



Report

Valley Mine

AN INQUISITION

TAKEN AT BACHMAN, IN THE COUNTY OF FAYETTE, STATE OF WEST VIRGINIA, ON THE 31st DAY OF JANUARY, 1908, BEFORE J.P. STATON, JUSTICE OF THE PEACE OF FAYETTEVILLE DISTRICT, OF SAID COUNTY AND STATE, UPON THE VIEW OF THE BODIES OF JOHN BOLES, A.A. WAGGLE, HENRY HOLIDAY, CHARLES KASSE, THORNTON WILSON, JOHN CLARK, PETER BARLOW, RICHARD BYERS AND FRANCIS FAUGHT, THERE LYING DEAD.

THE FOLLOWING NAMED JURORS WERE SELECTED TO INQUIRE WHEN, HOW AND BY WHAT MEANS THE ABOVE MENTIONED PARTIES CAME TO THEIR DEATH: J.M. Clark, N.H. Spradling, J.F. Dean, J.D. Shieler, L.C. Crager and A.P. Harshbarger.

THE FOLLOWING INTERROGATORIES WERE THEREUPON PROPOUNDED TO THE JURORS, TOUCHING THEIR QUALIFICATION, AND TO WHICH, THE FOLLOWING ANSWERS WERE MADE:

(Questions propounded by Mr. C.W. Osenton.)

Q. Are any of you related, directly or indirectly, or employed by the New River Valley Coal Co.?

A. (By Mr. Harshbarger) Why, I got out posts up here at C&A, but I think that is a different company.

Q. You are not connected, as I understand you, with this company, Mr. Harshbarger?

A. No, sir.

Q. Are any of you related, by blood or marriage, to either John Boles, A.A. Waggle, Henry Holiday, Charles Kasse, Thornton Wilson, John Clark, Peter Barlow, Richard Byers

or Francis Faught? That question is propounded to all of you, whether you are related to any of these parties.

A. (Mr. Shieler) Related by marriage, but no blood relation. Thornton Wilson is a cousin of my wife's.

(Mr. Harshbarger.) I aint no blood kin, my sister married this Wilson's uncle.

Q. Any of the rest related by blood or marriage.

(Questions by Mr. E. G. Pierson.)

Q. I want to ask if any of you jurors are interested, directly or indirectly, in this New River Valley Coal Co.?

A. No, sir.

Q. No interest one way or the other?

A. No.

(Question by Mr. Osenton.)

Q. Do you know of any reason why you cannot sit upon this Jury and render an impartial verdict, from the evidence?

A. No, sir.

THERE BEING NO OBJECTION OFFERED TO ANY OF THE JURORS, THE FOLLOWING OATH WAS ADMINISTERED TO THEM:

"Do you swear that you will dilligently inquire, and true presentment make, when, how and by what means the persons whose bodies here lie dead, came to their death, and return a true inquest thereof upon your own knowledge and the evidence before you. "So help you God"?

Present:

E. G. Pierson, Prosecuting Attorney, Counsel for State.

R. T. Hubbard, Jr. and C. W. Osenton, of Counsel for New River Valley Coal Co.

JAMES D. BOONE, after having been duly sworn, testified as follows:

(Examination by E.G.Pierson.)

Q. What is your name?

A. James D. Boone.

Q. What relation do you hold to the New River Valley Coal Co?

A. I am general Manager, and also interest as an owner.

Q. How long has this mine been in operation, Mr. Boone?

A. About two years, since we first began.

Q. What kind of mine is this?

A. It is a drift mine.

Q. How far is the main entry driven back into the mine?

A. The entry in which this trouble occurred---about 800 feet.

Q. How many men were employed in the mine at the time of this explosion?

A. As well as I can ascertain, there were about ten.

Q. Mr. Boone, have you a map of your mine?

A. Yes, sir.

Q. Have you the map with you?

A. Yes, sir. (Here witness presents map.)

Q. Does that map show the openings, side entries &c--the working places in the mine?

A. Yes, sir.

Q. Now, I want you to show, on that map, at what point the explosion occurred, if you know?

A. I don't know.

(Here map is introduced into evidence, and made a part of this record, marked "Exhibit A".)

Q. When did you last visit the mine, Mr. Poone?

A. About one week ago.

Q. What was your system of haulage, drainage and ventilation?

A. Mule haulage.

Q. How was it ventilated?

A. By furnace.

Q. Have you ever noticed, or had any information, of gases in this mine?

A. No, sir, never. Mr. Bachman, the Manager, I repeatedly asked him if he had seen any evidence of natural gas.

Q. Are you familiar with the mining laws of this State?

A. Yes, sir.

Q. Have you enforced these laws, as to haulage, drainage, ventilation &c?

A. Yes, sir.

Q. Have you instructed your men to see these laws were enforced?

A. Yes, sir, and posted notices.

Q. How many officials did you have in this capacity?

A. Mr. Bachman was General Mine Foreman, and he had an assistant under him, Mr. Henry Holiday.

Q. Did you have a Fire Boss or Bank Boss?

A. None other than Mr. Bachman, with the assistance of Mr. Holiday.

Q. Did you have what is known as a Mine Boss?

A. I considered Mr. Bachman my Foreman, as well as Mine Boss, and Mr. Holiday as helper.

Q. These the only two officials?

A. Yes, sir.

Q. What is his name?

A. Mr. Holiday, he was assistant.

Q. Did these persons have experience as miners, to enforce the laws in that capacity?

A. Yes, sir, I think he has, Mr. Bachman has had experience for 18 years.

Q. Was there any dust in the mine?

A. No, sir, I cannot say there is--I have never seen much water; have seen it one time on the entry and one time on the air-course.

Q. Not a great deal of water?

A. No, sir.

Q. Did you have any means of keeping the dust down?

A. No, sir.

Q. Had no method of sprinkling the mine?

A. No, sir, never thought it necessary.

Q. How long after the explosion was it until you entered the mine?

A. I came here at about 2:30.

Q. In what condition did you find the mine when you entered, with reference to explosion, violence and physical effect &c?

A. I met at the mine Mr. Orlinger, Mr. Morton and a young man; they had been in the mine, and then those three and myself began to brace up the stoppings and exploring the mine.

Q. Did you have any trouble exploring the mine; was the condition of the air and fire damp bad?

A. It was warm and we proceeded very cautiously, and bratticed until we saw the air was safe, and proceeded to the next place.

Q. Was the haulage in the intake or return air-way?

A. We turned rooms off both the entry and air course--both intake and return.

Q. What method did you have on the inside of the mine for conveying the air in the mine?

A. Ventilation by means of a furnace.

Q. In what part of the mine did the force of the explosion seem to be more forceable?

A. As best as I could ascertain, it was on the air course side.

Q. In what entry?

A. I am not able to say.

Q. Before we go any further, I want you to take this map and explain to the Jury the main entries and side entries and distances &c?

A. This right hand entry is the main entry, (facing the mine), and the intake for air, distance of 800 feet; the left hand entry is the return air course; it was on that side, as best as I could ascertain, that the force seemed to be the heaviest.

Q. On the return air course side?

A. Yes, sir.

Q. How, how many rooms or side entries do you have to that main entry?

A. Havn't any other entries, just rooms only.

Q. How many rooms did you have?

A. I am not able to say, Mr. Bachman could answer that question better.

Q. How many does that map show?

A This map has not been extended for sometime--it shows two rooms from the entry, and three from the air course side; I think there are 11 from the air-course side.

Q How long has it been since that map was made?

A 1906.

Q Havn't extended the workings on the map since 1906?

A September, 1907.

Q Has there been any new rooms or extentions since that time?

A Yes, sir.

Q They do not appear on the map?

A No, sir.

Q You say you used the intake and return air course for haulage-ways?

A Yes, sir.

Q Did you ever find evidences or have information of dust in the mine, to any considerable quantity?

A No, sir.

Q Never had occasion to employ a sprinkler or any means of keeping the dust down?

A No, sir, never had any occasion but to think the mine was safe as to dust.

Q What kind of explosive did you use?

A Mr. Boyd instructed us to use nyalite, and I supplied the mine with it, as well as powder, and these two explosives were used.

Q Did you have rules and regulations governing the employees of the mine?

A Yes, sir.

Q Where were they posted?

A. At the mine and at the store.

Q. Do you know whether the employees were familiar with those rules?

A. They should have been.

Q. Was there any dynamite used in the mine?

A. I am not able to say.

Q. Do you know how many men were killed?

A. I saw nine.

Q. How many men were employed in the mine?

A. Ten.

Q. What all?

A. Other than the drift described, we have another, in which there was a small force of men employed, but that is not connected with mine No.2.

Q. In which mine was the explosion?

A. Mine No.2, or second drift.

Q. How many were employed in that mine?

A. I am not able to say the exact number, possibly as many as 15 or 16.

Q. What was the capacity of the mine at the time of the explosion?

A. It was a small mine, and our allotment was only 50 tons a day, and had not been loading that much--had not been making that average.

Q. What was the thickness of the coal?

A. It varied; had very little more than three feet and a good deal less than three feet.

(Questions propounded by Mr.Boyd.)

Q. At the time of this explosion, how many men were employed

in this mine?

A. As well as I can ascertain, there were ten.

Q. That include drivers &c,?

A. At the time there was a black-smith and some other men outside.

Q. Were they supposed to go into the mine at times?

A. Yes, sir.

Q. Did they not use any dynamite in this mine up there?

A. I could not say.

Q. Was it sold here at the store?

A. Yes, sir.

Q. What was the purpose of selling it here?

A. In shooting slate, they claimed they used dynamite for that purpose.

Q. Did you sell them black powder here?

A. Yes, sir.

Q. What was that supposed to be used for?

A. To be used in their mining.

Q. All your coal was shot from the solid?

A. I am not able to answer, but I am of the opinion that a good deal of it was. Mr. Bachman can answer that.

Q. On my visits to the mine, two visits, I recommended safety explosives, and both of those recommendations, I recommended safe explosives, and prohibited black powder and dynamite, or shooting from the solid?

A. Power^d has always been sold in the ~~same~~ store to the miners.

Q. Any of the employess from the other mines buy any powder from you?

A. I am not able to say whether they did nor not.

Q. Mr. Bachman, Mr. Boone, was Mine Boss?

A. Yes, sir.

Q. He was Mine Foreman?

A. Yes, sir.

Q. Was he in charge of any other mine?

A. No, sir.

Q. He was Mine Foreman?

A. Yes, sir, and General Manager charge of the mine.

Q. I understand that Mr. Bachman has been sick, and Mr. Holiday was in as assistant in his absence?

A. Yes, sir, Mr. Holiday was in charge at the time of this trouble, and Mr. Bachman was away.

Q. How long had Mr. Holiday been employed, Mr. Boone?

A. Possibly about four months, I am not able to say the exact date.

Q. He did other labor, in addition to supervising the mine?

A. He drove in the mine.

(Questions by Mr. John Philipps.)

Q. Now, in laying off your mine, Mr. Boone, your tracing only shows up two rooms on your air course side, in between that we find 11, No. 11, on there, should or did you have any rooms driven on there previous to the last making up of your traces?

A. Other than this shows; None that I know of.

Q. Started 9 rooms since that time, and driven them a distance of 50 to 75 feet?

A. It would appear so; Mr. Bachman, the foreman, could answer that correctly.

(Questions by Mr.C.W.Osenton.)

Q You say the entry was driven some 800 feet?

A Yes, sir.

Q I understood you to say you furnished air by furnace?

A Yes, sir.

Q When had you been back in the mine last?

A About a week ago.

Q About how often have you gone in the mine, on an average, per week?

A There is some times I am not in there for several weeks; on this visit, I went in with Mr.Holiday, up the air course side and crawled through the brattice and walked through the workings and down by the back side.

Q What instructions have you given those in charge of your mine, to lookout for gas, from time to time?

A I have continually asked Mr.Bachman to keep close lookout for gas or any other danger that he might think of.

Q How about the assistant mine foreman, Mr.Holiday?

A Mr.Holiday received his instructions from Mr.Bachman.

Q Did you, yourself, ever make any examination in this mine for gas, and if so, how often?

A Not especially, it was left to Mr.Bachman.

Q About how many years have you been engaged in the mining business?

A 18 years, about.

Q In this field?

A Yes, sir, entirely in this field.

Q Did you ever discover any evidence of gas in this mine?

A Never did; am very much of the opinion that there is no

natural gas in the mine.

Q. I understood you to say there was very little dust accumulated in the mine, and for that reason, you did not sprinkle the mine down?

A. No, sir.

Q. Do you know how many years experience the assistant mine foreman had in the coal mining business?

A. I do not know.

Q. Have you any idea.

A. I am of the opinion he had worked in and around the mine for possibly ten years.

Q. You said your allotment of cars was 50 tons a day; was this both of the mines or one?

A. This plant, which meant both drifts.

Q. How many men worked inside of the mine, or were working at this mine No.2?

A. As well as I can ascertain, there were 11 men in the mine, and possibly two or three others that had come out of the mine.

Q. Less than 20?

A. Yes, sir, less than 20 on that trip, I think.

Q. Do you know how long Mr. Bachman, your chief mine foreman had been working in and about the mines?

A. He has been in our employ^o for about 16 years.

Q. Do you know whether he is a citizen of this State and United States?

A. Yes, sir, he is.

Q. How about Mr. Holiday?

A. Mr. Holiday was born and reared in this State; I have known him from boy-hood.

VAL BACHMAN, after having been first duly sworn,
testified as follows:

(Examination by Mr. E. G. Pierson.)

Q. State your name?

A. Val Bachman.

Q. What relation do you hold with the New River Valley Coal Co?

A. I am a stockholder.

Q. What position do you hold?

A. As Mine Foreman.

Q. How long have you been Mine Foreman?

A. I suppose about 16 years.

Q. Of this plant?

A. About two years, since it started up.

Q. How long has it been Mr. Bachman, since you inspected this mine, which exploded on yesterday?

A. About the middle of the month--I don't remember just the date.

Q. I will ask you, if you ever found any evidences of gas in this mine?

A. Never did.

Q. Was it what you would call a dust mine and mine that would produce dust?

A. No, sir, not a great deal of dust; none that I thought unsafe.

Q. What was the condition as to ventilation, when you last visited it?

A. Ventilation was good.

Q. How long had Mr. Holiday been your assistant?

A. Probably three or four months.

Q. What experience had he had in that capacity, prior to the time he came here to this place?

A. Done work of all sort about a mine; seemed to have a good deal of experience in many ways.

Q. Do you know whether he ever acted in that capacity in any other mine in this field?

A. Acted as boss-driver.

Q. He have knowledge of the mining laws of this State, and his duties as assistant mine-boss?

A. Yes, sir.

Q. Did he seem to be familiar with the conditions of mines, and was he able to ascertain whether there was gas, and condition of the mine as to dust, ventilation &c?

A. Yes, sir.

Q. Had there ever been any trouble in this mine, with reference to gas or ventilation?

A. No, sir.

Q. What ~~relations~~ rules and regulations did your men observe, with reference to blasting and shooting?

A. I do not understand.

Q. Did you have a code of rules, governing the shooting?

A. Yes, sir, shot twice a day, about.

Q. What time?

A. About one o'clock and about 4 or 5 o'clock.

Q. What materials did you use?

A. Mr. Boyd told us to use nyalite.

Q. Do you know whether they ever used dynamite?

A. It is used for slate.

Q. Is it necessary to use it for slate?

- A. Yes, sir, it is.
- Q. Do the laws permit that?
- A. To a certain extent it does.
- Q. I will ask you if the Mine Inspector had not cautioned you in regard to that?
- A. Yes, sir, he had.
- Q. What was his instruction?
- A. His instruction was to use nyalite.
- Q. Did you use any dynamite?
- A. Used it in the slate.
- Q. Did you have his permission to use dynamite in slate?
- A. Did not.
- Q. Were you violating the rules when you used dynamite for slate?
- A. If every man was outside of the mine, we are permitted to use it.
- Q. Just before blasting, was it customary for the men to leave the mine?
- A. Yes, sir, it seems that they did.
- Q. How was it on yesterday?
- A. I do not know.
- Q. You had not been in the mines for two or three weeks?
- A. No, sir, not every day.
- Q. In day before yesterday?
- A. Yes, sir.
- Q. What was the condition of the mine then?
- A. The conditions were right.
- Q. Did you ever have occasion to sprinkle the mine?

A. Did not--did not think it was unsafe.

Q. Was there an unusual amount of dust and gas accumulated in the mine?

A. No, sir, none that I could see.

Q. Force the air up to the facings and rooms where the men were working?

A. Yes, sir.

Q. How was your air current, pretty strong?

A. Have a record of it.

Q. Did you keep a daily record?

A. No, sir, not a daily record.

Q. About what part of the mine, Mr. Bachman, did this explosion occur?

A. That is hard for me to answer.

Q. In what part of the mine did you find the most violence?

A. Back entry of the air course.

Q. About how far from the mouth or drift-mouth?

A. About four or five hundred, perhaps six, feet.

Q. Upon your examination of the mine, could you give an opinion as to the cause of this explosion?

A. I could not.

Q. How far back in the mine did you find bodies?

A. I don't understand.

Q. Any bodies?

A. About 700 feet, I am not certain.

Q. What was the usual custom of shooting or blasting--from the solid?

A. Yes, sir, as a rule.

Q. What were your rules, with reference to shooting from the solid?

A. I don't understand.

Q. Had certain methods about blasting?

A. Blasted twice a day.

Q. I will ask you if the law does not require that you have permission from the Mine Inspector to shoot from the solid, and do that at certain times, and have certain rules and regulations?

A. Yes, sir.

Q. Did you observe them?

A. Yes, sir.

Q. Do you know whether they were being observed on yesterday?

A. Could not say.

Q. Had you discussed that matter with your assistant?

A. Yes, sir, a many a time.

Q. How many rooms have you in that mine?

A. There is a good many necks; 11 on the air course, and 11 or 12 on the entry.

Q. You cannot give an opinion as to the cause of this explosion, from the investigation you have made?

A. Hardly, no.

(Questions by Mr. Boyd.)

Q. Did you ever find any of the miners violating any of the laws of the mine?

A. In what way?

Q. In any of those you issued; did you catch them using black powder?

A. They have used it, and a good deal after they came out.

Q. Did you ever catch them doing it?

A. No, sir, not exactly.

Q. Did you ever suspicion any of your miners doing it?

A. No, sir, could not say that.

Q. Gone in there after miners shot?

A. Yes, sir.

Q. Did you ever smell the condition?

A. No, sir.

Q. Never could locate the point that the men were using it?

A. No, sir.

Q. Did you ever try to locate the point and the man?

A. Yes, sir.

Q. All your miners up there use dynamite to shoot slate?

A. Yes, sir.

Q. Rooms and headings you had to shoot slate?

A. Yes, sir in some slate.

Q. What was your purpose in ~~using~~ shooting this slate?

A. To get the coal out.

Q. That was to allow your cars to get up to the working place?

A. Yes, sir.

Q. Did you ever find any of the miners violating any of the other mine laws?

A. No, sir, give my miners books several times, with the mining laws in it.

Q. When did you take a reading of your air current?

A. About the 18th, I think.

Q. Did you take that yourself?

A. Yes, sir.

Q. Have you that here?

- Q Who attended your furnace?
- A Mr. Holiday attended it part of the time.
- Q That was part of his duties to keep the furnace going?
- A Yes, sir.
- Q Were your break-throughs all bratticed up?
- A° Yes, sir.
- Q Then, the current then was about 20 feet of the face?
- A Yes, sir.
- Q At the time of the explosion?
- A Yes, sir.
- Q Did you have any trouble in getting your men to use this flameless powder?
- A Yes, sir, I did.
- Q They preferred using the dynamite and black powder?
- A Yes, sir.
- Q You had tried to educate these men as to the danger of using the black powder and dynamite?
- A Yes, sir.

(Here the two "Mine Foreman's Record of Air Measurements" are offered into evidence, and are hereby made a part of this record, marked "Exhibits B and C", respectively.)

Dates and measurements thereon are as follows:

"Jan. 1. Name of place where current was measured: Drift #2.
At Intake: 4650; At Outlet: 4220; At Last Break Through: 3660;
(signed) Mine Foreman: Val Bachman"

"Nov. 15. Name of place where current was measured: Drift No 2;
At intake: 4320; At outlet: 4200; At Last Break Through: 3600;
(signed: Mine Foreman: Val Bachman".

- Q Did your miners ever put up any objection to these safety explosives?

