the tippie. At the tippie the coal is loaded into cars of three tons capacity and delivered by a steam locomotive over a narrow gauge road to another tippie at Milliken Station on the main line of the Coal & Coke Railroad, some five miles distant. From the latter tippie the coal is loaded into the railroad cars.

Preparation of Coal:

The tippie is equipped with screen bars for making the following grades of coal: Pea, Nut, Egg, Lump and Block.

Lighting:

Open lights are used exclusively.

Ventilation:

The mine was ventilated by a disc fan about five feet in

diameter, located approximately 500 feet from the drift mouth inside the mine and belt driven by a gasoline engine.

According to the most authentic information, the engine was placed on a concrete foundation only a few feet away from the fan which was surrounded by wood work. At the time of the accident it is understood the fan was operating as a force fan.

STORY OF THE ACCIDENT

The fire originated in the air-course at the point where the ventilating equipment was located. It appears that the engine either took fire, due probably to overheating, or else the gasoline tank exploded. The exact cause will likely never be determined. Due to the high inflammability of the coal, the ribs of the air-course, which were only a few feet away, were readily ignited. Conceding that the fan engine was idle as the boy attendant testified at the inquest in Charleston on May 25th, nevertheless the mine was rapidly filled with smoke and the exit of thirteen of the fifteen men underground was cut off. With some assistance from the outside, two of the trapped men were able to escape through the shaft tapping the old workings.

RECOVERY WORK

A general idea of the recovery work accomplished by others than Bureau of Mines representatives can be obtained from the sworn state-

ments attached of the Mine Foreman, two State Inspectors who were present and the boy whose duty it was to tend the engine operating fan. (See appendix.)

On the day of the fire, the Chief of the Department of Mines was holding a mine foremans' examination in Charleston. Upon receipt of notice of the accident, about fifty of the men taking the examination volunteered their services and accompanied the Chief to the scene of the accident on a special train. The services of such a large number of experienced mining men greatly expedited the recovery work.

Shortly after receiving word of the accident, the State Department of Mines had a fan and gasoline engine rushed to the mine and installed at the drift mouth. The installation of this temporary fan made it possible to explore the greater portion of the mine without the use of oxygen breathing apparatus.

Nine of the entombed men attempted to erect a barricade to the after damp by placing a stopping of gob and coal across a narrow room. The room was approximately 15 feet wide and the barricade, which was placed about ten feet from the room face, had reached a height of two feet when death overtook the entombed men. Even had they been successful in completing the stopping, life would have been prolonged only a short time on account of the very limited space sealed up.

The nine bodies were found back of the barricade together with nine dinner buckets, four powder flasks and three shovels.

The four men first discovered evidently were overcome quickly as they had not traveled a great way from their working places, nor had they made any attempt to protect themselves by barricading.

It is gratifying to note from the account of the Bureau's activities in this connection that Mr. W. J. Heatherman, Chief of the Department of Mines, wired direct to Car 8 for assistance. The account follows:

On Tuesday morning at 8:30, May 21, 1918, Mr. Lilly, Foreman in charge of Car 8, received a telegram from Mr. W. J. Heatherman, Chief of Department of Mines, Charleston, W. Va. The message stated that he desired the assistance of Mine Rescue Car 8 and crew at the Mill Creek Mine fire, located ten miles from Charleston, W. Va. Mr. Lilly immediately wired acknowledgment of message to Mr. Heatherman and notified Washington and Pittsburg offices.

Arrangements were then made with Station Agent at Monongah, W. Va. to have Car 8 taken out with all possible haste.

The car left Monongah, W. Va., at 10:45 A. M. en route to said Mine, arrived at Grafton, W. Va., 1:30 P. M., left by special engine 2:50 P. M., arrived Buchannon, W. Va., 4:00 P. M. Left 4:15 P. M. on the Coal

& Coke Railroad by special engine, arrived at Gassaway, W. Va., 9:15 P. M., left 9:18, arrived at Milliken, W. Va., 12:30 A. M., May 22, 1918. This was the nearest railway point to the Villa Mine, which was still five miles away.

On arrival at Milliken, Robert Lilly and William H. Forbes, Crew of Car 8, proceeded to the mine by means of a small dinkey engine over a narrow gauge railway. The distance was covered in forty-five minutes.

On arrival at Villa, Mr. Lilly held a conference with Chief Mine Inspector, Mr. Heatherman. It was decided that it would be necessary to wear breathing apparatus to explore a part of the mine where it was supposed that the remaining nine men were located.

On asking for assistance, three men that had been previously trained by the Bureau of Mines willingly volunteered. Their names are George Symon, Crown Hill, W. Va., A. F. Marshall, Pax, W. Va., R. H. Tinsley, Berwind, W. Va.

Messrs. Lilly and Forbes then returned to Car 8 for the rescue equipment, returning to the mine at 5:30 A.M., May 22.

On arrival at the mine, the crew wearing apparatus was examined by two doctors. Crew wearing breathing apparatus entered the mine at 6:45 headed by Robert Lilly carrying safety lamp and canary bird, with Wm. H. Forbes in the rear carrying extra oxygen bottle, followed

by Chief Mine Inspector Heatherman and a crew of six men without apparatus.

The Crew wearing breathing apparatus did not turn on oxygen until a trap door was reached, and at this point a fresh air base was established. After resting here for five minutes, it was decided that the apparatus crew would explore beyond the trap door under oxygen.

While resting here R. H. Tinsley, one of the apparatus men showed signs of excitement, and at the request of Mr. Lilly, he was left at the fresh air base. The men under oxygen, and apparatus working good, then went through trap door and explored for one hour and fifteen minutes in the part where it was supposed that nine of the men were entombed. The crew returned to the fresh air base and reported to Chief Heatherman.

While apparatus crew was resting, men without apparatus explored another section of the mine and discovered the nine bodies lying together at the face of a room. The men had made an attempt to build a barricade but had died before it was completed.

Exploring party then returned to the outside of the mine. Mr. Heatherman, Chief Mine Inspector, engaged men to remove the nine bodies from the mine.

At 2:00 P. M., May 22, 1918, Mr. D. J. Parker and Mr. George McCaa from the Bureau of Mines Pittsburgh office, arrived at the mine too late to participate in the recovery work.

SUMMARY OF EVIDENCE.

According to the evidence evolved at the Inquest, it appears

1. That the fan and gas engine had been operating in the mine at the same point as they were on the day of the fire for several years.

2. That those in authority had raised no objection whatever to the location and installation of the ventilating equipment.

3. That the last inspection of the mine was fourteen months prior to the disaster.

4. That said ventilating equipment was not installed and operated in accordance with the State Mining Law.

5. That an adequate second opening or escape way was not provided as required by the Mining Law.

6. That the mine foreman, even after the disaster, did not seem to fully appreciate the danger of such an installation of ventilating equipment.

7. That the mine foreman did not hold a certificate of competency as a mine foreman from the State of West Virginia.

CONCLUSIONS.

1. That grave responsibility devolves on those charged with the safety of the men in the mine.

2. From a standpoint of safety, the practice of operating ventilating equipment as was done in this case cannot be too severely condemned.

3. Had a second opening been provided it is probable that no lives would have been lost.

RECOMMENDATIONS.

1. That the State Inspection force be increased to the extent that will permit of regular inspection of small mines as well as the larger ones.

2. That operators be given only a reasonable length of time in which to secure the services of a certified mine foreman.

3. That an adequate second opening be provided and proper signs, clearly indicating the way to the outside, be posted.

A P P E N D I X

At an inquisition held at the office of the Department of Mines in the City of Charleston, County of Kanawha, on the 25th day of May, 1918, before P. S. Shirkey, Coroner of said County, upon the bodies of:

Lee Lucas	F. M. Norman
Harry Buckner	Audrey Buckner
Curtis Matheny	Bura Matheny
Alison Lucas	Giles Workman
Jim Young	Enoch Hunter
Wilbur Hunter	Emory Belcher
John Sampson	

Effie May Lacey, Stenographer, and the following Jurors:
A. M. Salyers, John W. Fry, D. W. Taylor, W. M. Lynch, G. A. Goshorn, J. M. King. The Jurors being first duly sworn, the following evidence was introduced:

Present:	P. S. Shirkey, Coroner
	Frank Lively, Assistant Attorney General.
	W. J. Heatherman, Chief Department of Mines.

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ZACH EVANS

Zach Evans, the first witness called, after being duly sworn, testified as follows:

Examined by Frank Lively, Assistant Attorney General.

Q. 1. What is your occupation? A. I am working for the State as District Mine Inspector.

Q. 2. Mr. Evans, were you called to a mine explosion in this State up Elk River recently? A. Yes sir, I was called Monday about 3:00 o'clock.

Q. 3. What day was that? A. 20th of May.

Q. 4. What did you do, where did you go, and what did you see? A. Well, we got ready and went up there as quick as we could - to Villa mine on Mill Creek, Kanawha County, West Virginia.

Q. 5. Explain what had happened there? A. Well, when we got there we were told that a gasoline engine had exploded and caught fire and the mine was a fire. We went in the mine about 500 feet.

Q. 6. Was it a drift mine? A. Well, it was a drift mine - Cannel coal operation.

Q. 7. Was it upon the side of the mountain? A. No Sir, it was out on a level of a branch line - it came in to the Coal & Coke.

Q. 8. Was the entrance of the mine about level with the branch?
A. About thirty feet higher. About tipple height.

Q. 9. Was the trend of the mine downward or upward from the entrance? A. It had a dip from the drift, that would let the cars to the tipple from the drift mouth. It was like all other mines up there.

Q. 10. Had you ever been in this mine before? A. No sir.

Q. 11. About what is the size of the operation? A. Well, it did not seem to be very large. They employ about fourteen men.

Q. 12. Do you know who owns the mine? A. No sir.

Q. 13. What was the first thing you did when you got to the mine?
A. Well, when we got to the mine we went in.

Q. 14. Did you see a fire? A. Yes sir.

Q. 15. Tell the Jury what you did. A. We went as close to the fire as we could. They had a stopping put in and canvas over the front of it. It was a very poorly built stopping, and we took the canvas back and looked into the fire. We could get within forty feet from the stopping to the fire, as near as I could judge.

Q. 16. How far did you go into the mine before you came to this stopping? A. I judge about 550 or 600 feet.

Q. 17. About how far from the mouth of the mine was the fire?
A. About 600 feet from the mouth of the mine.

Q. 18. From your personal observation could you tell the cause of the fire? A. Only what I was told.

Q. 19. Did you see any dead bodies? If so, tell the Jury all about it. A. Later on I did. Next day I saw four bodies.

Q. 20. What was done in the meantime? A. Well, we put in stoppings and tried to get to the dead men.

Q. 21. Tell about the bodies. A. Some time during Tuesday the 21st we found the four bodies, and then we had to change our plans. We had to reverse our fan and go to the other side of the mine.

Q. 22. Did you find any dead bodies, and who were they? A. I did not know the names of any of them.

Q. 23. Where did you find them? A. They were found back of the fire about six or eight hundred feet. We worked our way around the fire, and in the first heading these men were found.

Q. 24. These dead bodies were back of the fire in the mine? A. Yes sir, they were shut off with the fire.

Q. 25. How did you get by the fire? A. We carried a current of air around the air course on the left side of the mine.

Q. 26. Where did you find them? Tell all about finding these dead bodies. A. They were found dead lying on the main entry on the left side of the mine, and that was all we found on that side.

Q. 27. From your observation of these bodies, can you tell the Jury how they came to their death, and their condition? A. It seemed

as though they had been smothered to death, caused by the mine fire.

Q. 28. Were they lying down? A. Some on their face and some on their back.

Q. 29. How many? A. Four in a bunch.

Q. 30. Was that all? A. No, we found nine on the right side of the mine. The other side of the mine.

Q. 31. What do you mean by the other side of the mine? A. The right hand side of the mine.

Q. 32. Do you know the names of any of these men? If so, tell the names. A. I was told the names but don't remember.

Q. 33. About how far from the fire did you find these dead bodies in the right side of the mine? A. That would be pretty hard for me to say. We had to work our way through old works and I could not tell how far from the fire it was.

Q. 34. Is the fire still burning? A. It was when I left there.

Q. 35. When did you leave? Wednesday.

Q. 36. What condition did you find these nine bodies in? A. We found them all together with a stopping partly built up within two feet of the roof.

Q. 37. Lying on each other, or piled up? A. Some had their shirts over their heads, and some lying on their face and back.

Q. 38. Any sitting up? A. No sir.

Q. 39. How did these men come to their death? A. I judge it was from the smoke caused by the mine fire.

Q. 40. Did you discover any gas in the mine? A. No sir.

Q. 41. Is it a gaseous mine? A. I don't know, I had never been in the mine before.

Q. 42. From your observation could you tell where these men had been working? A. We went to some of the working faces that the boss told us they had worked in. We put a stopping in and tried to find them.

Q. 43. Was this a new works? A. They called it the new works.

Q. 44. Had anybody been working there? Had any coal been shot down? A. No sir, there had been a slate stopping put up. Had track in it.

Q. 45. How many entrances to this mine? A. There is only one permanent entrance. The other was an entrance but very hard to get through. Supposed to be two.

Q. 46. One was the main entrance where the fire was burning, and the other was an insufficient or temporary one. Now explain to the Jury about these entrances. A. The other entrance was a second opening to the outside. It was in pretty bad shape.

Q. 47. What is pretty bad shape? A. Bad to travel.

Q. 48. Could the air get through in this entrance? A. No sir. We had to take the air through. We had to take our ventilation with us, and clean up everything that was in the road.

Q. 49. What was in the road? A. Slate falls.

Q. 50. Was the slate falls sufficient to obstruct the air passage? A. Yes sir.

Q. 51. When you got to the burning mine that evening, Mr. Evans, who was the first person you saw? A. The mine boss was the first.

Q. 52. What is his name? A. Mr. Buckner.

Q. 53. Where did you see him? A. I met him at the Villa store.

Q. 54. How far from the burning mine? A. I judge 400 feet from the drift mouth.

Q. 55. What was going on at the mine when you got there? A. The best I remember they were installing pipe lines to put water in the mine.

Q. 56. You say you do not know the cause of the fire, except from information? A. No sir. Only what I was told.

Q. 57. What was your information from the Mine Foreman as to the origin of the fire? A. He claimed the engine blowed up and fire the coal.

Q. 58. What engine? A. The oil engine that drove the fan.

Q. 59. Where was the oil engine? A. It was about 600 feet from the mouth of the mine attached to the fan.

Q. 60. Out in the open air? A. No sir, in the mine.

Q. 61. What kind of an engine was it, or did you see it? A. I did not see it.

Q. 62. Why? A. Too much fire.

Q. 63. Where was the fan? A. I did not see the fan.

Q. 64. Was the fan inside or outside? A. I suppose inside, but I did not see it.

Q. 65. If there had been a connection from the engine to the fan at the mouth of the mine, you would have seen it, would you not? A. Yes sir.

Q. 66. You cannot give the name of any of these persons who met their death, or the ownership of the mine? A. No sir.

Examined by Mr. Spillman, Attorney-At-Law.

Q. 1. Mr. Evans, when you got to the mine it had been burning several hours, I believe. A. Had a pretty big fire.

Q. 2. Of course, you have no knowledge and don't desire to be understood as to what caused the fire? A. I am not trying to do that.

Q. 3. You were simply told by some persons that you found there that the fire had been caused by the explosion of a gasoline engine? A. Was told by mine foreman.

Q. 4. Neither the Mine Foreman or anyone else claimed to have any knowledge what caused the fire. A. Did not question them.

Q. 5. Did you see or talk to the two men who were in the mine at that time, who escaped and got out? A. If I did I did not know who they were.

Q. 6. You saw the air shaft? A. Yes sir. There is a hole about twelve feet from the outside to the working place in the mine.

Q. 7. How did these men get out? A. I understood that these two men had knocked out a stopping to get over into the shaft. Now, I do not know this to be sure, only understood it.

Examined by D. W. Taylor, Member of the Jury.

Q. 1. What was burning in the mine? A. The coal was a fire.

Q. 2. Did it burn steadily, or did it burn by explosions large or small? A. Just a great big fire.

Q. 3. Could you tell from the fire whether there appeared to be any gas burning? A. There was smoke coming from the fire.

W. B. RIGGLEMAN.

W. B. Riggleman, the second witness, after first being duly sworn, testified as follows:

Examined by Frank Lively, Assistant Attorney General.

Q. 1. Give your occupation and residence. A. I am District Mine Inspector of the 4th District, and reside in Fairmont, W. Va.

Q. 2. When did you get to this mine disaster on Monday the 20th? A. I arrived there about 6:00 o'clock.

Q. 3. When did you first receive notice? A. About 2:00 or 3:00 o'clock.

Q. 4. Where were you at that time? A. At the State House.

Q. 5. You immediately went to the scene of the disaster? A. Yes sir.

Q. 6. You arrived there when? A. Some time near 6:00 o'clock.

Q. 7. Explain to the Jury what you saw, and what you did? A. When we arrived there we changed our clothes and went right up to the mine and went in to the fire as close as we could. Came back out of the mine and went in the main entrance and put up another stopping. They had one stopping up. We opened the one they had up and looked at the fire and put up another stopping right behind that and made it more secure.

Q. 8. Then what did you do? A. Then we got a fan. The Chief sent us a fan and we installed it and started it. Then we went in without fresh air current and put up a stopping right behind the stopping in the main heading, which intersected the main airway. We cleaned up falls in that airway until we could get to the first working place on the left side of the mine. We examined that place and did not find anyone there. The fumes that our fan was bringing out came to the hollow and we had to come to the outside. We waited until the air changed and took the fumes the other way, and then got some more help and went in the mine again, and put a stopping in above the fan on the heading, and that was as far as we went in that particular part of the mine.

Q. 9. Did you discover any bodies there? A. No sir. The other men got the bodies.

Q. 10. Did you see the bodies lying in the mine, and can you tell anything about their condition or position from your own personal knowledge? A. I did not see the four bodies. I saw the other nine.

Q. 11. What did you do after these four bodies were brought out of the mine? A. After these four bodies were brought out of the mine, we reversed our fan and made it a force fan, and then went in on the other side of the fire as far as we could. On Wednesday morning we went back in the mine again and advanced on several hundred feet further and found the other nine bodies. They had attempted to seal themselves up in a space about 24 feet in diameter.

Q. 12. About how far were they from the fire at a rough guess? A. It would be pretty hard for me to make a rough guess, as we had to go over such a zig zag road to get to these bodies.

Q. 13. Was there much smoke and fumes from the fire? A. At that place.

Q. 14. All through the mine? A. We took our fresh air current and removed the smoke and fumes. We could not have went without the air current.

Q. 15. Do you know how the fire originated? A. Only what I was told. They supposed the gasoline engine blowed up that was running the fan.

Q. 16. Do you know where the gasoline engine was? A. Only what they told me .

Q. 17. What was the gasoline engine used for? A. For running the fan.

Q. 18. Where was the fan? A. Do not know - only what I was told.

Q. 19. Mr. Riggleman, what caused the death of these men you saw? A. They came to their death from suffocation from fumes from the fire.

Q. 20. One of the Jury asked an important question a while ago as to the character of the fire, whether it was steady or in the nature of an explosion. Tell the Jury about this fire, whether it was steady or in the nature of an explosion? A. By the time I got there this fire was burning steadily, and I could not tell whether there had been an explosion or not.

Q. 21. Was this a gaseous mine? A. I did not detect any explosive gas.

Examined by W. J. Heatherman, Chief of the Department of Mines.

Q. 1. Mr. Riggleman, what is the law about second openings? Did you figure this mine complied with the law. A. I could not figure it did, according to the way we had to go and the falls that had to be crawled over. No sir, the second opening did not comply with the law.

Q. 2. What is the purpose of a second opening? A. A second opening is to be so you can take the air in and circulate it around and take it out another place, in case one place gets obstructed you have another place to go out.

Q. 3. Is the second opening equivalent with a shaft. A. If you have one shaft and one drift that would be two openings, but that might not comply with the law.

Q. 4. Did this second opening comply with the law? A. This second opening did not comply with the law. With the falls and obstructions it would take some time for a man to get through.

Examined by Mr. Spillman, Attorney-at-law.

Q. 1. Mr. Riggleman, have you ever been in this mine before when you went there Monday? A. No sir.

Q. 2. So you don't know what condition the mine was in before the fire started? A. No sir. That was the first time I had ever been there.

Q. 3. When you got there the coal in the mine was on fire? A. Yes sir.

Q. 4. The coal that this particular mine produced was cannel coal?
A. Yes sir.

Q. 5. Is cannel coal highly inflammable coal? A. Yes sir.

Q. 6. Did you see or talk to the two men who were in the mine at the time the fire started? A. I heard them talk but did not talk to them.

Q. 7. Were you up there when these thirteen men who were killed were buried? A. No sir.

Q. 8. You don't undertake to say what caused this fire do you, of your own knowledge? A. Could not say only what I heard, as we could not get in the fire to see anything.

Q. 9. What in your opinion caused the fire? A. Don't know only what I was told. They said the gasoline engine blowed up that was running the fan.

B. S. BUCKNER.

B. S. Buckner, the third witness called, after being duly sworn testified as follows:

Examined by Frank Lively, Assistant Attorney General.

Q. 1. How long have you been at Villa and what is your position.

A. It has been my home all my life.

Q. 3. What are you doing at the Villa mine? A. Have been their Mine Foreman for two years.

Q. 4. Were you their Mine Foreman during this recent fire and disaster there. A. Yes sir.

Q. 5. Mr. Buckner, when did the disaster occur? A. Sometime about 2.00 o'clock in my best judgment.

Q. 6. Day or night? A. Day.

Q. 7. What was the first intimation you had of it? A. The first I heard about it I was down the track about the mine instructing some work to be done on the track, and our blacksmith came and told me something was wrong with the fan. We went in about forty feet behind the fan but could not get any further for the smoke was too strong. Went to the brattice on the left and hollered and tried to locate the four men on that side, but could not hear them, then I went back to the first right and went in there, and then came around to the other way and tried to locate them there and went in the right to the air shaft and went on up this entry until I came to the men's working places and went to all their places except two and

the men had gone. I did not get to these two men's places for the smoke had got there, and then I came back and went to the office and called the Chief of the Department of Mines.

Q. 8. You mean this office here? A. Yes sir. And then told him that a fire had broke loose around the mine fan in the mine, and we wanted help. He asked me what was the cause and I told him that I could not tell. Then I asked the one who answered the 'phone if it would be a good idea to put up a stopping below the fire. Then I hurried back with two men and put up a stopping. Then I came back out and went to the air shaft on my second trip and tried to locate some of the men as I thought perhaps they had turned and came back. I did not get in that time as far as I did the first time; then I came back out and later met the inspectors and then I followed their instructions.

Q. 9. Did you find any bodies in there? Dead men? A. No sir, I was the man that lead the Inspectors to the mine men.

Q. 10. Did you find the four men? A. No sir, I was not with that crew.

Q. 11. Did any escape from the mine? A. Yes sir.

Q. 12. Who were they? A. Samuel Brown and Howard Lucas.

Q. 13. How did they escape? A. They came from the double parting on the right and came out through some old works to the air shaft and then came out through a stopping.

Q. 14. Did they dig out? A. There was not much digging to do. A man helped them some from this side.

Q. 15. You say a man on this side on the outside. A. Man was on the outside down in the shaft.

Q. 16. Mr. Buckner, what was the cause of the fire? A. I do not know.

Examined by W. J. Heatherman, Chief of the Department of Mines.

Q. 1. How close did you get to the fire the first time you went into the mine? A. The closest I got to the fire was about ten feet.

Q. 2. What were you burning in this engine that day? What kind of fuel? A. The boy put about one-half gallon of gasoline in it.

Q. 3. What had you been burning before that? A. Kerosene oil.

Q. 4. You were running it that day on gasoline? A. About one-half gallon.

Q. 5. Had any complaint been made about the condition of the spark plugs on this engine? A. No sir.

Q. 6. Why were you burning gasoline? A. We had run out of oil and our men were at work and we thought we would run the fan on that. We had run the engine before on gasoline and had no trouble, and I could see no difference in the change.

Q. 7. How long has it been since the Mine Inspector had been there? A. Fourteen months.

Q. 8. Did he ever write you a letter? A. No sir, I never received any letter.

Q. 9. State the names of the men who met their death in the Villa

mine.

A. B. T. Matheny, Track Layer
 John Sampson, Miner
 Emory Belcher, "
 Alison Lucas, "
 James Young, "
 Wilbur Hunter, "
 Enoch Hunter, "
 Giles Workman, "
 Curtis Matheny, "
 Lee Lucas, "
 Harry Buckner, "
 Audrey Buckner, "
 F. E. Norman, "

Q. 10. Mr. Buckner, in your opinion, how did the fire start, what caused it? A. I don't know. Could not answer.

Q. 11. Is your fan sitting on a wooden platform? A. Cement.

Q. 12. What kind of a house have you around the engine? A. No house around engine.

Q. 13. What kind of a frame have you around the fan? A. Wooden frame.

Q. 14. What is the size of the engine? A. Three horse power.

Q. 15. How long has it been in there? A. They claim it has been there for seven years.

Q. 16. How did you get your gasoline into the engine? A. Took it in sealed cans.

Q. 17. Did you ever recommend to the Company that the fan be removed to the outside? A. I never did. I had confidence in the Mine Chief.

Re-examined by Frank Lively, Asst. Attorney General.

Q. 1. Was it a gaseous mine? A. No sir.

Q. 2. Was is the life of one of these engines? A. I could not say, but they last several years.

Q. 3. Was someone attending to it? A. I am the man that looked after the engine. We had a boy to keep water in it.

Q. 4. Was it this boy that put the gasoline in? A. Yes sir.

Q. 5. He put oil in if necessary? A. Yes sir.

Q. 6. What was the boy's name? A. Herbern Young.

Examined by J. H. King, Member of the Jury.

Q. 1. How long had it been since you were over the air course?
A. Just a few days.

Q. 2. What was the condition of the air course? A. I ran in, and it looks like a man could walk out. I had a man with me and he is as large a man as I, and we both ran in. One of two slate falls had fell two or three days before.

Re-examined by Mr. Heatherman, Chief.

Q. 1. What was the condition of the air course on the left?

A. There had been one fall out there.

Q. 2. Was this stopped up? A. No sir.

Q. 3. When these four bodies were brought out, was that airway open? A. Yes sir, it was open, but we took a near cut to rescue the bodies.

Q. 4. Was this considered an air way where we brought these four bodies out? A. Yes sir, it was the nearest way.

Q. 5. Was that the only way of escape of these four men, through the fan? A. No sir, they could have got out another way.

Examined by Mr. Spillman, Attorney-at-Law.

Q. 1. Who was R. B. Cobb? A. From this State Mine Department here? A. Yes sir.

Q. 3. Who gave you this slip of pink paper, marked Department of Mines, State of West Virginia, Certificate of Inspection? A. Mr. Cobb handed it to me.

Q. 4. Where were you? A. At the mine.

Q. 5. Where was he? A. At the mine at that time.

Q. 6. It is dated April 25, 1917, was that the day he gave it to you? A. Yes sir.

Q. 7. What was he doing up there that day? A. Inspecting the mine.

Q.8. And he inspected it? A. He went through it, and stopped at this fan engine and said it was all right.

Q.9. Is this the same fan that was in the mine when this accident occurred? What did he say about it? A. He said it was all right.

Q. 10. What was the fan burning that time as fuel? A. I could not say.

Q. 11. Was there any more danger burning one than the other? A. I could not see any change.

Q. 12. He did not make any complaint about the engine or fan to your knowledge? A. No sir.

Q. 13. Was this pink paper the certificate he handed you? A. Yes sir. A. Yes sir.

Q. 14. This is the latest inspection that was made up there? A. Yes sir.

Q. 15. Now before that time had the Mine Department ever inspected it? A. Yes sir.

Q. 16. Had any complaint ever been made of this gasoline engine or the fan? A. No sir.

Q. 17. Not to your knowledge or this operation? A. No sir.

Q. 18. Has any complaint ever been made about the second entrance that you maintain? A. None.

Q. 19. Has any complaint ever been made about your ingress and egress? A. None.

Q. 20. I believe that you said that the fan and engine were both in your care and you examined and inspected them three or four times a day. A. Every day.

Q. 21. This present company that owns this mine has owned it about six years? A. I have been foreman three years, but I cannot say how long they have been in charge.

Q. 22. Your information is that this fan and engine were at the same place when you took this mine over, and during this time as far as you know no complaint was ever made by anybody? A. Yes sir.

Q. 23. How much would your tank hold? A. About five gallon when it was full.

Q. 24. Was any gasoline or kerosene stored in this mine? A. No sir.

Q. 25. The gasoline and kersone were kept in the blacksmith shop outside? A. Yes sir.

Q. 26. When this tank was empty you would send the boy out and get a can and bring it in? A. Yes sir.

Q. 27. Was this a big or little mine? A. Employs about fourteen or fifteen men.

Q. 28. Mines a very irregular seam of cannel coal? A. Yes sir.

Q. 29. I understand you to say that some slate has fallen since the fire started. A. Yes sir, caused by the heat from the fire.

Q. 30. Mr. Buckner, do you know whether there was any explosion at this fan or not? A. Do not. Don't think there could be.

Q. 31. Did you see any evidence at all of an explosion having occurred? A. No sir.

Q. 32. This cannel coal will light like wood if you put a match to it, will it not? A. Yes sir.

Q. 33. Was any wood used in this mine in brattices or anything that could catch fire from a miner's lamp? A. Yes sir, there was wood on the main entry.

Q. 34. As far as you know was there any evidence at all to show that there was an explosion at the fan? A. No evidence at all.

Re-examined by Frank Lively, Asst. Atty. General.

Q. 1. Do you get the correspondence of the Mill Creek Cannel Mining Company? Do you attend to that part of the business? A. There is a man in the office that takes care of that.

Q. 2. You say that Mr. Cobb examined the engine and said it was in good order. Were you discussing it? A. We looked over the fan and engine and Mr. Cobb said it was a good engine and in good shape.

Q. 3. Who was with the engine at the time the fire happened? A. The boy had been gone about five minutes from it.

Examined by D. W. Taylor, Member of the Jury.

Q. 1. Would it have been a practical proposition to operate this fan on the outside of the mine by means of an oil engine located on the outside? A. I suppose it could be done all right, but it was there when I took charge, and no complaint had ever been made about it, as far as I know.

Q. 2. Is it safe to operate a fan on the inside of an ordinary mine by means of an oil or gasoline engine located on the inside of the mine? A. I am not able to say. We have no mining law to cut out putting it there, or I have not seen any.

Q. 3. Is it safe to practice in your opinion as a miner? A. It has been very safe.

Q. 4. You don't know what caused the fire? A. No sir.

Q. 5. It is true that the fire occurred between the gasoline engine and the fan? A. Some where there close.

Q. 6. Who owned this mine? A. Mill Creek Cannel Mining Company.

Q. 7. Were you in their employ? A. Yes sir.

Re-examined by Mr. Spillman, Attorney-at-Law.

Q. 1. Mr. Buckner, would you undertake to decide to say what was a safe practice, or would you decide that it was the place of the Department of Mines to say what was a safe practice? A. I left it to the Department of Mines.

Q. 2. Do you understand that under the law the Department of Mines are required to inspect these mines from time to time? A. It says every three months.

Re-examined by Mr. Heatherman, Chief.

Q. 1. Do you consider it safe to keep that engine in there?

A. The Mine Inspector never said anything and I thought they knew their business.

Q. 2. You had wood around your fan did you not? A. There was some wood.

The following is a letter addressed to this Company under date of April 9, 1915:

Mill Creek Gannel Coal Co.,
Villa, West Virginia.

Gentlemen:

In going over inspection report, March 22, Inspector Cobb, of your Villa mine, I am very much pleased to note the good conditions found throughout. A report of this kind is very much appreciated by this Department as it is positive evidence of your cooperation.

It is noted that your mine foreman has no certificate and, in order to comply with the law relative to the employment of mine foremen, you are requested to secure at once a person for such position who is in possession of a certificate of competency from this Department.

Special attention has been called to the construction of your fanhouse and you are earnestly requested to comply with the recommendation of the Inspector by the reconstruction of same of non-combustible material, or making the same practically fire proof, thereby eliminating to a great extent the opportunity for disaster resulting from destruction of same by fire."

Re-examined by Mr. Spillman, Attorney-at-law.

Q. 1. Does the letter referred to mean the fan house at this time? A. We had a fan house outside.

Re-examined by Frank Lively, Asst. Atty. General.

Q. 1. Was that fan house in 1915, 1916 and 1917 ever used during the time you have been there? A. Yes sir, they kept the fan in case something would happen.

Re-examined by Mr. Spillman, Attorney-at-law.

Q. 1. On the 25th day of April, 1917, when this last inspection was made was the fan inside the mine in the same condition as it was on last Monday when the fire occurred? A. Yes sir.

HERBERN

YOUNG.

Herbern Young, the fourth witness called, after being duly sworn, testified as follows:

Examined by Frank Lively, Assistant Attorney General.

Q. 1. Do you live up there near Villa? A. Yes sir.

Q. 2. Were you born there? A. Yes sir.

Q. 3. How old are you? A. Sixteen past in July.

- Q. 4. What are you working at? A. Running that fan.
- Q. 5. What fan? A. At Villa.
- Q. 6. How long have you been working for the Company that owned the mine? A. Not hardly a year.
- Q. 7. What did you do there, son? A. I attended to the fan, put oil and water in it.
- Q. 8. Did you start the engine? A. I never did try.
- Q. 9. Was you there the day this fire occurred in the mine? A. Yes sir.
- Q. 10. How far was the gasoline engine from the fan? A. Right close to it.
- Q. 11. How long was the bolt that run from the fan to the engine? A. About ten feet.
- Q. 12. Was it a very large engine? A. Not very big.
- Q. 13. About how much oil would it hold? A. About five gallons.
- Q. 14. How much gasoline did you put in it at a time?
A. A gallon and a half at a time to keep it going.
- Q. 15. Did you put any in the day the accident occurred?
A. Yes sir.
- Q. 16. Had you been there by the engine all the time that morning? A. Yes sir, all the time.
- Q. 17. Was you there at the time this fire occurred? A. No sir, went out after gasoline.

- Q. 18. How much gasoline had you put in before that day?
A. I put in about five gallon in all. A gallon and a half at a time.
- Q. 19. When you came back after going after the gasoline, what had occurred? A. There was smoke coming from the fan.
- Q. 20. Did you see any fire? A. No sir, just smoke.
- Q. 21. Was the engine running at that time? A. No sir.
- Q. 22. What was the matter with the engine? A. I don't know.
- Q. 23. Was anything wrong with the spark plug? A. It leaked.
- Q. 24. How did you know? A. I saw it leaking.
- Q. 25. Did you say anything about it? A. Yes sir. I told Mr. Buckner.
- Q. 26. The foreman of the mine? A. Yes sir.
- Q. 27. How long had it been leaking? A. About a week or two.
- Q. 28. What do you mean by leaking, how do you know? A. It got to sparking and smoke and heat would fly out when you put oil in.
- Q. 29. How long had you been out of the mine before you went back? A. I had been out about five minutes.
- Q. 30. Was the fan running when you left the engine? A. Yes sir.
- Q. 31. What did you do son, when you discovered smoke coming from the fan? A. I tried to get to it.

Q. 32. Why could you not get to it? A. Smoke too bad.

Q. 33. Could you see any fire? A. No sir.

Q. 34. Was there much smoke? A. Yes sir.

Examined by Mr. Heatherman, Chief of the
Department of Mines.

Q. 1. You told Mr. Buckner that this one spark plug did not
fit in tight did you? A. Yes sir.

Examined by Mr. Spillman, Attorney-at-law.

Q. 1. Son, you put coal oil and grease in to make it run smooth
did you? A. Yes sir.

An inquisition taken at the office of the Department of Mines in the City of Charleston, in the County of Kanawha, on the 25th day of May, 1918 before P. S. Shirkey, Coroner of said County of Kanawha, upon the bodies of LEE LUCAS, F. E. NORMAN, HARRY BUCKNER, AUDREY BUCKNER, CURTIS MATHENY, BURA MATHENY, ALISON LUCAS, GILES WORKMAN, JIM YOUNG, ENOCH HUNTER, WILBUR HUNTER, EMORY BELCHER and JOHN SAMPSON.

The Jurors sworn to inquire when, how, and by what means the said persons named aforesaid came to their death, upon their oath do say,

That the above named persons came to their death on May 20, 1918, at the Villa mine in Elk District, Kanawha County, West Virginia, which mine is operated by the Mill Creek Cannel Mining Company, by suffocation from smoke, gas and fumes in said mine caused and permitted by reason of gross negligence on the part of the operator of said mine and the Department of Mines of West Virginia.

In Testimony whereof the said Coroner and Jurors hereto set their hands:

A. M. Salyers
John W. Fry
D. W. Taylor
W. M. Lynch
G. A. Goshorn
J. M. King
P. S. Shirkey, Coroner.