

We believe that the ends of justice will be fully met by suspension of sentence in a case where conviction itself must carry its own condign punishment.

Accidents will happen in and around the mines no matter how great a degree of care is exercised, but many of the distressing fatalities could be avoided if employes were made to feel that acts of gross and inexcusable carelessness made them liable to criminal prosecution. In all mines, no matter how well they are planed and conducted, danger constantly exists, and most of the accidents that occur in and around the mines are due to carelessness. In nearly all the cases the law does not and cannot be made to apply.

Intelligence, the education of experience, accurate judgment and the power to enforce rigid discipline cannot be implanted in men by legislative enactment.

ACCIDENT AT MIDVALE SLOPE, PROSPECT COLLIERY

At 12.30 noon, May 13, a fall of roof occurred in No. 4 lift road, No. 246 Bowkley vein in Midvale slope, Lehigh Valley Coal Company, by which Martin Degnan, timberman, Andrew Wasko, timberman's helper, Paul Bozent, miner, Peter Zwinski, driver, and Michael Libzak, doorboy, were instantly killed and two others slightly injured. It appears from testimony taken at the Coroner's inquest held at Wilkes-Barre, that Anthony Smith, runner, had run a trip of two loaded cars down a section and had failed to place the proper number of sprags in the wheels, which allowed the trip to get beyond control. When the trip landed on the gangway road it jumped the track discharging four props that stood on the lower side of the road, and a portion of the roof fell on top of the cars. The runner sent the driver to call the timberman to replace the cars on the track and to secure the roof. When the timberman arrived they replaced one of the cars on the road and pushed it back so that they could replace the other derailed car and the props. While this was being done, a large piece of top rock fell, without warning, catching seven of them. It also appears from the testimony that the timberman had failed to sound or examine the roof before they commenced to work at the derailed cars. He should have seen that the roof was safe to work under, knowing that all the props under this particular piece of rock had been discharged.

The following is the verdict of the Coroner's jury in the case:

"We find that Martin Degnan and others came to their death from injuries received at the Midvale Slope of the Prospect Colliery of the Lehigh Valley Coal Company, May 13, 1908. The evidence shows that a run-away occurred in the gangway, the cars jumping the track and knocking out four props that stood along the side of the gangway to protect the roof. A fall of rock occurred which Martin Degnan attempted to remove. Others were watching his movements when a second fall took place fatally injuring five men. The props that were

knocked out were not reset, nor had any precaution been taken to secure the roof by the workmen before trying to get the cars back on the track.

We therefore find that the men took no precaution whatever for their own safety and that the said company were in no way responsible for the accident. Jury: John Nygren, Patrick Hourigan, William Bower, Griffith Pritchard, F. D. Vincent, W. S. Casterlin."

CONDITION OF COLLIERIES

LEHIGH AND WILKES-BARRE COAL COMPANY

Hollenback No. 2 Colliery.—Ventilation, drainage and general condition as to safety good. Ventilation very much improved by erecting several new air bridges.

South Wilkes-Barre No. 5 Colliery.—Ventilation good; roads and drainage good; condition as to safety good.

Stanton No. 7 Colliery.—Ventilation good; roads and drainage good; condition as to safety good.

Sugar Notch No. 9 Colliery.—Ventilation fair; roads and drainage fair; condition as to safety good.

Maxwell No. 20 Colliery.—Ventilation good; roads and drainage good; condition as to safety good.

LEHIGH VALLEY COAL COMPANY

Prospect Colliery.—Ventilation good; roads and drainage fair; condition as to safety good.

Dorrance Colliery.—Ventilation good; roads and drainage fair; condition as to safety good.

Franklin Colliery.—Ventilation good; roads fair; drainage and condition as to safety good.

Warrior Run Colliery.—Ventilation good; roads and drainage fair; condition as to safety good.

DELAWARE AND HUDSON COMPANY

Baltimore No. 5 Colliery.—Ventilation good; roads and drainage good; condition as to safety good.

Baltimore Tunnel Colliery.—Ventilation good; roads and drainage good; condition as to safety good.

Conyngnam Colliery.—Ventilation good; roads and drainage good; condition as to safety good.

RED ASH COAL COMPANY

Red Ash Nos. 1 and 2 Collieries.—Ventilation good; roads and drainage fair; condition as to safety fair.