



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 KASSEE, 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 Kassee, 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?

A. They say it is no good.

Q. In what respect did they think it was no good?

A. I could hardly say.

Q. Did they ever express any special objection to it?

A. No, sir, just claimed it was no good.

Q. Were your miners experienced miners?

A. Yes, sir.

Q. Had been accustomed to handling explosives in mines?

A. Yes, sir.

Q. About how many tons of coal did your miners load per man?

A. I couldn't just answer that; about forty ton per day, the men we had.

Q. On an average, what per man?

A. I think about four tons--four or five tons.

Q. Were there any of your miners that mined their coal.

A. No, sir, not many that mined with appick.

Q. All blasted from the solid?

A. Yes, sir.

Q. Did your foreman, or you, Mr. Bachman, ever instruct your men as to the method of shooting from the solid?

A. Yes, sir, and give them books.

Q. Explained to them as to drilling on the way back, as to what they call a tight shot, so the powder would not blow out?

A. Yes, sir.

Q. Instruct them as to that?

A. Yes, sir.

Q. Do you think, Mr. Bachman, your miners were educated as to the dangers surrounding the course of shooting on the solid?

A. I could not answer that.

Q. Did you ever hear any of your miners express a fear as to the condition of your mine?

A. Never did.

Q. In your opinion, do you think you ought to have watered your mine, previous to the explosion?

A. No, sir, I did not think there was any danger in it.

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

You say you visited the mines daily, Mr.Bachman?

A. Yes, sir, only the few days I was sick.

Q. How about the last two weeks?

A. Every day last week.

Q. You said you did not think it necessary to water the mine down, was that because there was not sufficient dust?

A. I do not think there was.

Q. I will ask you if you have, in your visits to the mine, kept a lookout for gas in that mine?

A. I have.

Q. Did you ever discover any gas in the mine?

A. Never did.

Q. Did you instruct your foreman of your system to do likewise?

A. I did.

Q. Did he ever report to you any evidence of gas?

A. No, sir.

Q. Was John Boles one of the men lying dead, working there at the time of the explosion?

A. Yes, sir.

Q. Was A.A.Waggles?

A. Yes, sir.

Q. Were they experienced miners?

A. A.A. Waggles was.

Q. How long had ~~been~~ Boles been working?

A. Just a short time.

Q. Henry Holiday, was he working there?

A. Yes, sir.

Q. Was he an experienced miner?

A. Had ten to 15 years experience.

Q. Charles Kasse, what did he know about mining?

A. Experienced miner--old miner.

Q. Thornton Wilson? Did he have any experience?

A. According to his work he did.

Q. How about John Clark?

A. Experienced miner.

Q. Peter Barlow?

A. Experienced miner.

Q. Richard Byers?

A. Experienced miner.

Q. Francis Faught?

A. Experienced miner.

Q. Cole, who was injured in the mine, was he killed?

A. No, sir.

Q. Was he gotten out after the explosion?

A. Yes, sir.

Q. What became of him?

A. Taken to the hospital.

Q. I understood you to say you had instructed the men

working in and about this mine ~~to use~~ ~~to use~~ about using black powder

and dynamite and shooting from the solid?

A. Yes, sir.

Q. Did you call all these men's, I have mentioned, attention to that?

A. Yes, sir.

Q. Did you instruct them it was against the rules to shoot with dynamite or black powder or from the solid?

A. Yes, sir, I told them it was against the law.

Q. I understood you to say you had a book of instructions and rules?

A. Yes, sir.

Q. Does the mine inspector furnish them?

A. I couldn't say, they were here.

Q. Did you give your man, Mr. Holiday, instructions about shooting from the solid with dynamite or black powder?

A. Yes, sir, I did.

Q. I understood you to say that you thought you ~~had~~ detected, after they were shooting, that they had used black powder, did you try to find out?

A. Yes, sir.

Q. Would you have stopped them?

A. Yes, sir.

Q. I will ask you to tell the Jury whether or not you have used every precaution to prevent accident in this mine?

A. I have.

Q. How many years have you been an experienced miner?

A. Thirty years.

Q. Citizen of this state and United States?

A. Yes, sir, I am.

Q. Was Mr. Holiday an experienced miner?

A. Yes, sir, about ten years.

Q. Been working in this State?

A. Yes, sir.

Q. Was he a citizen of this and United States?

A. Yes, sir.

Q. If there had been any gas in there, with the opportunity you have had, could you ascertain it?

A. Yes, sir.

Q. What time were you in the mine on yesterday?

A. About nine o'clock.

Q. How was the ventilation?

A. Good.

Q. Was the furnace running constantly, before this explosion?

A. Yes, sir.

Q. I understood you to tell Mr. Boyd that the air furnished was within 20 feet of the facing?

A. Yes, sir, that is right--on the entry.

Q. Did you ever have any complaint from the men of the air about the working places?

A. Never did.

Q. If there had been any evidences of gas, you could ascertain it?

A. Yes, sir.

Q. If there had been lack of air, insufficient air in the working places, could you ascertain that in your investigations?

A. Yes, sir.

Q. You tell the jury you do not know what caused this explosion?

A. No, sir.

Q. How long after the explosion was it until you got the bodies out?

A. Well, I think it was about six o'clock.

Q. What time did the accident occur?

A. Between 11 and 12 I suppose.

Q. Were you here then?

A. No, sir.

Q. What time were you in the mine?

A. In the morning.

Q. What time?

A. About half past nine or ten o'clock.

Q. All through the mine?

A. Yes, sir.

Q. Had occasion to be where the furnace was?

A. Yes, sir.

(Questions by E.G.Pierson.)

Q. I want to ask you whether you had written rules with reference to shooting from the solid?

A. No, sir, no written rules.

Q. Who was the first to enter the mine after the explosion?

A. Orlinger.

Q. Were you in the mine before the bodies were removed?

A. Yes, sir, I was.

Q. Where were the men who were killed; in what part of the

mine were they?

A. On the entry and air course; I do not think I have any right to say on the air-course, for I was not there.

Q. Well, if you have information?

A. Yes, sir.

Q. Were the men together or scattered through the mine?

A. Scattered, seeminly.

Q. From the condition of the bodies, was there seemingly more force in any one part of the mine than any other part?

A. I couldn't tell; I didn't examine.

Q. Any of the bodies very mutilated or torn up?

A. No, sir, I couldn't tell you.

Q. Have a Doctor there?

A. Yes, sir.

Q. The Doctor here?

A. No, sir.

Q. In what part were the bodies worst mutilated?

A. I do not know.

Q. Did you examine the bodies, Mr. Bachman?

A. I did not.

(Questions by Mr. Osenton.)

Q. I understood you to say, in reply to one of Mr. Boyd's questions, that he had give you certain instructions about shooting from the solid in this mine, and of your conduct in running the same; tell the Jury whether or not you followed out your instructions, by instructing your assistant and miners in that mine?

A. Yes, sir, as near as I could.

Q. Did you instruct your miners in person?

A. Yes, sir, instructed them, and also give them a book.

Q. I understood you to say these measurements; one Jan. 1-- that was made by you?

A. Yes, sir.

Q. Under the rules, I believe you are to make measurements about twice a month?

A. Yes, sir.

Q. You followed the practice governing the rules in this mine heretofore?

A. Yes, sir.

(Questions by Mr. Pierson.)

Q. I want to ask you if you did not have knowledge that some of the men were using black powder in the mines?

A. Not exactly knowledge, but had an idea.

Q. From your experience as a miner and the position you held, you could tell whether that had been used?

A. Yes, sir, could tell; had an idea.

Q. Where did your men get that powder?

A. Got it here.

Q. Did you ever speak to the Superintendent about selling his men powder, in violation of the law?

A. No, sir.

Q. Didn't you know it was a violation of the law, using black powder in the mine?

A. I don't exactly understand what you mean.

Q. I asked you if it was not a violation of the law for the miners to use black powder in the mines?

A. Yes, sir, it is.

Q I asked you if you ever spoke to the Superintendent and the man that sold that to the employees, not to sell it?

A Yes, sir, we talked of it, Yes, sir.

Q Who sold that powder to them?

A The Clerk, I suppose.

Q They got the powder at this company store?

A I cannot answer that.

Q Where did they get it if you know?

A I don't know.

Q Wasn't it your duty to find out where they got it?

A I suppose they got it here.

Q Wasn't it your duty to see where they got their powder and explosives?

A Yes, sir.

Q Where did they get it?

A I suppose they got it here.

Q Did you ever tell the Clerk or Superintendent who runs this store or manages it, not to sell the employees powder?

A No, sir.

Q Then, it was sold and used by their and your consent?

A Yes, sir.

(Questions by Mr. Osenton.)

Q You don't mean to say you have not the right to use the black powder and dynamite under certain conditions; don't you have the right to use it under certain conditions?

A Yes, sir.

Q You are prohibited and was directed to not use it, by Mr. Boyd, to not use dynamite or black powder, for the purpose

of shooting from the solid?

A. Yes, sir.

Q. If it was done, then it was over your instructions and without your knowledge and consent, and in violation of the orders you had given?

A. Yes, sir.

(Questions by Mr. Pierson.)

Q. Did the conditions exist in this mine, which made it legal to use black powder or dynamite?

A. Well, I hardly know.

Q. Give your opinion, whether conditions existed so they could use dynamite or black powder?

A. Yes, sir, for the purpose.

(Questions by Mr. Osenton.)

Q. And if it was used on yesterday, or any other day, by the miners in the mine, other than under the directions you had given them, ~~they~~ as given to you by the Mine Inspector, they did it over your objection and consent?

A. Yes, sir.

(Questions by Mr. Boyd.)

Q. Have any of your miners, to your knowledge, been mining their coal?

A. Yes, sir, some.

Q. They have been cutting their coal?

A. Yes, sir.

Q. You don't know whether that was done on yesterday, or day previous to it?

A. No, sir, I do not.

(Question by Mr. Osenton.)

Q Is that coal in this particular mine hard to mine?

A No, sir, I don't think it is ordinarily hard, No, sir.

: : : : + : : : :

LAWRENCE SHORES, after having been first duly sworn,
testified as follows:

(Questions by E.G. Pierson.)

Q Are you an employee of the New River Valley Coal Co.?

A Yes, sir.

Q How long have you worked in the mine?

A In this mine?

Q This one that exploded?

A The first time, I was here and worked about three months,
and hadn't worked a month this last time.

Q When did you do your first work in that mine?

A I couldn't say.

Q About how long ago?

A About five months.

Q How much experience have you had working in the mines?

A I couldn't say; I have worked around mines for about
10 or 12 year, but mostly outside.

Q Did you ever find any evidence of gas in this mine that
exploded?

A No, sir.

Q Was it a dusty mine, or free from dust?

A No, sir, not so awful much dust that I find.

Q. Did you ever find any dust in there?

A. Some little, there in the air course.

Q. You have been working in this mine about five weeks?

A. Not that long.

Q. In what capacity?

A. Driving.

Q. What condition was the mine in during that time, with reference to dust, this last time?

A. Same as usual, it was good.

Q. How was the air?

A. Air was good.

Q. Were you working in it yesterday?

A. Yes, sir.

Q. What time did you go in?

A. 7 o'clock.

Q. What time did you come out?

A. Ten minutes after 12.

Q. What time was the explosion?

A. 25 of one.

Q. Whereabouts were you when the explosion occurred?

A. About forty feet below the slate-switch.

Q. About how far from the drift of the mine?

A. About 100 feet.

Q. How long had you been out of the mine?

A. Had been out of the mine about 25 or 30 minutes.

Q. What was the condition of the air when you came out--notice anything unusual?

A. No, sir.

Q. Notice anything unusual about the air-course?

A. No, sir.

Q. Did you see the explosion?

A. Yes, sir, heard the explosion coming.

Q. Had there been any shots put off immediately before the explosion, or at the time of the explosion?

A. Yes, sir.

Q. Did you hear these shots?

A. Yes, sir.

Q. How many did you hear?

A. Heard four before the explosion.

Q. Were they in rapid succession?

A. About two minutes apart.

Q. What time, usually, do they shoot?

A. They shoot between 11 and 12, and any where from 4 to six o'clock.

Q. Had the miners regular rule about shooting--shoot at a regular time?

A. Yes, sir.

Q. Was there any regulation as to how many shots to be put off?

A. The instructions that Mr. Bachman give me, was to shoot two shots at dinner-time.

Q. Had the miners been observing that rule, that you know of?

A. When I was digging they did, but since I was driving, I couldn't say.

Q. You heard four yesterday?

A. Yes, sir.

Q. Do you know about what part of the mine they were in?

- A. On the entry.
- Q. Can you take that map and indicate to the jury about where those shots were put off?
- A. I do not know, I never did see the map.
- Q. The entry, how far was that from the drift mouth?
- A. I suppose it must have been four or five hundred feet.
- Q. How long was it after you heard those shots until the explosion?
- A. Well, I couldn't say, it was about five minutes.
- Q. Were you standing close enough to the mine, or the drift mouth, to feel the air or the effects of the explosion?
- A. Yes, sir.
- Q. What did you do, after the explosion?
- A. I run.
- Q. Did you go into the mine after the explosion?
- A. Yes, sir.
- Q. How long was it until you got in there?
- A. About five minutes.
- Q. Did you feel the effect of the after-damp or bad air?
- A. No, sir.
- Q. How far did you go?
- A. To the second post on the parting; it must be about 20 feet.
- Q. Who went with you?
- A. Wilburn Miller.
- Q. Did you find any persons or bodies?
- A. Yes, sir, went in there after one.
- Q. Who was he?

A Anderson Cole.

Q Was he injured?

A Yes, sir.

Q Get him out alive?

A Yes, sir.

Q How was he injured?

A The only thing I saw he was bleeding at the head and face burnt.

Q Notice any other wounds or injuries on the body?

A No, sir,

Q Able to walk or did you have to carry him?

A Carried him.

Q Did you proceed on in the mine?

A No, sir.

Q Do you know who it was that put those shots off?

A No, sir, I was on the outside.

Q Did you know what the miners used in putting off these shots?

A No, sir, I didn't, never noticed what they used.

Q When you worked in there, what did you use?

A Used anything I could get hold of.

Q Use black powder?

A Yes, sir.

Q Shot from the solid?

A Yes, sir.

Q Shoot dynamite?

A In shooting slate.

Q Any in shooting coal?

A Have used some.

Q. Do you know whether it is customary to use it among the miners?

A. No, sir.

Q. Where did you get it?

A. Got it here.

Q. Here at the store?

A. Yes, sir.

Q. What, was that what you call a dry mine or wet?

A. Water in one or two places.

(Questions by Mr. Boyd.)

Q. You say you used anything at all to shot coal from the solid; did you do that contrary to Mr. Bachman's instructions?

A. No, sir, that was when I first come here.

Q. How long ago has that been?

A. Four or five months.

Q. Before you ever saw me in any of those mines?

A. Yes, sir.

Q. Did I ever say anything about shooting from the solid?

A. No, sir.

Q. Did you ever hear that I said anything about it to anybody?

A. No, sir.

Q. Mr. Bachman, did he ever tell you it was against the law to use black powder?

A. Yes, sir, he told me that it was again the law to use dynamite, that was the instructions.

Q. He didn't say anything about black powder?

A. No, sir, didn't say anything about that; said it was against the law to use dynamite.

Q. Did you ever try to mine this coal up here?

A. Yes, sir.

Q. How does it mine?

A. Hard in some places, and some places better.

Q. Do you think it is practical to mine this coal, can it be done?

A. Yes, sir, it can be done.

Q. Can you load as much by mining as shooting from the solid?

A. No, sir.

Q. Lawrence, you say you went into the second post to get some man that was injured; how did you know he was there?

A. He was calling me.

Q. Do you know where that man worked?

A. Working company work.

Q. Was it customary for the miners, after they prepared their shot and lit their fuze to come to the outside?

A. As near as they could come.

Q. Didn't come to the outside?

A. If they could get out there they would.

Q. Then, Mr. Bachman had never instructed you in regard to shooting from the solid with flameless powder?

A. No, sir, not particularly.

Q. How long were you at the mine, previous to the explosion?

A. It was twenty-five or 30 minutes.

Q. You say you ran when you heard the explosion coming?

A. Run after it got to me; didn't have time to run before it got to me.

Q. It was instantaneous like?

A. Yes, sir.

Q. Didn't hear it before it reached you?

A. I heard something that went to me like a shot, and then the explosion.

Q. How long was it before the explosion that you heard those four shots being fired in there?

A. About 5 minutes.

Q. Next thing you knew, there was an explosion?

A. Yes, sir.

Q. What portion of the mine was it that you visited in there before you came outside; what part did you leave?

A. Last room on entry.

Q. Air course entry or head entry?

A. Main entry.

Q. Anybody working in that room?

A. Yes, sir, wasn't in it at the time.

Q. Was the heading man working yesterday?

A. Wasn't working yesterday.

Q. Do you know whether the air-course man was working?

A. Yes, sir.

Q. How long did he work?

A. Came out about the time I did; helped me bring some slate cars.

Q. Did you ever hear any of those men talking about the danger of shooting with black powder or dynamite from the solid?

A. Yes, sir, heard one man.

Q. What was his opinion of it?

A. Never heard him express his opinion thoroughly about it; heard him say something about shooting coal; he said he was going to fire a shot and shoot it with dust; I didn't know that a man could do that; he said he would have to take a broom and sweep if a man would; I don't know whether he did that or not.

Q. Is that man one of the victims of the explosion?

A. Yes, sir.

Q. How long has that been since that man expressed himself that way?

A. About three or four days.

Q. What portion of the mine did that man work in?

A. Third room on the entry that was working.

Q. Straight entry?

A. Yes, sir.

Q. He an experienced miner?

A. Said he was, Yes, sir.

Q. Do you know of any of these victims, previous to the explosion, using dynamite blasting the coal?

A. Never saw them using any.

Q. Any of them using black powder?

A. Yes, sir.

Q. You never heard Mr. Bachman or Mr. Holiday say it was against the rules of the company or state mining laws for shooting this coal from the solid?

A. Never heard him say anything about powder.

Q. Heard the men?

A. No, sir.

Q Did you know, personally, that it was against the law?

A No, sir, not for black powder.

Q Did you know it was against the law to shoot coal from the solid with dynamite?

A Yes, sir, after I read that book.

Q What book?

A The book Mr. Paul had published.

Q Are you sure about seeing that in that book?

A It says shooting coal from the solid.

Q Did you ever hear those men up there discuss this flameless powder, and give their objection to it?

A Yes, sir.

Q What was their objection to it?

A Wasn't no good.

Q What was the reason it was no good?

A Wasn't strong enough.

Q Any other reason attached to it?

A No, sir, never heard any other reasons.

Q About what was the size of the cavity that you would use in shooting your coal from the solid?

A Some shots I would use more than other; have used down as low as six inches.

Q What can be shot with six inches?

A Have shot six inches and got two cars.

Q Would that be a rib shot or angle shot?

A That would be one that I had shot and didn't get.

Q What kind of shot was that?

A Stuck shot.

Q. I know; you went in there with 18 inches of powder and didn't get two cars?

A. Have shot less than that and got two cars.

Q. Do you believe in solid shooting?

A. Where a man can get more.

Q. You disregard the safety of it?

A. I don't know anything about the safety; I would rather be safe and not get the coal.

Q. Do you think it is a safe method to shoot coal from the solid?

A. No, sir.

Q. Why did you do it?

A. It was what they were doing when I came here.

Q. Yet you thought it wasn't safe?

A. To come to the truth of it, I didn't know whether it was safe or not.

Q. What were you employed at?

A. Driving.

(Questions by C.W. Osenton.)

Q. You have not been mining any since you came here the last time; last four or five months up here?

A. Yes, sir, been working; been loading some coal.

Q. Havn't been digging any?

A. Yes, sir, loading and digging both.

Q. You say it was generally understood among these men, that it was more or less dangerous to shoot from the solid?

A. Yes, sir.

Q. These men that are dead, understood that?

A. Yes, sir.

Q. It was also understood among these men that it was dangerous to use dynamite and against the law?

A. Yes, sir.

Q. You have been here long enough to be acquainted with all the men killed there?

A. Four I didn't know.

Q. You heard them discuss this matter of shooting from the solid, and the appreciated the danger of using black powder and dynamite and shooting from the solid?

A. Three I havn't heard say anything about it.

Q. But the others; it was generally understood it was?

A. Yes, sir.

Q. Who furnished you this book of rules?

A. Mr. Bachman. (Book is here shown to the witness; "Mining Laws of West Va.")

Q. About how long ago has it been since he furnished you one of them?

A. About three months.

Q. He told you to read this and follow it?

A. He didn't exactly give it to me, it was sent to me; a fellow just give it to me, and I just thought that I could read it if I wanted to, and if I didn't, to let it alone.

Q. All of the men were furnished this, in the mine?

A. Yes, sir.

Q. Mr. Boyd asked you if you could mine this coal, that is, you mean pick mining, and you said it could be done?

A. Yes, sir.

Q. A fellow would starve to death up there?

A. I don't think there would be a corn-bread-living for him.

R.J.MORTON, after having been first duly sworn, testified as follows:

(Questions propounded by Mr.Boyd.)

Q. What time did you get here, yesterday, after the explosion?

A. I didn't notice the time, Mr.Boyd, but Mr.Orlinger did-- about half past one or two o'clock.

Q. How did you know there was an explosion?

A. I was in the office at Sunny Side, and heard a 'phone ring and heard someone tell Mr.Boone that there was an explosion at one of the drifts, and come down here and ferried with the Doctor.

Q. What was the general condition about the drift mouth of the mine?

A. Seemed to be a quite a bit of coal dust lying there.

Q. Was that all, Mr.Morton?

A. Evidence of quite an explosion, I should think, from all appearances around there.

Q. Did you see the body of Mr.Holiday, when you got up there?

A. I couldn't say; I saw the bodies of two men there.

Q. On the outside?

A. Yes, sir.

Q. What position were they lying from the drift mouth?

A. One of them, as far as I can tell, was about opposite the main drift; he was lying cross ways of the drift, down the mountain-side.

Q. Where was the other body?

A. It was over more to the air course, or other drift of the mine.

Q Do you know how they come to be there?

A No, sir.

Q No idea?

A No, sir, I couldn't say as to that.

Q Don't know where they came from?

A No, sir,

Q Have any idea where they came from?

A Yes, sir, my opinion was they were somewhere near that mine there; that would be my opinion about it.

Q Do you think both men were on the outside?

A I couldn'tt say; possibly inside and possibly outside.

Q What was the condition of those bodies?

A I wasn't right close to them, about 10 or 15 feet, but they looked to be pretty well mangled.

Q You think they were blown from some point, by the force of the explosion?

A That would be my opinion about it, Mr.Boyd.

Q Did you go into the mine shortly after you arrived at the drift mouth?

A Yes, sir.

Q How long was it until you went inside?

A Mr.Orlinger and a young man had been in with him, and they came out and Orlinger called me and I went in with him; about 20 or 30 minutes before I went in; just went in to the first break-through and put up a curtain there and returned to the outside and by that time Mr.Boone had come.

Q What was the condition inside, as far as you went; how did you find things in there?

A. The ventilation?

Q. Yes?

A. There was no ventilation past the first break-through; there had been a trap door there and blown down and the first thing we did, was to put up a curtain there and got the curtain complete we smelt something burning and looked around and the curtain had caught fire and extinguished that, and saw the dust was on fire, and extinguished that, and sent for some water and repaired that; Mr.Boone had come, and we went back out and Mr.Boone went in.

Q. Was it on the air course or main heading?

A. About middle ways of the pillar, I didn't notice that particularly; just where the door was.

Q. Was the air offensive to you?

A. It was on the air course side.

Q. Wasn't on the heading side?

A. No, sir.

Q. After you put this curtain up, you advanced how far?

A. Mr.Orlinger and the young man that was with him went to the air course to see about the furnace, and Mr.Boone and I remained on the outside and hung a curtain over the air course side, this side of the furnace, and then we proceeded with our journey and entered the main drift, and as well as I remember, curtained up three or four more break-throughs and run out of curtains and come back and got some more, and by that time, I believe you were here---no, I don't think you were here.

Q. What part of the mine did you explore?

A. Just what I told you, until you came.

Q. How much all together?

A. Up to the main heading and back out and up the air course, and back out there through the main course; wasn't in any rooms.

Q. Did you make any observation as to what you suppose was the cause of this explosion?

A. Yes, sir.

Q. Do you think the mine was a dusty mine?

A. From observations I noticed yesterday, it must have been.

Q. Did you find any water in the mine?

A. Only a little bit of water in the air course; guess it was 10 or 15 gallon of water.

Q. Where was it?

A. On the air course.

Q. What was your opinion as to the cause of this explosion, Mr. Morton?

A. Mr. Boyd, in my opinion, it was a too heavy a shot.

Q. About what point was this shot set off?

A. From the observation I had, it was on the air course side.

Q. Well, at what point would you say it originated, do you understand the map?

A. I think so; I have not seen it, but think possibly I could show you.

Q. Mr. Morton, in your judgment, do you think that a true map of this mine, at the present time?

A. Well, I couldn't just say as to that.

Q. Which heading was it?

A. On this side--on the air course side.

Q. What would be the initial point of the explosion?

A. We had gone up the air course some distance; I didn't notice the distance; about right here. (Witness indicates on map.)

Q. That map has not been extended since September, 07?

Understand there is not all the rooms on there; did you examine the place where you thought the explosion originated?

A. No, sir, didn't particularly.

Q. Do you think it was on the heading or face of the room?

A. On the air course side, in the neck of one of those rooms; in my opinion, it was a heavy shot in that slate.

Q. Did you go to the face of the room?

A. No, sir, was not in any room in the mine.

Q. What indication of violence was there at that point?

A. Shot up there very fine, and blown back from the face like, and the nature of this slate is that it does not shoot up that way--the experience I have had, unless it is charged very heavy.

Q. Did you examine that very closely?

A. No, sir, no more than my attention was called to it, and if I am not mistaken, I remarked about what a heavy shot it must have been.

Q. Did you find any bodies about that point?

A. Still above there; two bodies on the air course.

Q. What was the condition of those bodies?

A. Well, as well as I remember, those two bodies was not mangled very badly; it seemed to me their heads were

crushed, possibly the first one I came to; did not examine them very close; I was with you when we passed there.

Q. Any other indications of violence along the entry?

A. Yes, sir, found a car that was blown off the track, next to the face; the last man we found, the shovel was blown back under the track, and looked like he had the shovel in his hand.

Q. Loaded or empty car?

A. Empty car.

Q. What position was the car?

A. Parallel with the track, but set down about six inches.

Q. Was that loaded or empty car?

A. Empty car.

Q. Did you make any observation of the inside of the car?

A. Yes, sir, noticed it was an empty car.

Q. Did you find any other point in the mine that, in your opinion, you thought was where the explosion started?

A. No, sir.

Q. What is your opinion of solid shooting, Mr. Morton?

A. Well, Mr. Boyd, I never had very little experience where we had solid shootin; all the mines where I have been, we under-cut the coal and never had any experience of solid shooting.

Q. In your opinion, do you consider it safe?

A. In my opinion, I wouldn't consider it so; I will be honest but while that is a fact, I do not see how a man can get a living out of this coal, if he has to mine it.

Q. What other method would you suggest, other than shooting from the solid, to work this coal?

A. I would suggest machines.

Q. Then, how would it be, do you think you could make a living operating the mines with machines?

A. Yes, sir, where I am, at Sunny Side, Mr. Beury's, make good money; some men there make \$4.00, and that straight, per day, through loading machine coal.

Q. How many bodies did you help to recover up there; how many victims did you help to recover?

A. I was with Mr. Orlinger, and was along when all bodies was found--nine; seven on the inside and two outside.

Q. What was the condition of those bodies?

A. Well, the first three bodies we found on the main entry, seemed to be mangled worse than the others, and as well as I remember, possibly the fourth one.

Q. Where were those bodies found?

A. The first one that was found, I would guess 50 foot inside of the mine; another possibly 15 or 30 foot, and another about the same distance from that.

Q. Could you give any reason for those bodies being found on the entry?

A. Wouldn't give my reason, except my opinion.

Q. What is your opinion?

A. My opinion is this: That these men had shot their coal down and all started, possibly, to the outside, to eat their dinner; seemed they were going in that direction; from what I heard, somebody remarked about the mine, it was customary for the men to come out and eat their dinner after they fired the shot.

Q Never found a man off the entry?

A No, sir, every man's head was lying to the outside.

(Questions by Mr. Pierson.)

Q Where you found those three bodies that were worst mangled, was that the initial place where you think the explosion occurred?

A It was possibly 200 feet from there.

Q Were there any bodies found near where you believe the initial point of explosion was?

A Two bodies.

Q How near were they to it?

A Mr. Pierson, I could not say just the distance, possibly not over 50 feet and possibly 150; didn't notice.

(Questions by Mr. Osenton.)

Q Where did I understand you to say where you found the initial point of this explosion, or in your opinion the explosion?

A On the air course side.

Q How far from the drift mouth would you say?

A I didn't just notice, expect 250 or 300 feet.

Q The reason you fix that, was, you found the slate broken up so fine?

A Yes, sir.

Q Did that indicate there had been a shot from the bottom?

A Too much dynamite or powder.

Q Then it was not in shooting up the coal but shooting up the bottom?

A Yes, sir.

Q Under the direction of the mining laws and Inspector's are you permitted to use dynamite in shooting up the

bottoms?

A. Yes, sir, in case a man has a hung shot, we allow him to use dynamite.

Q. That's done in this field, right along?

A. Yes, sir.

Q. What is your opinion as to the shot, that it was dynamite or black powder?

A. From appearance, it was dynamite and black powder both; often they use both; if they don't, it breaks the slate up in so large pieces they cannot handle it.

Q. Then, in your opinion, it was a shot blowing up the bottom?

A. Yes, sir.

Q. Then, you notice anything else?

A. No, sir.

Q. Did the Mine Inspector point out any other initial point?

A. No, sir.

Q. Was he with you where you found these men that were mangled more than others?

A. Yes, sir.

Q. As a matter of fact, the explosion would blow them away further; those near the initial point?

A. That would be natural.

Q. Then, you give it as your opinion, from the examination you have made, that it was a heavy discharge of powder or dynamite, at the point you have mentioned?

A. Yes, sir, that is my opinion.

Q. Did you discover any evidences of gas in the mine?

A. Yes, sir. I think it originated from the fire.

Q. Nothing to indicate that it was a gaseous mine?

A. No, sir.

: : : : + : : : : :

LAWRENCE SHORES, Recalled.

(Questions by Mr. Osenton.)

Q. I want to ask you who the man was who made the statement about sweeping up the dust and making a shot?

A. Waggle.

Q. Was he an experienced miner?

A. Said he was.

Q. Do you know what part of the mine he was working?

A. Third room on the entry.

Q. Do you know what he was doing?

A. The last time I seen him, he was fixing to shoot.

(Questions by Mr. Pierson.)

Q. How long was it from the time you saw him fixing to shot until you heard those shots?

A. About thirty minutes.

Q. At that time he said he was going to make a dust shot, or words to that effect?

A. He told me that before, a week before.

: : : : + : : : : :

JAMES G. BOYD, (Mine Inspector of the 8th District),
after having been first duly sworn, testified as follows:

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

Q. Now, just make a statement--you know what sort of a statement you want to make?

A. I got notice of the explosion of this mine between half past two and three o'clock, yesterday-afternoon, and just as quick as I could, I arranged to come down here; I proceeded, and arrived here in the neighborhood of four o'clock, or a little after. When I got here, there were four men in the mine, exploring the mine. The Superintendent or Superintendent's brother said they would be out in a few minutes, and I waited there a few minutes and they came out, and I asked them how far they had advanced, and they said about 100 or 200 feet from face of the heading, and came to a fall and retreated. I arranged my lamps and proceeded in the mine; explored the heading to the face and air course heading--they never explored the air course. We had located all of the bodies in the mine; when I came out. I did not make any close inspection, more than to locate the bodies, and not to determine the originating point of the explosion. We came out about six o'clock, and this morning went in and made an examination and inspection of the mine. We found No. 11 room, in air course heading was the point, in our opinion, where the explosion originated.. We found three shots that had blown out--neither one of them had done the purpose it was intended for. I drew a little sketch of it.

and will show the Jury how it looks.

(Herewitness explains drawing to the Jury. Drawing is herewith filed.)

Explanation of drawing: We find a hole here, drilled in the solid, and some of the hole remaining. This shot was in her^e, we notice, on an angle of about 50°--another one here at the breast; we found another hole here--these little dots indicate the hole, which was 5-1/2 feet--the shot had blown out; over here we found another hole drilled in here, 5-1/2 feet that the powder had blown out--this was a clean blow-out shot, and did not take any coal from the mouth of the hole. This shot cracked the coal and a portion of the coal was blown out---these three shots, were, in my opinion, shot about the same time. There was a coat hanging on this prop, and this coat was burnt almost to a cinder, and the inby exposures indicating that the force had gone down and burned these props. These shots, in my opinion, were very badly placed, and in on the solid, and could not do the work. This one was in away back on the solid. Number 11 room, in my opinion, is the initial point of the explosion.

We went all over the mine, various rooms and heading. I might say too, that we found these men, victims of the explosion, all on the entry, making towards the drift-mouth. I cannot understand that--it is a puzzle to me how these men were all going to the outside. These men at No. 11 room, on the outside, were very badly mangled---one was all rolled up in a ball. There was a loaded car on

the heading, and partly upset, and the car they had loaded with slate previous to the explosion; that slate was all blown out, with the exception of a bushel or so, and the timber and debris was blown down in this direction and the men also. The explosion went through the break-through to the heading, and we found the charged dust--from the break through coming to the heading.

These men being all on the heading, I cannot account for---why these men were making for the outside, I cannot explain. The gob was all down in the room---one would suppose it was a short room and a heavy slate shot fired, or, one would suppose it was a neck of a room and a shot put in there and filled it up with debris and slate, but all that was sent out from the room, from gob it had blown out to the neck of the room.

I might also say that I inspected this mine on the 16th day of November. I found the mine in good shape. Found 1300 cubic feet of air at the intake, and 1300 ~~at~~ cubic feet of air at the return, near the furnace. The mine was damp, and I found that the miners--only three in the mine the day I inspected it, they were short of miners and only five men employed. Mr. Holiday was in charge, and he told me Mr. Bachman was sick. I asked him if he was employed as steady foreman, and he said "no, only occasionally to act as an assistant". I went up on the main heading where they were working, and a man was arranging to put in a shot in the bottom slate. I found the top very

bad, and told them to put up two props, and they told me they would. I talked to them about using dynamite and black powder, I do not know the name of the man, Mr. Bachman can tell you. (Mr. Bachman says: Charley Workman.) He told me he thought the nyalite was a little high in price, and asked me if it was not possible to have it reduced; he said that he thought it was a little hardship on the miner to use it. I ask^{ed} him if it would not be better to pay a cent or two more, than be running the risk of being blown up, and he said if there was any danger like that, he would pay the difference. As I left, he said he would use the flameless powder, which he was using. I found dynamite in there, but did not find anybody using it, except for slate. I told them not to use it for blasting coal.

Q. In your visits to the mine, did you find the rules and regulations, governing mines, were being followed?

A. Yes, sir, at that time.

Q. About these three points where these shots were put off; what kind of shots were these?

A. Shots from the solid.

Q. What kind of explosives were used, in your opinion, if you can tell?

A. I could not tell.

Q. I believe you stated, in your opinion, they were put off simultaneously or rapid succession?

A. Yes, sir.

Q I will ask you if it is sufficient to cause an explosion?

A If there is any dust.

Q It will where there is very little dust?

A Yes, sir, very little.

Q Did you observe any dust, in dangerous quantities, when you were here?

A No, sir.

Q From your observations, on yesterday, and today also, can you state that there was any dust of any dangerous quantity in the mine on yesterday?

A Well, I think the mine was dry; I do not know about dust, but I think the mine was dry.

Q Then, in your opinion, Mr. Boyd, this explosion was caused by these three shots?

A Yes, sir, three blow-out shots.

Q As to the explosive that was used, you are not able to say?

A No, sir.

(Questions propounded by Mr. Osenton)

Q Who went in the mine this morning, when you discovered the initial point of this explosion?

A Mr. John Philipps, Mr. William Warner, Mr. Bachman, Mr. J. A. Straughan and Mr. Orlinger.

Q How many were Mine Inspectors?

A Three, besides myself.

Q You say that, in your opinion, this explosion was caused in room No. 11, by these blow-out shots?

A Mr. Bachman said it was the number of the room.

Q You don't know whose coat that was?

A No, sir, I examined the coat to see whether there were any papers, but it was burnt so I could not tell.

Q I understood you to say you had authorized the miners, in these mines, to use dynamite for the purpose of blowing up the slate?

A I gave Mr. Bachman the privilege of using dynamite for shooting slate.

Q For what purpose do they use black powder?

A For blasting coal, under certain conditions.

Q Is that permissible under certain conditions?

A Yes, sir.

Q Will you state what conditions you permitted? Under what conditions you permitted it to be used?

A When it was under-mined--cut.

Q Then, shooting from the solid, to use what kind of powder?

A Flameless powder; they had used nyalite, which is a flameless powder.

Q Then, this mine had your permission to use dynamite for the bottom in the slate, and black powder where they made their undercut, and flameless explosive where they shot from the solid?

A Yes, sir.

Q It is not your opinion then that this explosion was caused from a shot of dynamite, as the gentleman testified here a moment ago?

A No, sir.

Q Did you examine the holes and see whether there were any shavings left?

A. No, sir.

Q. Clearly of the opinion they were blown-out shots?

A. Yes, sir.

Q. As to the depth of the shot, were they extraordinary, where they made the hole for the shots?

A. Medium shots.

Q. If they were medium shots, will you explain to the Jury, upon what theory you reached the conclusion that these blown-out shots caused the explosion?

A. In my opinion, the first shot raised the dust--off the solid there is more or less dust--it breaks the coal up, granulates the coal and causes dust to adhere to the reef, ribs or props, or anything, and when this shot was fired, it caused some dust, and second shot more dust, and third, probably, set it off and caused the explosion.

Q. Do you believe there can be an accident, absolutely of dust, without any gas?

A. I do, sir.

Q. Now, as I understand you, in your opinion, the first shot blew out and it raised some dust, and then the second shot, and then the third, it exploded the dust that caused the explosion?

A. Yes, sir.

Q. Did you find any evidence of gas in November, when you explored the mine?

A. No, sir.

Q. Did you find any evidence of gas today?

A. No, sir.

- Q Then, it is your opinion it was purely a dust explosion, caused by blow-out shot?
- A That is my opinion, Yes, sir.
- Q You say you found none of the men in this room, all on the entry?
- A All on the entry.
- Q How were the men, with reference to those that were found nearer and those further from the initial point?
- A The worst near the point of explosion--he seemed to be very badly mangled and mutilated.
- Q What caused the burning of the mules and men?
- A It was gas that had been given out from the dust--just ignited and caused a flame.
- Q Now, Mr. Boyd, as I understand you, you say each of these holes were the ~~better=holes=that~~ ordinary holes that a miner would bore?
- A Yes, sir.
- Q Could that explosion have occurred by the use of flameless powder, by these blow-out shots?
- A It is my opinion it could not.
- Q Why could it make any difference, Mr. Boyd?
- A It don't give off any flame to ignite the dust.
- Q There is no fire about a flameless powder explosion?
- A Not enough to ignite the dust.
- Q Mr. Boyd, if these three shots had been put off one after another, and Mr. Merton had immediately after that put off his shot, with dynamite, couldn't it have occurred in that way?

A. It could.

Q. Then, it is possible for those shots to have blown out the dust and the last one, the dynamite explosion, that caused the explosion?

A. Yes, sir. Let me explain: Mr. Merton is mistaken about it being a neck of the room; the slate was piled up there, and one would suppose it was a neck of a room.

Q. Did you find a point there where the bottom had recently been blown up?

A. No, sir, not on the air-course.

Q. Any where?

A. No, sir.

Q. The last time you were in the mine and examined it, did not find any quantity of dust?

A. No, sir.

Q. Was it sufficient quantity to authorize the watering down of it?

A. No, sir.

Q. Then, the dust, in your opinion, that caused this explosion, was caused by the blow-out shots?

A. Yes, sir, blow-out shots from the solid.

(Questions by Mr. Pierson.)

Q. I want to ask you whether the mining laws make certain rules and regulations as to shooting from the solid. Will you state what that is. (Question objected to. Not ruled upon)

Q. What is the law for shooting from the solid?

A. Mine Inspector has discretionary power.

Q.

Q. In the hands of the Mine Inspector?

A. Yes, sir.

Q. Do you know whether the miners were violating the rules with reference to shooting off the solid?

A. No, sir.

Q. Is there any rules as to rapid succession shots?

A. No, sir.

(Questions by Mr. Osenton.)

Q. They were shooting from the solid, provided they used flameless powder?

A. Yes, sir.

Q. You had given them that right, with flameless powder?

A. Yes, sir.

Q. The Foreman here had instructed them?

A. Yes, sir, the miners said so.

Q. Then, you knew they were instructed?

A. Yes, sir.

Q. When you inspected this mine in November, you found the men in operating this mine were complying with your regulations and rules, as far as you could ascertain?

A. Yes, sir.

Q. And you know nothing to the contrary?

A. No, sir.

.....

MR. VAL BACHMAN, Recalled.

(Questions by Mr. Osenton.)

Q. Do you know which of the men who are now lying dead, was working in room No. 11?

A. Yes, sir, I do.

Q. Who?

A. John Clark.

Q. Was he an experienced miner?

A. Yes, sir.

Q. Tell the Jury whether or not you instructed him not to use black powder for shooting from the solid?

A. Yes, sir, I did.

Q. If he used that explosive, was it without your knowledge and authority?

A. Yes, sir.

Q. You had instructed him, in person, not to do so?

A. Yes, sir.

.....+.....

(Mr. John Philipps, Mine Inspector of West Virginia, District No.9, and J.A. Straughn, Mine Inspector of West Va., District No.7, concur in the statement made by Inspector Boyd, and were with him and made the examination of this mine.)

(William Warner, Mine Inspector of West Va., District No.11: "I did not make the examination of these working places with the other Inspectors, but from their description and explanation of these shots, I thoroughly concur with the statement made by Mr. Boyd.)

.....+.....

Mr. James G. Boyd, Recalled.

(Question by Mr. Osenton.)

Q. I understood you, Mr. Boyd, to say when you examined the mine, you found the ventilating apparatus in good order; I will ask you if it was sufficient to furnish all air necessary?

A. Yes, sir it was; more air than necessary.

: : : : : + : : : : : :

The Jury, after having heard all the evidence, thereupon retired to their room to consider of their verdict, and after a while, returned with the following verdict, in words and figures, to-wit:

"STATE OF WEST VIRGINIA,

COUNTY OF FAYETTE, to-wit:

An inquisition taken at Bachman, in the said County of Fayette, on the 31st day of January, 1908, before J.P. Staton, Justice of said county, upon the view of the bodies of John Boles, A.A. Waggle, Henry Holiday, Charles Vassie, Thornton Wilson, John Clark, Peter Barlow, Richard Evers and Francis Faught, then lying dead, the jurors sworn to inquire when, how and by what means the said parties came to their death, upon their oaths do say: That the above mentioned men came to their deaths on the 30th day of January, 1908, at or near 12.00, midday, in or about Mine No. 2, of the New River Valley Coal Company, by

an explosion caused by three blown-out shots, occurring in room No.11 on airway to said No.2 mine, which shots ignited the accumulated dust.

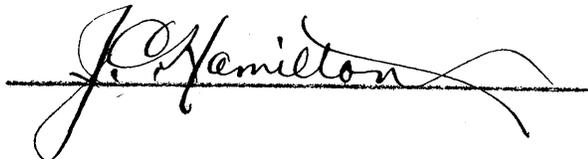
In testimony whereof, the said Jurors and Justice of the Peace hereto set their hands.

	J.M.CLARK)	
	J.F.DEAN)	
	A.F.HARSHBARGER	:-	Jurors.
	N.H.SPRADLING	:	
(S i g n e d)	J.D.SHIELER)	
	L.C.CREGER.)	

J.P.STATON, J.P."

.....+.....

I, J.C.Hamilton, do hereby certify that I was duly sworn to report the foregoing evidence, taken at an inquisition held at Bachman, Fayette County, West Va., on the 31st day of January, 1908, upon the view of the bodies of nine miners who were killed by an explosion of No.2 mine, owned and operated by the New River Valley Coal Co., on the 30th day of January, 1908; and I do further certify that the foregoing is a complete and accurate transcript of the testimony as reported by me on that day.

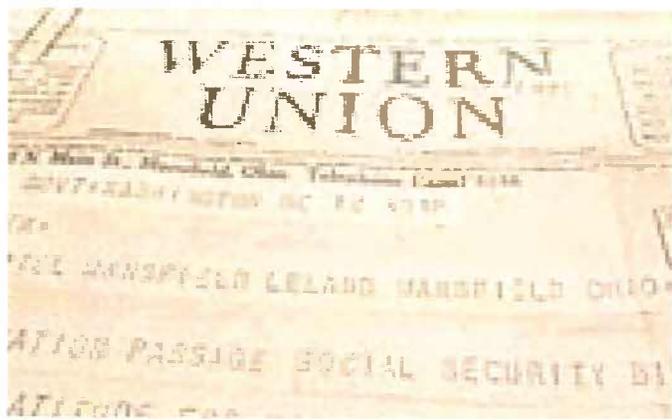


Taken, subscribed and sworn to before
me this 6th day of February, 1908.

W. N. Michon

Notary Public Fayette

County, West Virginia.



Telegraph

Fayette County,

January 30th, 1908.

At 4:55 P. M. at the Ruffner Hotel Sen. E. C. Colcord called my attention to the Charleston Mail which related a Dust Explosion in the above Mine:

CHARLESTON, WEST VIRGINIA, THURSDAY EVENING, JANUARY 30, 1908

A Dust Explosion Near Hawk's Nest

**ONLY TWELVE
MEN WORKED
IN THE MINE**

**Loss of Life
is Not Known**

Just as the Mail was going to press this evening news was received of a dust explosion in the New River Valley Mine near Hawk's Nest, which is owned by the Boone Brothers. Only one dozen men work in the mine, as it is a small one. At the time the news was received at the Mail office it was not known what the fatalities were. At that time, but one had been gotten out, and he was so seriously burned that it was thought he could not recover. His name was not learned.

I proceeded to my office and looked over records of inspections and found Inspector Boyd had visited and inspected the mine on November 16, 1907, and reported conditions

good in every respect.

I then sent the following telegram to Mr. Boyd,
at Fayetteville:

New River Valley Mine reported to
have exploded today. Go to the mine
and give me details by wire or tele-
phone upon your arrival.

(Signed) J. W. Paul.

At 5:55 P. M. Mr. Sam Dixon called me by tele-
phone from Macdonald and asked if I had heard of the ex-
plosion, and stated that Mine Inspector John Phillips
was there and asked if I wanted to talk to him.

Phillips came to the 'phone and I requested
him to start on first train for the mine and to take
charge of affairs if Inspector Boyd was not at the mine
upon his arrival. Phillips stated he would be able to
get to Thurmond at 8:15 P. M. and would endeavor to get
a freight train to carry him to the mine.

At this moment Inspector J. A. Straughan ap-
peared in the office in response to my request for a
conference with himself, Inspectors Warner and Boyd.

I directed Straughan to take the 6:49 train
and go to the mine. He telephoned car distributor Robson
at Handley and arranged to get to the mine on a freight
train.

I then went to the Elk Hotel for Mr. Warner
and not finding him there, visited several restaurants
to locate him. At 6:35 I telephoned from Fallones'
cigar store to the Elk Hotel and talked to Warner and
had him to take a cab for C. & O. train due to leave
at 6:49. I joined him at the bridge and went to C. &
O. depot where Warner joined Straughan and left at 6:50.

The following letter was received on January 31,
1908, at 2:30 P. M.:

Fayetteville, W. Va., Jan. 30, 1908.

Mr. Jas. W. Paul,
Chief of Department of Mines,
Charleston, W. Va.

My Dear Sir:-

An explosion occurred about 1 P. M. in the
Valley Mine belonging to the New River Valley Coal Co.

This mine is located on the south side of the
river near Hawks Nest. 9 men were killed, and one badly
burned. This was all the men that were in the mine at the
time of the explosion.

The bodies were all recovered at 6 P. M. and all
were found on the entries except two that were blown out
of the mine.

I arrived there about 4 P. M. and found places
in the mine where heavy charges of powder had been exploded.
The mine appears to have been very dusty. The main entry
is only in about 800 feet, rooms are turned off entry and
air course. Face of entry is in advance of last break-
through about 20 feet.

I inspected this mine Nov. 16, 1907, and found no
gas. The mine was not dusty. There were only 5 men working
in the mine at that time. I only saw three, 2 had not re-
ported for work or had gone home. The coal in this mine
was mostly all shot off the solid. On my first visit I
found this was being done with black powder, and dynamite.
I recommended the use of flameless powder, on my next visit
they were using Nyalite, I also found dynamite in some of
the places.

The explosion occurred between 7:45 and 8:15 A. M., the exact time being uncertain. There were twenty-eight men in the mine at this time; five of these men were working in what is known as the Left Heading, from which rooms were driven to the outcrop, and these men had no difficulty in getting out safely through cutthroughs to the surface.

It took the next three days to recover the bodies, slow progress being made on account of the difficulty in restoring satisfactory ventilation.

A very hasty and incomplete investigation was made by a party under the supervision of the State Mine Inspector. This party decided that the explosion occurred at the face of the Dean air course, due to a blown out shot from an overcharge of powder; it was thought that this hole was charged with both Monobel and black powder.

It was impossible for the men from the Bureau of Mines to make a thorough examination on account of the fact that even as late as Friday blacklamp was found in one of the air courses and in the rooms nearby.

The mine at this time was temporarily in charge of an incompetent man, the greater part of those connected with the mine being present at the inquest.

In addition to the unsatisfactory conditions inside the mine, the arrangement at the fan house was very dangerous. The boiler was in the same building as the fan. Since the explosion occurred safety lamps had been cleaned and repaired in the boiler room and there was considerable grease and oil lying around on the floor. Conditions were very favorable



Correspondence

The man that was in charge of the mine on the day I inspected it last was killed. He gave me his name as H. Holliday. He said he was just on for that day as Mr. Bachman was sick.

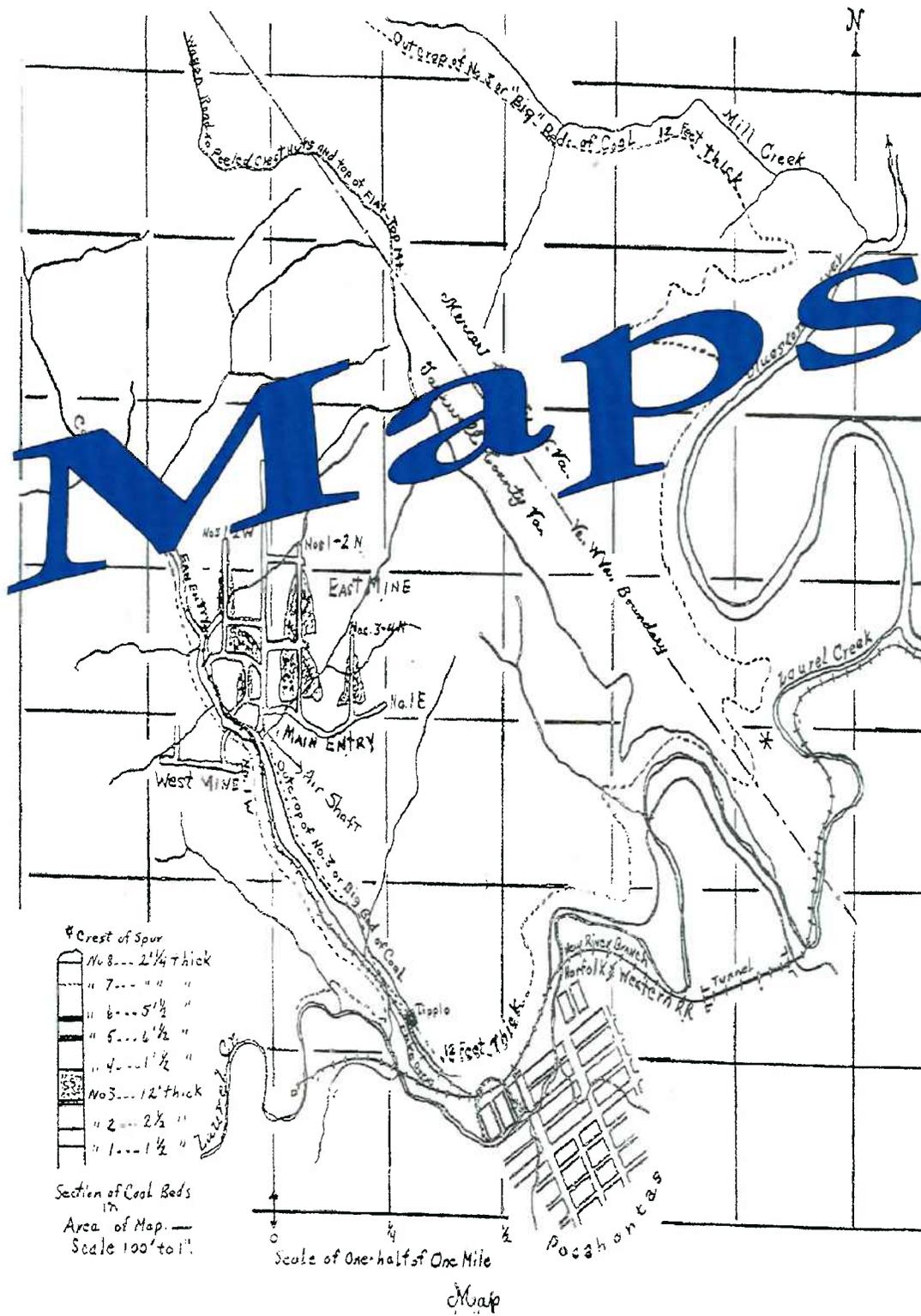
Most of the 9 men killed are very badly burned and mutilated, indicating that the explosion was violent.

In the neck of one room off the air course a very heavy charge of dynamite had been exploded. I will write you more fully tomorrow.

Very truly yours,

(Signed) J. G. Boyd,

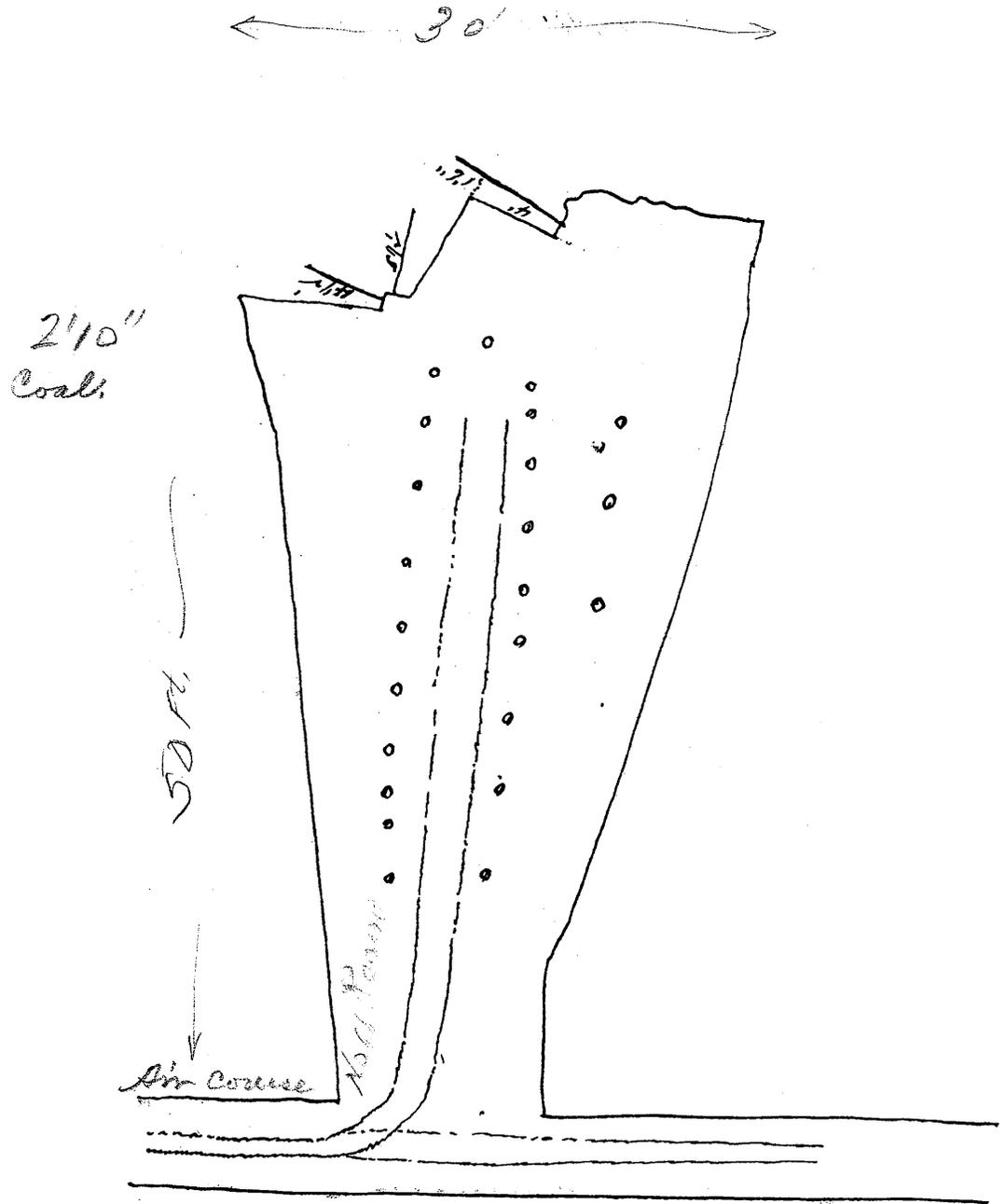
Mine Inspector 8th District.



Section of Coal Beds
 in
 Area of Map.
 Scale 100' to 1".

Number	Thickness
No. 8	2 1/4' thick
" 7	" " "
" 6	5 1/2' "
" 5	6 1/2' "
" 4	1 1/2' "
No. 3	12' thick
" 2	2 1/2' "
" 1	1 1/2' "

1-31-08 Read, 6 P.M.



J.A. Straughan.



Newspaper Accounts

At 9:30 upon going to the Western Union Telegraph office I obtained a copy of the following telegram:

Fayetteville via Thurmond, W. Va.,

January 30th, 1908.

J. W. Paul,
Chief of Department of Mines,
Charleston, W. Va.

Have been down at Valley New River Mine, been all through the mine. Nine men killed and one burned. See letter. Inquest will be held tomorrow afternoon.

(Signed) J. G. Boyd,
District Mine Inspector.

The Charleston Gazette of January 31st, 1908, gave the account on the following clipping:

NINE MINERS MEET SUDDEN DEATH IN NEW RIVER MINE

Men Eating Dinner Killed in
Twinkling By Terrific
Explosion

BODIES ALL IDENTIFIED

Ignition of Dust By Blow-
Out Shot Probable
Cause

(Special to The Gazette.)

Fayette, Jan. 30.—Nine miners met sudden death in the New River Valley Colliery, known as Lower Boone mine, near Hawks Nest, this after-

noon at 2:35 o'clock in an explosion that partly wrecked the mine. Every grain of powder and all the dynamite in the mine was ignited by the original explosion—probably caused by dust—and added to the destructive force of the disaster.

It is said that 25 men were working in the mine at the time of the explosion and that eight of the nine dead were instantly killed.

List Of The Dead.

A complete list of the dead is as follows:

Henry Holliday, mine boss, married.

John Bowles, single.

A. J. Wagles, single.

Charles Casse, married, of Kentucky.

Wilbur Wilson, single.

John Clark, married.

Richard Myers, single.

Travice Faught, single.

Peter Barlow, single.

The last named three were from Jackson, Ohio, and little was known of them.

Grandison Cole was the only miner badly injured. He was blown to a point near the entry and was rescued by Lawrence Shores and Wilbur Miller.

The mine was inspected at 10 o'clock this morning by the superintendent and reported to be in good order.

Inspector Boyd, of this district, who arrived this afternoon, and made a preliminary examination, but did not determine the cause of the explosion. A thorough examination is to be made.

Blown Across Hill.

Two of the dead—Holliday and Wilson—were blown clear out of the mine and across the hill. They were standing near the mouth when the explosion occurred. None of the men were more than 100 feet from the rear entry, and most of them were eating their dinner, when the explosion occurred.

The Lower Boone is a drift mine and the property of the Boone Coal and Coke Company. It is small, never working over 25 men. It is practically new, little coal having been taken out of it.

Mr. George Imboden, who was at the mine a few minutes after the explosion, arrived in the city last night, and was seen by a Gazette reporter. When Mr. Imboden left the mine seven of the dead had been identified.

Mr. Imboden stated that it was the opinion of those at the scene of the mine yesterday afternoon that it was caused by dust. A telephone message to the Gazette last night for Fayetteville stated it was a gas explosion, and another message stated that it was caused by a blast out showing the dust.

Charleston Mail
January 31, 1908

Nine Miners and Two Mules Killed One Miner Injured

Nine miners and two mules dead, and one miner injured, who, however, is expected to recover, is the result of the explosion shortly after noon yesterday at the New River Valley mines of Boone Brothers near Hawks Nest.

The mine has been thoroughly explored for the dead and injured, and every one has been accounted for, either dead or alive. Four deputy mine inspectors are now engaged in examining the mine to determine, if possible, the cause of the explosion. First reports received here yesterday at 4 o'clock, attributed the explosion to dust. Later reports have been of a conflicting character some assigning dust, others, gas, while a third report, attributes it to a blown-out shot.

The dead are:

Henry Holliday, mine boss, married.

John Bowles, single.

A. J. Wagues, single.

Charles Casse, married, of Kentucky.

Wilbur Wilson, single.

John Clark, married.

Richard Myers, single.

Travice Faught, single.

Peter Barlow, single.

The three miners last named were from Jackson, Ohio, and were not well acquainted in the neighborhood.

Grandison Cole escaped with injuries, which while painful, are not considered dangerous. He was blown to a point near the entry and was rescued by Lawrence Shores and Wilber Miller.

Only twenty-five men ever worked in the mine at one time as it was a new drift mine just being opened up and had penetrated but a short distance into the hills. At the time of the accident, several of the miners were on the outside of the mine eating their dinner and escaped.

Two of the dead, Holliday and Wilson, were standing near the mouth of the mine when the explosion occurred and were blown clean out of the mouth of the mine and across the hill. None of the men were more than 100 feet from the mouth of the mine when the explosion occurred.

A peculiar incident in connection with the explosion is that the mine had been inspected by the superintendent not more than two hours before the explosion and declared by him to be in good condition.

FEBRUARY 1, 1908

BLACK POWDER WAS IN USE IN WRECKED MINE

Deputy Inspector Boyd Re-
ports That His Warnings
Were Not Heeded

BLOWN-OUT SHOT, CAUSE

Explosion Terrific in Force
and Dead Were Badly
Mangled

In a report to his chief, Mine Inspector Boyd, who was to the New River Valley Mine an investigation of the explosion Wednesday afternoon in which lost their lives, state found traces where dynamite were the time of the disaster of his warnings given several days ago.

Inspector Boyd claims that he made an inspection of the mine sometime last summer and told the proper persons connected with the Boone Coal & Coke Company that it would not be safe to use black powder in the New River Valley Mine, but that safety powder should be used. When he returned in November and made another inspection, safety powder was in use, but his investigation after the disaster of Wednesday leads him to believe that his warnings had been heeded.

In the opinion of Inspector Boyd the explosion was caused by a shot.

A New One.

which the explosion occurred several in which the pioneer coal operators of the county, are interested. The opening is a new one, the main entry being driven but about 800 feet. It is yet a small mine and at the time of the explosion only ten men, exclusive of the driver, were at work. The explosion occurred at 12:30 and at the time most of the men were eating their dinners. It is presumed, however, that one of the men had finished his dinner and had put off a shot, which blowing out, ignited the dust causing the explosion.

The explosion was terrific in its force and all of the men, with one exception, were mangled almost beyond recognition. Identification only being made by mine clothes, clothing, etc. A. A. Waggle has presumably died from suffocation as there were no marks of violence upon his body. It is supposed that he was in the rear of the explosion which accounts for the fact that he was not mangled. Henry Holliday, the mine boss, was eating his dinner at the furnace at the time and his body was blown out through a small opening down over a slate dump. He was badly mangled and identification was made possible by the fact that one hand was minus a thumb, the result of an accident several years ago. John Howles was just entering the mine at the time and his body was blown from the drift mouth over the slate dump. An arm and leg were blown completely off and his head mashed to a pulp. Mine cars were broken and twisted, mules killed, and on every hand was evidence of the terrible force which found vent only through the drift mouth and air course at the furnace.

One Man Rescued.

Grason Coles, who was at a parting some little distance from the drift mouth, was badly burned. Lawrence Shores, the driver, and Wilber Miller, an employe on the outside, hear the cries, and, rushing into the mine, brought him outside. He was badly burned and was taken on the first train to the McKendree Hospital.

Help was immediately summoned and Albert Olinger, bank boss at a nearby mine, headed a rescue party that entered the mine shortly after the explosion, but it was soon seen that there was nothing to do but bring the blackened and bruised bodies to the surface. Deputy Mine Inspector J. H. Boyd, of Fayetteville, was soon on the scene and made an examination of the mine. The mine was not at all gaseous, and Supt. Bal. Bachman, made a tour of inspection at 10 a. m., finding everything in good shape.

Dead All Out.

By 7 o'clock all the dead had been taken out and were being prepared for burial. Barlow, Faught and Byers all from Jackson, Ohio, and had been here but a short time. Byers is said to be the main support of a widow.