

REPORT
ON
COAL MINE ACCIDENTS

BY
JOHN PELLEGRINO,
Assistant Commissioner of Labor, in Charge of Mine Inspection
Department,

TO
P. J. McBRIDE,
Commissioner of Labor and Industry.



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*Assistant Commissioner of Labor, in Charge of Mine Inspection
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TO

THE LEGISLATURE OF THE STATE OF KANSAS
AND ARTHUR CAPPER, GOVERNOR.

TRANSMITTAL.

PITTSBURG, KAN., January 22, 1917.

Hon. P. J. McBride, Commissioner of Labor and Industry, Topeka, Kan.:

DEAR SIR—I have the honor of submitting to you, and through you to his excellency, Arthur Capper, Governor, and to the honorable Legislature of the state of Kansas, a complete report concerning the disaster which occurred at mine No. 9 of the Fidelity Coal & Mining Company, leased to Ryan & Reedy Coal Company, together with map of the explosion area, map of location where bodies were found, map of room number 1 in the main north entry, report of coroner's inquest, and precautionary measures which should be adopted.

Also, an extended report of the Osage City accident, with map of the workings of the mine, and location where bodies were found, together with coroner's inquest, and also, a complete list of coal-mine fatalities, dates on which they occurred, number and name of company, during the calendar year 1916. Also, a classified list of nonfatal mine accidents in Kansas during the calendar year 1916. Very respectfully,

JOHN PELLEGRINO,
*Assistant Commissioner of Labor,
In Charge of Mine Inspection Department.*

SUMMARY.

During the calendar year 1916 fifty-four fatal accidents occurred in the Kansas coal mines, six of which are included in this report, which were not reported as fatalities in former years. These men were injured in the mines and died some time afterward. One man had his leg broken by a fall of rock, and while being taken to the hospital contracted pneumonia, and died of pneumonia. One man bruised his knee. He was a bachelor and was advised to keep it clean, but failed to do so, and died of blood poisoning. Four men had their backs or vertebræ injured and died some time after.

Nineteen fatalities were caused by falls of rock.

Two explosions occurred while shots were being fired, and two shot firers lost their lives.

Two shot firers were killed by suffocation.

Two shot firers by premature blasts.

One shot firer by blow-through shot.

Two miners killed by ignition of gas while tamping shots.

Two miners suffocated on account of tibble burning down.

One man electrocuted.

One by falling off cage while ascending out of mine.

One by falling down shaft.

One tram driver killed by car.

Twenty men were killed by an explosion.

On December 13, 1916, a deplorable accident occurred at mine No. 9 of the Fidelity Coal and Mining Company, leased to Ryan & Reedy, in which twenty men lost their lives. This is the largest disaster in this field since 1888, when an explosion occurred at mine No. 2 of the Cherokee & Pittsburg Coal Company, in which forty men lost their lives. This disaster and the six accidents which were not reported in former years increased the fatalities this year to a great extent.

FATAL ACCIDENTS, CALENDER YEAR 1916.

Falls of rock (19) :

- Frank Tavcer, mine F, George K. Mackie Fuel Co. Jan. 7, 1916.
Anton Waksininski, mine No. 2, Home Riverside Coal Co. Jan. 7, 1916.
Claude Echord, mine No. 3, Martin Coal Co. Feb. 23, 1916.
James White, mine No. 1, Midway Coal Co. Feb. 29, 1916.
Santo Salvaggi, mine No. 8, Hamilton Coal & Mercantile Co. June 13, 1916.
Tal Walsh, mine No. 6, Hamilton Coal & Mercantile Co. June 30, 1916.
Frank Lipovic, mine No. 45, Central Coal & Coke Co. July 1, 1916.
Pete McGarvey, mine No. 1, Frontenac Coal Co. July 7, 1916.
John Martincic, mine No. 6, Mayer Coal Co. July 26, 1916.
B. Gioramiti, mine No. 2, Katy Coal Co. Oct. 27, 1916.
Frank Timmerman, mine No. 16, Clemens Coal Co. Oct. 31, 1916.
J. H. Robison, mine No. 6, Hamilton Coal & Mercantile Co. Nov. 23, 1916.
John Teters, mine No. 20, Wear Coal Co. Nov. 29, 1916.

The following were not killed outright, but died as result of injuries:

- Pete Stepnicki, mine No. 16, Western Coal & Mining Co. Injured Feb. 14; died Feb. 22, 1916.
Frank Gardner, mine No. 13, Western Coal & Mining Co. Injured March 1; died March 6, 1916.
H. Jameson, mine No. 11, Clemens Coal Co. Injured Oct. 3; died Nov. 4, 1916.
R. W. Patterson, mine No. 7, McCormack Coal Co. Injured Oct. 3; died Nov. 28, 1916.
Anton Stefancic, mine No. 19, Wear Coal Co. Injured Nov. 22; died Dec. 23, 1916.
Earl Camp, mine No. 9, Girard Fuel Co. Injured Nov. 23; died Dec. 20, 1916.

Shot firers killed by explosion (7) :

- Archie Fulton, mine No. 18, Western Coal & Mining Co. March 23, 1916.
Angelo Amedeo, mine No. 15, Western Coal & Mining Co. Dec. 30, 1916.

By suffocation:

- Angelo Zinotti, mine No. 8, Fidelity Coal & Mining Co. Jan. 24, 1916.
Chas. McKinzie, mine No. 3, Sheridan Coal Co. Nov. 16, 1916.

By blow-through shot:

- Charles Heller, mine No. 20, Crowe Coal Co. Nov. 13, 1916.

By premature blast:

- Andrew McGee, mine No. 15, Western Coal & Mining Co. Feb. 14, 1916.
Fate Wilson, mine No. 21, Wear Coal Co. Oct. 21, 1916.

Miners charging shots (2) :

- John Miller, mine No. 48, Central Coal & Coke Co. Died March 13, 1916.
Jack Paffi, mine No. 14, Western Coal & Mining Co. April 11, 1916.

Suffocation, tippie burning down (2):

Regis Vialle, mine No. 1, Carlson Coal Co. Dec. 28, 1916.
Victor Gibaud, mine No. 1, Carlson Coal Co. Dec. 28, 1916.

Electrocution (1):

Anton Kotnik, motorman, mine No. 13, Western Coal & Mining Co.
Aug. 9, 1916.

By cage (1):

Horace Henry Kelly, mine No. 19, Western Coal & Mining Co.
Oct. 30, 1916.

By falling down mine (1):

M. L. Pugh, mine No. 1, Stephens Coal Co., Nov. 18, 1916.

Tram driver (1):

Pete Sordello, Nesch Coal Co., strip pit. April 9, 1916.

Disaster (20):

William Hay, John Fry, Frank Jerino, Rudolph Trelz, Gregor Burgy, Tony Kroshol, Paul Komatz, Mike Urisk, Paul Lefevre, Lert Hay, Lud Windsor, Frank Windsor, Hut Windsor, Charles Tavernaro, A. H. Roycroft, John Laurentic, Math Roth, Charles Roth, Walter Page, Domenic Kelso. Explosion, mine No. 9 of the Fidelity Coal & Mining Co., leased to Ryan & Reedy, located three and one-half miles northeast of West Mineral, or one-half mile northeast of Stone City, Kan., Dec. 13, 1916.

Making a total of fifty-four fatal accidents during the calendar year 1916.

FATAL ACCIDENTS, CALENDAR YEAR 1916.

1. Frank Tavcer, miner, killed by a fall of rock, mine F of the George K. Mackie Fuel Co., located three and one-half miles southwest of Scammon, on Jan. 7, 1916.

2. Anton Waksininski, miner, killed by a fall of rock, mine No. 2 of the Home-Riverside Coal Co., located at Leavenworth, on Jan. 7, 1916.

3. Angelo Zinotti, shot firer, suffocated, mine No. 8 of the Fidelity Coal Co., leased to the Corsini Coal Co., located one and one-half miles northeast of West Mineral, on Jan. 24, 1916.

4. Andrew McGee, shot firer, killed by premature explosion of a shot, mine No. 15 of the Western Coal and Mining Co., located northeast of Franklin, on Feb. 14, 1916.

5. Pete Stepnicki, miner, fatally injured by fall of rock, mine No. 16 of the Western Coal & Mining Co., located at Franklin, on Feb. 14, 1916. Died on Feb. 22, 1916.

6. Claude Echord, miner, killed by a fall of rock, mine No. 3, Martin Coal Co., operated under lease by Birch & Holden, located at La Cygne, Kan., on Feb. 23, 1916.

7. James White, miner, killed by fall of rock at mine No. 1 of the Midway Coal Co., located at Burlingame, on Feb. 29, 1916.

8. Frank Gardner, mine foreman of mine No. 13, Western Coal & Mining Co., leg broken by fall of rock, on March 1, 1916, and died from pneumonia at Mt. Carmel hospital, on March 6, 1916.

9. John Miller, fatally injured by powder explosion caused by gas igniting while charging shot, on March 11, 1916, at mine No. 48 of the Central Coal & Coke Co., and died from his injuries on March 13, 1916.

10. Archie Fulton, shot firer, killed by explosion on March 23, 1916, mine No. 18, Western Coal & Mining Co., located at Franklin.

11. Pete Sordello, tram driver, fatally injured by loaded car at the Nesch strip pit, on April 9, 1916.

12. Jack Paffi, miner, fatally injured by premature explosion of shot at mine No. 14, Western Coal & Mining Co., located at Fleming, on April 11, 1916.

13. Santo Salvaggi, miner, killed by fall of rock, at mine No. 8 of the Hamilton Coal & Mercantile Co., located at Arma, on June 13, 1916.

14. Tal Walsh, miner, killed by a fall of rock, at mine No. 6 of the Hamilton Coal & Mining Co., located at Cherokee, on June 30, 1916.

15. Frank Lipovic, miner, killed by a fall of rock, at mine No. 45 of the Central Coal & Coke Co., located at Ringo, on July 1, 1916.

16. Pete McGarvey, miner, killed by a fall of rock, at the Frontenac Coal Co. mine, located two and a half miles northwest of Frontenac, on July 7, 1916.

17. John Martincic, miner, killed by a fall of rock, at mine No. 6 of the Mayer Coal Co., operated by Pete Russell, located three miles northwest of Mineral, on July 26, 1916.

18. Anton Kotnik, motorman, at mine No. 13 of the Western Coal & Mining Co., located at Yale, electrocuted by coming in contact with trolley wire, on August 9, 1916.

19. H. Jameson, miner, injured by fall of rock at mine No. 11 of the Clemens Coal Co., on October 3, and died as a result of his injuries on November 4, 1916.

20. R. W. Patterson, track layer, injured by fall of rock at mine No. 7 of the McCormack Coal Co., on October 3, and died as a result of injuries on November 28, 1916.

21. Fate Wilson, shot firer, fatally injured by premature blast, in mine No. 21 of the Wear Coal Co., on Oct. 21, 1916.

22. B. Gioramiti, fatally injured by fall of rock, mine No. 2 Katy Coal Co., on Oct. 27, 1916.

23. Horace Henry Kelly, fatally injured by cage, mine No. 19 Western Coal and Mining Co., on October 30, 1916.

24. Frank Timmerman, fatally injured by fall of rock, mine No. 16 Clemens Coal Co., on Oct. 31, 1916.

25. Charles Heller, shot firer, fatally injured by blow-through shot, on Nov. 13, 1916, mine No. 20, Crowe Coal Co.

26. Charles McKinzie, shotfirer, suffocated, mine No. 3 Sheridan Coal Co., on Nov. 16, 1916.

27. M. L. Pugh, top man, fell down mine, on Nov. 18, 1916, mine No. 1 Stephens Coal Co., located southwest of Weir.

28. J. H. Robison, miner, fatally injured by fall of rock on Nov. 23, 1916, at mine No. 6 Hamilton Coal and Mercantile Co., located north of Cherokee.

29. Anton Stefancic, miner, knee bruised by fall of rock on Nov. 22, 1916, blood poison set in and caused death on Dec. 23, 1916. Mine No. 19 Wear Coal Co. This accident was not reported to this office until Jan. 6, 1917.

30. Earl Camp, miner, fatally injured by fall of rock, on Nov. 23, 1916, and died as result of injuries on Dec. 20, 1916, mine No. 9 Girard Fuel Co.

31. John Teters, miner fatally injured by fall of rock, on Nov. 29, 1916, at mine No. 20 of the Wear Coal Co., located northwest of Pittsburg.

32 to 51. Wm. Hay, Frank Jerine, Rudolph Trelz, Gregor Burgy, John Fry, Tony Kroshol, Paul Komatz, Mike Urisk, Paul Lefevre, Lert Hay, Lud Windsor, Frank Windsor, Hut Windsor, Charles Tavernaro, John Laurentic, Math Roth, Charles Roth, A. H. Roycroft, Walter Page, Domenic Kelso. Explosion, mine No. 9, Fidelity Coal & Mining Co., leased to Ryan & Reedy, located three and one-half miles northeast of West Mineral, or one-half mile northeast of Stone City, on Dec. 13, 1916.

52. Regis Vialle, miner, suffocated, mine No. 1 of the S. J. Carlson Coal Company, located at Osage City, on Dec. 28, 1916.

53. Victor Gibaud, miner, suffocated, mine No. 1 of the S. J. Carlson Coal Company, located at Osage City, on Dec. 28, 1916.

54. Angelo Amedeo, shot firer, suffocated, mine No. 15, of the Western Coal & Mining Co., on Dec. 30, 1916.

NON-FATAL ACCIDENTS AND THEIR CAUSES.

Calendar Year Ending December 31, 1916.

Injury by cars.....	305
Fall of rock.....	250
Miscellaneous	245
Igniting gas	68
Injury to eyes.....	50
Injury to shot firer.....	25
Injury by mule.....	21
Bad air	16
Objects falling down mine.....	11
Miner's knee	10
Explosion of powder.....	9
Burns by steam pipe.....	5
Total	<u>1,015</u>

TABLE OF FATALITIES IN KANSAS COAL MINES FROM JANUARY 1, 1900, to JANUARY 1, 1917

Year	Falls of roof or slate	Shot fires killed	Killed by powder explosion	Killed by cage accident	Falling down shaft	Killed by mine cars	Died in mine of heart disease	Killed by railroad cars	Killed by explosion of gas	Killed by machinery	Killed by falling off tippie	Objects falling down mine, striking employees.	Drowned in mine	Suffocated	Killed by mules	Electrocuted	Killed in fight in mine	Killed while acting as rescue party	Killed by dynamite cap explosion.	Unknown cause	Dynamite explosion	Construction work	Totals for years
1900	11	6		2	1															1			20
1901	1	3		2	3		1					2		1			1			1		1	11
1902	12	0	1	1									2				2						30
1903	10	7	1	1		2		3												1			36
1904	6	6	1	1	1	2	1	1					1										10
1905	22	11	1	1	1	2	1	1				1	1					1					41
1906	10	9	1	1	2	1	2	1			1	1											31
1907	22	9	12	2	1	1	2	1			1	1											52
1908	10	8	1	1	1	1	2	1	2		1	1											31
1909	14	6	1	1	2	1	1	1	2		1	1											25
1910	22	7	2	1	1	1	1	1	2		1	1			1			3					38
1911																							3
1912	10	10	2	1	2	2	1	1	2					2	1					1			37
1913	13	6	2	1	1	1	1	1	2						1							1	28
1914	17	5	2	1	1	1	1	1	1	1					1								34
1915	11	7	1	1	1	1	1	1	1	1					1				1				27
1915	5	7	2	1	1	1	1	1	1	1				2	1								15
1916	10	7	2	1	1	1	1	1	1	1				2	1					20			54
Totals	248	110	32	24	13	13	6	7	7	3	3	4	3	5	2	3	3	4	1	21	1	2	520

INVESTIGATION OF ACCIDENT.

Carlson Coal Company Mine, Located at Osage City, Kan.

Deceased: Victor Gibaud and Regis Vialle, miners.

Accident occurred on December 28, 1916.

Investigated by Sherwood and Turvey, inspectors, on December 30, 1916.

A disastrous fire occurred Thursday morning, December 28, at about four o'clock in the Carlson Coal Company mine in Osage City, Kan. The fire completely destroyed the shaft housing, tibble and shaft timbers, and suffocated two miners, Victor Gibaud and Regis Vialle, who were at work in the 13th north on the west side of the mine. The ventilating fan, which was located in a small compartment in the main shaft, was completely destroyed and thrown out of commission shortly after the fire broke out.

The city fire department ran to the mine and made a gallant effort to check the fire with such means as they could lay their hands to, but the blaze was already too far along. When it was learned that there were two men in the mine, rescue parties were immediately organized and entered the mine, proceeding down the escape shaft.

An investigation was made of this accident Saturday morning, December 30, 1916, by Mr. James Sherwood and Mr. Thomas Turvey, deputy mine inspectors; the mine pit committee, consisting of Mr. John Berg, Mr. J. W. Rice, and Eli Clavel; Mr. A. G. Hokanson, mine foreman; Mr. Leo Cosse, and Mr. J. J. V. Forbes of the U. S. Bureau of Mines.

The investigating party thoroughly examined the surface and found that the frame work and shaft timbers were burned to ashes. There was nothing left of the surface plant other than the fan motor, hoisting motor and cables in conduit. There was a strong, dense smoke emanating from the shaft, and for this reason the inspectors instructed the party to use nothing other than safety lamps and flash lights in the examination of the mine. The party found that all the wires used about the shaft house and the wires that descended into the shaft were laid in conduit, the wires being still intact.

The investigating party entered the mine, proceeding down the escape shaft and to the main east roadway, thence following this roadway westwardly to the shaft bottom, thence north in number 1 roadway to the working face. Inspector Sherwood kept well in advance of the party and examined the working places with a safety lamp. The party crawled along the working face from this point as far as number 4 northwest roadway, stopping for a short while at the place where the bodies were found. All along the face working where the two miners, Victor Gibaud and Regis Vialle, crawled there was marked evidence of distress. Near the coal face in number 4 northwest roadway was an empty mine car which contained the buckets of the deceased men. The party proceeded south in this roadway to the main west roadway, thence east along the main west roadway to the working place of the two miners. It was found that these two men, Victor Gibaud and Regis Vialle, had finished their shift, as they had already fired their last brushing shot.

It is believed that the deceased miners knew nothing of the fire until they arrived at the outby side of the trap door. The men evidently thought that they could make it to fresh air through the smoke and fumes, but were overtaken and suffocated near the face of number two northwest roadway.

The mine is worked on the long-wall system, all the coal being extracted in advancing from the shaft bottom. The shaft intersects a fourteen-inch coal seam at a depth of fifty-seven feet, and was ventilated by means of a 1 foot by 2½ feet by 5 feet fan operated on the force system. The ventilating fan was located at the south end of the main shaft compartment, a space 6 feet by 20 inches being partitioned off to the full depth of the shaft. The ventilating current is carried to the bottom of the down-cast shaft and thence due south to the coal face. At this point the air splits, one split running east along the entire face of the coal, and the other split running west along the face of the coal. The air traverses the entire face workings, returning to the hoisting shaft which is the up-cast.

The hoisting equipment and ventilating fan are operated by electricity, and the bottom of the shaft is lighted by electricity. The wires that conducted the current down the shaft, and all wiring in the head-house, were well insulated and laid in conduit. The hoisting motor and fan motor were operated by alternating current, the current being supplied from a transmission line of 2200 volts; this voltage in turn being stepped down by means of a transformer to 220 volts. This is the voltage that was used prior to the breaking out of the fire.

How the fire at this mine originated is a mystery, but it is believed that it was of incendiary origin. It might be of interest to state in connection with this report that the Western Fuel Company mine located one-quarter mile due west from this property was destroyed by fire the previous week.

Statement of J. W. RICE, after being duly sworn:

Q. State your name. A. J. W. Rice.

Q. Are you an employee of the Carlson Coal Company? A. Yes, sir.

Q. How long have you been employed here? A. A couple months.

Q. Where were you the morning of December 28th when this accident occurred? A. At home, when fire chief called me by telephone.

Q. About what time did you get the call? A. At about 6:50 a. m.

Q. You came to the mine? A. Yes, sir.

Q. What time did you arrive at the mine? A. At about 7:15 a. m.

Q. Was anyone here when you arrived? A. Yes, sir.

Q. Was the head-house about consumed when you got here? A. Yes, sir.

Q. Did they have the men out when you arrived? A. No, sir.

Q. What were the names of the men that were in the mine? A. Victor Gibaud and Regis Vialle.

Q. Had anyone come out of the mine yet? A. The first thing that I heard was Charles Enderman said that both men were cold and dead.

Q. Did you help bring them out? A. Yes, sir.

Q. They were dead, in your judgment, when you arrived? A. They were not, I felt their hearts beat a little.

Q. If some one could have gotten to them with a lungmotor or given them artificial respiration, in your judgment, they could have been saved? A. Yes, sir.

- Q. How far from the bottom of main shaft did you find the men?
A. Less than 200 feet.
- Q. How far would they had to travel to get around to escape shaft?
A. Over five hundred feet.
- Q. How were the men traveling? A. With the air.
- Q. Was the fan running when you got here? A. No, it was burned down.
- Q. How did you get the men out? A. We drug them 80 feet up along the face on skids made from tracking.
- Q. Who were all those in the rescue party? A. Ed. Whale, Lewis Reese, Merino Quinto Rosetto, and myself.
- Q. How did you get them up the escape shaft? A. I was all in and left them.
- Q. Did you encounter smoke when you came in? A. Yes; some, and heat.
- Q. In your judgment, how did the fire originate? A. I have no definite idea.
- Q. Has the company taken all precautions in regards safety? A. Yes, sir.
- Q. Was wire in conduit coming down shaft? A. Yes, sir.
- Q. Was there any gasoline or oil in any building on the surface?
A. There was a tank supposed to contain black oil in the office room.
- Q. Was there any fire or chance of fire on the surface? A. No.
- Q. You inspected timbers leading to dump and found that everything was O. K. A. Yes.
- Q. What is your occupation? A. Miner.
- Q. Is there anything else that you know that would help lay the cause of this loss of life and property? A. No.

JOHN W. RICE.

I have no objection to anyone getting a copy of my statement.

JOHN W. RICE.

Statement of A. G. HOKANSON, after being duly sworn:

- Q. State your name. A. A. G. Hokanson.
- Q. What is your occupation? A. Pit boss at the Carlson Coal Company mine.
- Q. How long have you been employed at this mine? A. Since the beginning when sunk, a little over a year ago.
- Q. What are your duties as mine foreman? A. Look after ventilation and the safety of the men, etc.
- Q. Are you aware of an accident occurring here on the morning of December 28, 1916? A. Yes, sir.
- Q. How many men work at this mine? A. Sixty.
- Q. How many were working at the time of the fire? A. Two.
- Q. What were their names? A. Victor Gibaud and Regis Vialle.
- Q. Where were you when the fire broke out? A. At home.
- Q. Where do you live? A. In the second city ward.
- Q. At about what time did you hear of the fire? A. A woman called me on the phone and told me about the fire at about 4:45. I at once rushed to the mine. When I came out here Ed. Martin, chief of fire department, had been here and opened door at the escape shaft, and then I got two lanterns from fire department and three of us went down below. Mr. Hokanson, Leo Johnson and myself, and traveled straight west within 80 feet of hoisting shaft, and had to return to the top for help as the smoke was too strong for us. John Force and crew made it about 40 feet further then we did, and John Force went down with crew again and Charles Anderson and M. Schoongon reached the bodies and returned again, and fourth party descended and brought men to fresh air to the doctor.

Q. Where was the fan located? A. On south end of shaft hole, and fan hole was partitioned off in main shaft.

Q. What is the size of the fan hole? A. 6 feet by 20 inches.

Q. What is the size of shaft compartment and air shaft? A. About 15 feet 8 inches by 6 feet.

Q. What size of fan? A. 1 ft. by 2½ ft. by 5 ft.

Q. What speed did you operate fan? A. About 80 revolutions per minute.

Q. Is the fan reversible? A. No.

Q. How does it operate? A. Blower.

Q. At about what time did you leave the mine that night? A. At about 4:15 p. m.

Q. Were there any other top men? A. Yes, one top man ready to leave.

Q. You don't keep a night watchman do you? A. No, sir.

Q. What is your daily tonnage? A. About sixty tons.

Q. Did you have any first aid or mine rescue equipment at this mine? A. No, sir.

Q. Do you think those men could have been saved with rescue apparatus? A. Yes, sir.

Q. Have you any fire-fighting equipment? A. No, only a small barrel of water on top.

Q. Is it your intention to rebuild this mine? A. Yes, sir.

Q. How thick is your coal vein? A. About 14 inches.

Q. How much of the roof is brushed in entries and rooms? A. 3½ ft. by 4 ft.

Q. Have you any objection in having a copy of this statement given out? A. No, sir.

A. G. HOKANSON.

Statement of JOHN BERG, after being duly sworn:

Q. State your name. A. John Berg.

Q. Where are you employed? A. At the Carlson Coal Company mine.

Q. How long have you been employed here? A. About fourteen months. I turned the first room off the bottom.

Q. You have been employed as a miner. A. Yes, sir.

Q. Where were you when the fire occurred? A. At home.

Q. How did you get your first information of the fire? A. Heard the fire whistle, and was sleeping up-stairs and saw the fire, and could see the top house fall.

Q. What time did you get here? A. After 8 o'clock.

Q. When you got here was everything in ruins? A. Yes, sir.

Q. Had they recovered the deceased? A. Sometime afterwards.

Q. About what time did they get the men out? A. They got the men out after 9 o'clock.

Q. Did you come into the mine? A. No.

Q. Have you been in the mine before to-day since the accident occurred? A. Yes.

Q. How far around could you get without any trouble? A. Around to where the men were found, I took their watches out of their buckets and we stopped there and talked a while and decided to wait until help (inspector) arrived.

Q. How do you think the fire started? A. My opinion is that it was set afire by some maniac.

Q. In your judgment all safety precautions were taken? A. Yes, sir.

Q. In your judgment, could the men have been rescued if apparatus were on hand? A. Yes, sir.

Q. Have you any objection to a copy of this statement being given out? A. No, sir.

JOHN BERG.

ELI CLAVE, after being duly sworn, corroborates the above statement as being correct.

ELI CLAVE.

Statement of LEO COSSE, after being duly sworn:

Q. What is your name? A. Leo Cosse.

Q. How long have you been employed at this mine? A. One year.

Q. On December 27th you were employed as a miner working in the first north entry? A. Yes, sir.

Q. What time did you go to work that day? A. 2:00 p. m., and quit at 10:00.

Q. What condition did you leave the entry? A. No hole drilled, or tracking to face was not laid.

Q. Did you see a shot in this room to-day? A. Yes, sir.

Q. Did you meet the deceased that night on top? A. I did.

Q. Did you have a conversation with them? A. Somewhat.

Q. What were the names of the deceased? A. Victor Gibaud and Regis Vialle.

Q. In your opinion they had finished their work? A. Yes, sir.

Q. Is there anything else that you know that would help to find the cause of this accident? A. No, I do not.

Q. Do you consider the tippie safe and in first-class shape? A. No.

Q. Have you any idea as to the origin of this fire? A. No.

Q. Have you any objection to a copy of this statement being given out? A. No.

LEO COSSE.

Statement of COLONEL CITRON, after being duly sworn:

Q. State your name. A. Colonel Citron.

Q. Where are you employed? A. At the Carlson Coal Company mine at Osage City, and work in the 1st south on the west side of the mine.

Q. Did you go to work on December 27, 1916? A. Yes, sir. Our shot had been missed and I went to work with Frank Omaisie on the west side.

Q. Are you aware that there has been a fire at this mine, and that two men lost their lives? A. Yes, sir.

Q. What time did you first hear of the fire. A. I do not know. I heard the whistle blow. I got up and came to the mine and called for Dr. Walker, and returned and went down the escape shaft, and traveled to 2d room from bottom (Dr. Walker was along with me); I was advised to return to the surface for blankets, took blankets to 1st south switch, and my uncle (John Schoolgan) pulled Gibaud about 25 feet and I took hold of him and brought him to the empty car located at 2d room from the bottom hoisting shaft, and we loaded him into the car. I returned to surface and got water and came back again.

Q. Have you any objection to a copy of this statement being given out? A. No.

COLONEL CITRON.

Statement of JOHN SCHOONYANS and CHAS. ANDERSON, after being duly sworn.

Q. Are you both employed by the Carlson Coal Co.? A. Yes, sir.

Q. Were you at work on the 27th of December, the day before the fire? A. Yes, sir.

Q. Are you aware of the fact that there was a fire at this mine and two men lost their lives? A. Yes, sir.

Q. Do you live here? A. Yes, sir.

Q. How did you learn of the fire? A. Heard the whistle blow at about 4:45 a. m.

Q. Did you go to the mine at once? A. Yes, sir. We worked on shift following men that were killed; we are supposed to start at 6:00 a. m.

Q. What time did you get to the mine? A. Mr. Anderson 5.30 a. m. A. Mr. Schoonyans 5:30 a. m.

Q. Was the head frame burned down when you arrived? A. Yes, siding was all burned, but had not toppled over yet.

Q. Did you two men try to go down in the mine? A. There were three men down (A. Hokanson, John Hokanson and Leo Johnson) and they didn't want us to go down until they came up.

Q. How long was it before they came out? A. About an hour.

Q. They never got to the bodies, did they? A. No, they told us they were unable to get within four rooms of the bodies.

Q. Who went down with you men when the first party came out? A. John Schoonyans, Chas. Anderson, Ike Krabe, John Force, and Arthur Johnson.

Q. Explain to us as near as you can the course you took (party). A. All of us men went down the escape shaft, then went to the face of 2d room from bottom of shaft on east side, then there was three of us that crawled up (names, John Schoonyans, Ike Krabe and Charles Anderson), then we got to the first room on the west side, we found the bodies lying about five feet inby from first room on west side, they were both lying on the right side with face towards coal face, but headed east. One was right behind the other one's heels. Ike Krabe took hold of them to see if they were dead or not, and Charles Anderson felt their pulse, but found no sign of life, so we concluded that they were dead, then we crawled back out (note there was no smoke in here at this time) and came to the surface, then we stayed on top and reported to the other men that they were dead. After this a doctor was sent for, and another party of men went down. This party of men worked on the dead men, but to no avail. Some of this party came out and stated that there was one of the men who might come to, so then John Schoonyans went back down with the doctor, Walker, and went back to the second east room, then John Schoonyans crawled up to where the dead men lay. (The doctor stayed at face of second east room.) There was three of the third party that went down after we came up the first time, stayed with the men, and when I got to the men they had one of them on a board, then John Schoonyans dragged Victor Gibaud out within ten feet of the second east room (here doctor was stationed) then I, John Schoonyans, was pretty well fatigued, and hollowed to Colonel Citron to take my place, and pull the body out to the roadway face of second east room, then we laid Victor Gibaud in an empty car and pushed him out to the fourth east and laid him down on blankets. then the doctor worked on him, but to no avail. About that time the other body (Regis Vialle) was brought to this point, and the doctor worked on him but to no avail, then the bodies were transported to the surface and removed to their homes.

Q. How long have both you men worked at the Carlson shaft? A. John Schoonyans worked about one year, Charles Anderson about two months.

Q. From what you have seen about the shaft, do you think they have taken the proper precautions? A. Yes, sir.

Q. In your judgment, men, how do you think the fire originated? A. We believe that some one set it afire.

Q. Have you men any objections to have a copy of this statement given out? A. No.

Q. Is there anything else that you know about this accident? A. No, sir.

JOHN SCHOONYANS.
CHARLES ANDERSON.

TESTIMONY AT CORONER'S INQUEST

Held on December 28, 1916, by Coroner Stahl, on Accident at Carlson Coal Company mine, Osage City, Kan.

Deceased: Regis Vialle and Victor Gibaud, miners.

Accident occurred on December 28, 1916.

In the matter of the inquiry into the cause of death of Victor Gibaud and Regis Vialle, held before Coroner Stahl, December 28, 1916.

The witnesses called being first duly sworn to testify the truth, the whole truth and nothing but the truth, the following proceedings were had:

W. J. RICE (examination by O'Neil):

Q. State your name. A. W. J. Rice.

Q. What is your occupation? A. Miner at this mine.

Q. Where have you been working? A. For the Carlson Coal Company.

Q. Were you at the mine this morning? A. Yes, sir.

Q. At what time did you get there? A. About 7:15 o'clock.

Q. Describe briefly what you saw there? A. When I got there of course the tibble was burned down, and I did not go over there, but went to the escape shaft, and found a few men there talking about the men that were down in the mine. I heard someone, who I believe was Charles Anderson, say "They are both dead; we were to them and they were cold." I studied about the matter a minute and concluded that if it was from suffocation there might be some chance of saving them if we could get to them. There were a number of men talking about going down, and I lit my lamp and said if there was anybody that wanted to go down to come on, and if nobody wanted to go I was going anyway. I went down, and I believe that Ed Whalen was the next man to follow me. We went down into the mine and went in the direction they said they were at. My lamp bothered me a little in the entry and Ed. Whalen passed me. After I got my lamp going I followed him and at the time he reached the bodies he was perhaps 10 feet ahead of me. Mr. Gibaud was lying along the face with his head to the roadway, and Ed took hold of him. He was lying on his face, and Ed began to pull him, and we pulled him into the roadway. I pulled up his shirt and listened to see if I could hear his heart beat, which I did; then we commenced yelling to the boys down along the face to get a doctor, that one of them at least was still alive. I commenced to work his arms and his chest, and Ed went on up the face to where Vialle was. He was perhaps 10 feet, to the best of my knowledge, from where Gibaud lay. About the time Ed got to him I heard what I might call a moan. Ed says, "Did you hear that? he is still alive." I looked around and Frank Marion had arrived, and I enlisted his assistance in trying to do what we could for Gibaud. Later on some more men came, one or two; we were working under a handicap there, and we wanted something to drag them out with; we had to drag them 80 feet to get them out. Finally I thought of the ropes on the trap doors, and I hollered for some one to get them and help drag them down the face. Louis Reese was there and he and some one else tore up some tracking and made skids to lay them on so we could drag them out; I went ahead with a hatchet and sounded the top and knocked out what few props I thought it was safe to knock out so they could get through; when I got through one of the ropes had been brought down, and I got it and took it back and we brought Gibaud through; that is, I helped to strap Gibaud and then I helped to get the ropes on the other man and helped on him.

Q. You took them both out in some manner—in the same manner?

A. Yes, sir.

Q. Which side of the shaft were they on? A. They were to the north side of the escape shaft along the coal face, and Mr. Gibaud's head was lying in the roadway.

Q. Along the face of the north side? A. Yes, sir.

Q. Where had they been working in the mine, if you know? A. I understood they were working in a cross entry.

Q. Where is it located? A. I believe, if my memory is right, it is the eighth room from the bottom, on the west and north side of the mine.

Q. Do you know anything that might have caused that fire there? A. I do not.

Q. Do you know anything further about this accident, as to how it was caused, or that would help to clear up the matter in any way? A. Nothing that I can think of now.

CORONER STAHL: Q. Was there a fan in this mine? A. The fan was at the mine shaft; the mine shaft is the down shaft there; the air from the fan I suppose went south and then around the face to where these men were working.

Q. That would also throw the smoke that way? A. Yes, sir.

Q. Do all the mines here have fans in them? A. I don't know.

S. J. CARLSON (examination by O'Neil):

Q. State your name. A. S. J. Carlson.

Q. Are you the owner of the mine that was burned this morning? A. Yes, sir.

Q. What time did you learn of the fire? A. It must have been close to eight o'clock this morning when I first learned of it.

Q. Did you go to the mine then? A. I did not know of the fire until I went to get a shave at Ohrn's barber shop. When I went in there he said he sympathized with me. I could not imagine what he meant. He repeated it, and I said to him that I did not know what he meant. He asked me, "Don't you know?" I said I did not. He says, "Your mine burned this morning." I did not wait for a shave, but went and got a cup of coffee and then went to the mine.

Q. Do you have any idea what caused that fire? A. Yes, I have, but I can not prove it; not now, anyway.

Q. You mean that you suspect that someone set it on fire? A. Yes, that is the only way it could have got on fire.

Q. Could it have been set on fire by the electric wiring there? A. No, sir.

Q. Why not? A. All of the wiring was in conduit, and there was no possible chance to have fired it from that.

Q. No exposed wiring there? A. No, sir.

Q. Was the current on at the mine last night, if you know? A. I do not personally know anything about it; it is supposed to be on; always is.

Q. Was the dynamo running? A. I cannot say; I was not there; I suppose it was; of course if it was not the men would not have been in there; they would have come out; the dynamo must be running to produce the air in the mine.

Q. Will you explain the circulation of the air in that mine? A. We have a fan; there is an opening from where the fan is that runs to the bottom; then the air goes south in the roadway; then the air is split, and part of it goes east and part of it west, air going both ways around the mine; then it comes back, and the mine shaft, or the main shaft, is the up shaft; the air comes out of the main shaft.

CORONER STAHL: Q. This fan is at the main shaft? A. It is at the side of the main shaft; it is partitioned off; it drove the air into the mine; then the air goes south and splits and part of it goes east and part west, and after it goes through the mine it comes back up the main shaft.

Q. This fire was in the main shaft? A. I do not know; it was all burned down when I got there.

Q. Would this fan force the smoke down? A. I cannot say; I suppose when the fan stopped there was no current, and it would not force it anywhere, and the fire above would draw the smoke upward; the smoke might back up a little in the mine, but my idea is that if the men had stayed where they were in the mine they would not have known anything about the smoke.

O'NEIL: Q. Was there a man on top last night? A. I don't know; I was not there.

Q. Do you keep a man on the top at night? A. No, sir; what is the use; no shaft does it.

Q. These were the only two men working in the mine at the time? A. Yes, sir.

Q. What time did they go on duty? A. The day shift goes at 6 o'clock and works until 2 o'clock; at 2 o'clock the second shift goes on and works until 10 o'clock; and the next shift is from 10 o'clock until 6 o'clock in the morning; that is the way we have been working there ever since we started to go through there.

Q. Where were these men working at the time they were killed? A. Working in the west main entry, or in the cross entry off the main entry going north.

Q. If the air was circulating in the mine, why would not the smoke stay up and not go down? Would the fan drive it down into the mine?

A. The fan would drive some smoke with the air until the fan was disabled, then the draft would be out of the mine.

Q. Where was this fan located? A. On the south side in the main shaft.

Q. You are real certain there was no place in the wiring that could have been the cause of the fire, from defective wiring? A. I am certain about that; I believe it was the best wired mine in the country.

CORONER STAHL: Q. Is the fan always placed at the main entrance in a mine? A. In some places it is, and some places, after the mine has been opened up a ways, it is moved to some other place.

Q. That is the practice in a new mine? A. Yes, sir.

Q. If they were moved to some other place where would it be? A. To the escape shaft. It could not be moved there now; of course the roadways are not cut off yet; the mine is new, and the first roadway off the main entry has not been cut off yet.

CHARLES ANDERSON (examination by O'Neil):

Q. State your name. A. Charles Anderson.

Q. What is your occupation? A. Coal digging.

Q. Who did you work for? A. S. J. Carlson.

Q. What did you do in the mine? A. We were driving an entry up there.

Q. You are working there at this time? A. Yes, I have been.

Q. Did you go to work this morning? A. Yes, sir.

Q. What time did you go to work? A. About half past five; maybe a little after or a little before.

Q. What time did you commence work? A. We were supposed to commence at 6 o'clock.

Q. What did you see when you got there? A. Seen that the shaft was burning when I got there.

Q. Who was at the mine when you got there? A. There was quite a crowd there when I got there.

Q. Was the tibble burned down when you got there? A. Yes, the sides were off when I got there, and most of the uprights were down, and some of the lower rigging was burned.

Q. Did you go into the mine? A. Yes, sir.

Q. How did you get into the mine? A. Through the escape shaft.

Q. Where is it located from the mine? A. About 300 feet east of it.

Q. Who went in with you? A. John Schoonyans, Ike Cable and one of the Johnson boys, I think it was.

Q. Did you find any men in the mine when you got in there? A. We crawled along the face up to the first road on the west side and alongside the road there we found the men lying, Gibaud and Vialle.

Q. Were they dead when you got there? A. As far as I could tell they were dead; I felt of them, and as near as I can say they were dead.

Q. What time was that? A. That must have been close to 7 o'clock; somewhere near there.

Q. They were up against the face? A. Up along the face.

Q. Was there a way of escape from the place they were working to the escape shaft? A. They could not have gotten there any other way excepting the way they were going.

Q. Could they have gone along the south side? A. Yes, but that would have been as bad a place as they were in; they would have to go along the face on the south side the same as on the north side.

Q. That was the only way to get out—crawling along the face? A. Yes, sir.

Q. When you found them how far were they from the cross entry they were driving? A. About 500 feet.

Q. East of where they had been working? A. Yes, four or five hundred feet; something like that.

Q. Have you any idea what caused that fire? A. No, sir, I have not.

Q. Were you acquainted with the wiring of that mine? A. I have seen it.

Q. Do you know of any exposed places in the wiring? A. No, sir, none that I know of.

Q. Is all of the wiring in conduit? A. Yes, as far as I know.

Q. Can you explain how the air circulates in that mine? A. I guess I can to a certain extent. The air goes into the mine and then goes south, then it splits and divides, going east and west along the face until it gets to where we were working, and then it goes back along the main entry towards the bottom of the mine.

Q. Is there a good circulation of air on the west side? A. Pretty fair circulation, yes.

Q. If the circulation of the mine was the proper circulation, would the smoke go down into the mine if the shaft was on fire? A. It would naturally go down if the fan was working; when it was working it would naturally drive the smoke into the mine.

Q. If the fan stopped, then what? A. If the fan had been stopped I think it would have drawn it up instead of down.

Q. The air from the escape shaft would have forced it up? A. Yes, sir.

A JUROR: Q. If you were at the shaft at 6 o'clock, why was it that you did not try to get to these men before 7 o'clock? A. There was another force of men went into the mine before we did and they could not get to them; the pit boss and two or three other fellows were down, and we were waiting until they came back; the smoke was so bad when they were in there that they could not get to them.

JUROR BILLINGS: Q. If there had been a proper manway as provided by law they would not have to have gone through the rooms? A. No, sir.

Q. There was no proper manway? A. No, sir, not like I understand it.

O'NEIL: Q. What is a manway? A. My idea would be that it is a road where the men can get through; they can get along a road much quicker than they can go along the face.

Q. If there had been a roadway from the cross entry? A. If there had been a roadway from where they were to the escape shaft they could have gotten to it.

ALEX HOKANSON (examination by O'Neil):

Q. What is your occupation? A. I am pit boss at the Carlson mine.

Q. Were you at the mine this morning? A. Yes, sir.

Q. What time did you get there? A. I judge it was about a quarter after 5 o'clock.

Q. Was the mine on fire when you got there? A. It was.

Q. How did you learn of the fire this morning? A. There was someone called up on the phone and told me.

Q. Then you went over there? A. Yes, sir.

Q. Was there anybody there when you got there? A. I would say anywhere from fifteen to twenty people; along there.

Q. Who was there that you remember? A. It was this fire department, I do not know that I can remember who they were; Gar Brown, Ed Martin—I do not know as I can name them all.

Q. Who discovered the fire, if you know? A. I do not know any more than Denny Whalen said that he turned in the alarm.

Q. You went into the mine? A. I did.

Q. What time did you go down? A. Somewhere about 6 o'clock.

Q. Could you get to these men then? A. No, sir.

Q. Why not? A. There was too much smoke; it was pretty windy in the escape shaft and it was hard to keep any lamp burning, and finally we got two lanterns and went down, Leo Johnson, John Hokanson and myself; we got within 80 feet of the boys but the smoke drove us back; we could not go any further.

Q. You went back to the top then? A. Yes, sir.

Q. Are you acquainted with the wiring of that mine? A. Yes, sir.

Q. Do you know of any exposed place in the wiring that might have caused that fire? A. As far as I know it was put up in good shape.

Q. Is it all in conduit? A. Yes, sir.

Q. No exposed wiring? A. No, sir.

Q. Was the dynamo running last night? A. It was turned on and I suppose it was; if it was not the men would have had no air, and they would have come out; we run it night and day, and it was supposed to be going.

Q. Have you any idea as to how that fire could have been caused? A. I do not know unless it was set on fire; that is the only reason I can give.

Q. Do you know of any condition around the mine that could have caused it? A. I do not know of any.

Q. Nothing in the electric wiring that could have caused it? A. Not that I can imagine.

Q. Do you know where these men were working? A. Yes, sir.

Q. How was the best way for them to have gotten to the escape shaft? A. They were on the right way; of course where they started from I can not say; they were on about as good a way as the other way; really better than it would have been the other way.

Q. If there had been a road cut through from where they were working to the escape shaft could they have gotten out easier? A. If there had been a roadway; there would have been in a short time; this was a new mine and it was not far enough along to have this roadway; we were cutting this entry through from one side of the bottom to the other, and it probably would have been finished in a couple of weeks; it was impossible to have it done before.

Q. Where would that roadway run? A. From one cross entry on one side of the mine to another cross entry on the other side of the mine.

Q. They would not have to go around the face then? A. No, sir, they would not have to go around the face then.

JUROR BILLINGS: Q. I would like to ask you if the mine inspector gave you instructions to put in that manway? A. No, sir, it was a new mine, and there was no place for it until we got to the place where it could be put in.

Q. When you strated to make it, it was of your own volition and not from any instructions from the mine inspector? A. Yes, sir.

Q. Were these men headed for the escape shaft? A. Yes, sir.

O'NEIL: Q. You had started to make this manway? A. Yes, from both ends; two men working on each end.

Q. How far had you gone before you started to make this manway? A. They were in 144 feet along one road and 148 feet along the other.

Q. That far along the roadway? Yes, sir.

Q. Starting from both sides? A. Yes, sir.

CORONER STAHL: Q. How far before it would have been finished? A. There were eight rooms; about 300 feet or a little better, probably.

O'NEIL: Q. Did you turn this manway from the first entry on the west side? A. From the first entry on the west side to the first on the east side; that is always open for the purpose of getting to the escape shaft.

Q. How far along the entry did the manway turn off? You run it along this way? (Indicating.) A. No, sir; that would be too close to the bottom; it would be the fourth roadway on one side and the fifth one on the other side; it would be nine places to get there, going through nine places.

Q. Is that the rule in the mines, to cut the roadways that distance apart? A. Yes, forty feet.

Q. I mean the manways? A. They are the manways or roadways; we call them the manways or roadways.

A JUROR: Q. You were waiting to drive up about 180 feet before you cut them off? A. No, sir; we had not gotten to the limit; as a rule they are cut off 185 feet; we cut it at 144 in one side and 149 in the other side.

JUROR BILLINGS: Q. Did the mine inspector give you any instructions to move that fan from the main shaft to the escape shaft? A. He asked if our intentions were to move it, and I said yes, that when we got the shaft in proper condition below so we could move it that we expected to move it.

Q. He never gave you strict orders to move it? A. No, sir.

Q. In your opinion would it not have been better if it had been over there in this case? A. I can not say that it would, because the escape shaft as it stands now is as good as a fan; when we opened the door the wind was so strong that a man could hardly get into it.

Q. Would not the fan offset any current that would go into the escape shaft until the fan ceased to work? A. Of course when the mine got on fire and the cold air was on the outside there was no circulation on the west side of the mine.

Q. The fan would force the smoke through the rooms just the same as it did the pure air? A. Why, sure.

A JUROR: Q. Would the fan, if it had been at the escape shaft, have furnished enough air for the miners, without having it where it is now? A. I can not see that it would have furnished any more air; it would have been the same, only the current would have been changed.

Q. If it had been there the smoke would have gone up the shaft? A. Yes, instead of going down; as long as the fan was running; then the current would have gone down the escape shaft and out at the main shaft.

JUROR BILLINGS: Q. How many revolutions was that fan running? A. I can not say.

Q. You can not tell about the volume of air it was forcing down there? A. No, sir.

JUROR CRANE: Q. Which way were they cutting this roadway? A. East and west.

O'NEIL: Q. If the fan had been at the escape shaft it would have driven the air up the main shaft and no smoke would have gone down? A. It would have made circulation around the mine, and the outlet of the air would have been at the main shaft.

Q. Have you any idea when that fan stopped running? A. No, sir; it was in full blast when I got there.

Q. Was the fan running when you got there? A. I can not tell that; I don't think it was; it was all ablaze then.

S. J. CARLSON recalled:

O'NEIL: Q. Who wired that mine? A. The first wiring was done by Arlie Zane. The last I had done was when I had the bottom wired; that was done by John McMillin. He had a helper, but I do not know who it was.

JOHN HOKANSON (examination by O'Neil):

Q. What is your occupation? A. Hoisting coal for Carlson.

Q. Did you work at that mine this morning? A. No, sir.

Q. When was the last time you worked there? A. Yesterday.

Q. Were you at the mine this morning? A. Yes, sir.

Q. What time did you get there? A. I got there about ten minutes of five.

Q. Who was there when you got there? A. I don't know; I saw three or four men, but I did not pay any attention to who they were; Ed Martin and some of the fire department came shortly after I got there.

Q. You do not know who was ahead of you? A. No, sir.

Q. The mine was on fire when you got there? A. Yes, sir.

Q. To what extent was it burning? A. It was all ablaze.

Q. How did you discover the fire? A. My wife looked out of the window and said that it was Carlson's mine on fire, and I got up and put on my clothes and went over there.

Q. Did you go down later? A. Yes, sir.

Q. Did you go down with Axel Hokanson? A. Yes, sir.

Q. Were you able to get to where these men were? A. No, sir.

Q. Have you any idea what caused that fire? A. I have not.

Q. You did the hoisting there? A. Yes, sir.

Q. Were you well acquainted with the wiring of that mine? A. Yes, sir.

Q. Did you know of any defective wiring? A. No, sir.

Q. Was the wiring all in conduit? A. Yes, sir.

Q. All over the top of the mine? A. Yes, sir.

Q. Are you sure there was no exposed wiring? A. There was not.

Q. Was there anything in the wiring or in the electric machinery that would cause a spark or blaze? A. Not that I know of; we examined everything before we went away last night.

Q. What did you examine? A. The fans and the motor.

Q. Would there be any way that the motor could throw a spark? A. Not the way it looked last night.

Q. Where is it located? A. On a little platform east of the fans.

Q. Was it running when you left last night? A. Yes, sir.

Q. What time did you leave? A. About fifteen minutes after four.

Q. You do not know who was there when you got there? A. No, sir; I went to work to get the men out, and I saw that I could not do it, and just then the fire department came and we started to push them cars around.

A JUROR: Q. Where do you shut the fan off? A. Just as you go in at the door.

Q. You could not get anywhere near enough to shut it off when you got there? A. No, sir; it was all ablaze when I got there.

O'NEIL: Q. You have an electric hoist? A. Yes, sir.

A JUROR: Q. Could you see whether the fan was running or not? A. No, sir; I could not tell anything about it.

IKE CRABLE (examined by O'Neil):

Q. What is your occupation? A. Coal miner.

Q. Who do you work for? A. John Force.

Q. Were you at the Carlson mine this morning? A. Yes, sir.

Q. What time did you get there? A. A quarter after 6 o'clock.

Q. Did you go into the mine? A. Yes, sir.

Q. You were one of the parties that helped bring these men out?

A. No, sir, I helped to find them, and then I had to leave and go to the place where I worked, and then I came back there to the mine.

Q. Do you know of anything that might have caused that fire?

A. No, sir.

Q. When you found the bodies do you think they were living or dead?

A. I thought they were dead. I told the boys I thought they were dead.

THOMAS TURVEY (examination by O'Neil):

Q. What official position do you hold? A. Deputy mine inspector.

Q. Where is your home? A. At Scranton.

Q. What is the jurisdiction of your office? A. Osage county and Leavenworth county.

Q. Are you acquainted with the Carlson mine? A. Yes, sir.

Q. Have you inspected it recently? A. Probably seven weeks ago; I think about seven weeks ago.

Q. At the time of your last inspection of that mine did you notice the electric wiring apparatus? A. Yes, sir.

Q. In your opinion was it wired correctly? A. Yes, in my opinion it was.

Q. Did you examine the electric apparatus and dynamo? A. Yes, sir.

Q. Was there anything in that electric wiring or the apparatus that could have caused the fire or blaze? A. I think not.

Q. You have not been in that mine for about seven weeks? A. I think it is about seven weeks.

Q. Did you, at the time you were in there, notice anything around that mine that could have been the cause of the fire? A. No, sir; I did not.

Q. You have not been to the mine to-day? A. No, sir.

Q. You came here because you heard of the accident? A. I never heard of it until I got here.

Q. You were going to make an inspection here to-day? A. I was.

Q. Of what mine? A. To get a report of the fire at the Green Top mine.

CORONER STAHL: Q. Is it customary to have men working in the mines without some one on the top? A. It is.

Q. Is there any law of mining as to where these fans shall be placed? A. No law.

Q. You found this mine at the time of your inspection in as good condition as any new mine? A. I think that mine was the best new mine in Osage county.

JUROR BILLINGS: Q. What was the revolution of that fan? A. I have n't taken it for two or three months, and it was then about 80.

Q. How many thousand cubic feet of air would it put in? A. Six thousand feet.

Q. About the same at the outlet? A. The outlet would be a little more.

Q. In your opinion, would it not have been safer if the fan had been over the escape shaft? A. I believe it would.

Q. And don't you believe that if the fan had been over that escape shaft that the men would have had a better chance of getting out? A. I think it would have been better had it been there.

Q. You never gave them direct orders to move it over there? A. No, sir, I didn't.

Q. And in your opinion if you thought it was dangerous to the

miners in that mine you could have forced the issue? A. I never thought of anything like this.

Q. According to your statement you say they must have been in 300 feet before you can order a manway? A. Yes, sir.

Q. Under what portion of the law does it so state? A. I don't know that I can say.

Q. Is it not left to your opinion as to how far they shall be in before you order them to put in a manway? A. I don't think I said that was the law.

Q. In your opinion it would have been better if there had been a manway in that mine? A. How could they have gotten one there?

Q. I am asking you the questions. A. Of course it would have been better if they had one.

A JUROR: Q. I would think there should be a certain place where it should be demanded that a manway should be made; they should have some way for the men to get out even if they are not far enough for a manway.

DELL GOODSELL (examination by O'Neil):

Q. Were you at the Carlson mine this morning? A. Yes, sir.

Q. What time did you get there? A. About 7 o'clock; something like that.

Q. You were not in the mine? A. I was just down to the bottom when they asked for some one to go and help.

Q. You were not one of the first ones that went in? A. No.

Q. Do you know of anything that could have caused that fire? A. No, sir.

Q. When did you first hear of it? A. I heard it about twenty-five minutes after 5 o'clock, I guess.

Q. You do not work there? A. No, sir.

JOHN SCHOONYAN (examined by O'Neil):

Q. You are a miner? A. Yes, sir.

Q. Where do you work? A. For S. J. Carlson.

Q. Were you at the Carlson mine this morning? A. Yes, sir.

Q. What time did you get there? A. About ten minutes after 6 o'clock.

Q. You got there about the time that Charley Anderson did? A. He was there before I got there; I don't know how long he had been there before I got there.

Q. You were one of the two men that was to relieve the men working in the mine? A. I am working with Charley Anderson; he was on the trick with me this morning.

Q. You went into the mine? A. Yes, sir.

Q. Were you with the parties when they found the bodies? A. No, sir. Yes, I was.

Q. You helped to take them out? A. Yes, sir.

Q. Were they dead, in your opinion, when you found them? A. As far as I know, I never touched them, but from what I saw they were dead; I crawled in ahead; I was the first one that saw them; I was ahead of Anderson and Crable and I saw something shining, and I crawled up further and saw their buckets and saw them lying there; Anderson crawled up to them, and he said he thought they were dead; we did not get to the second man; we would have to crawl over one of them to have gotten to the other; after he examined them, or the first one, and said they were dead we went back.

Q. Did you take them out right away? A. No, sir; we went out on top and told the people there about it, and another crew went down; I forgot who they were; they claimed they examined them and some one

said one of them was alive; I don't know which one they thought was alive.

Q. Do you know of anything that could have caused that fire at the mine this morning? A. No, sir.

Q. Were you acquainted with the wiring there? A. Not very well.

Q. Did you ever notice anything defective about it? A. No, sir; as far as I know it was pretty well protected.

CORONER STAHL: Q. You worked in this mine every day? A. Yes, sir.

Q. Was there any talk among the miners that it was not safe to work in the mine? A. Well, last Thursday night I was on the night shift, the same shift these men were on; along last Thursday night about fifteen minutes of 10 o'clock my buddy was talking about Green Top burning. He was down before I was; he said it was started before I came down. When we got down to work I says to Charley, "It would be pretty dangerous for us if this top happened to get afire." He says, "We could crawl out and get to the escape shaft."

Q. All of you were pretty well satisfied that the mine was safe?

A. As far as we knew; we thought it was safe enough to crawl to the escape shaft.

JUROR BILLINGS: Q. You don't know whether these men ran up against the shots in the roadway or not? A. No, sir; I can not say; as far as we crawled there was none; we went through the second room on the east side, and also along the face some ways on the west side.

Q. It is customary for five or six shots to be down on each side every night? A. Sometimes there is.

Q. And they would block the escape of any person going that way?

A. Yes, providing there were any along the face.

Q. It is customary to fire them? A. Yes, sir.

Q. And they would be blocked when they got to the shots? A. Yes, it would be hard to get through.

Q. And if you had a manway according to law you could go through a lot of smoke? A. Yes, sir.

A JUROR: Q. Did you hear anyone talking there, or have any idea as to how that mine got on fire? A. No, sir.

Q. Did you hear any dynamite shot this morning? A. No, sir.

Q. No one expressed their opinion as to how it got on fire? A. I don't have any idea of how it got on fire; I thought it was pretty well protected as far as the wiring was concerned, so far as I know.

DENNIS WHALEN (examination by O'Neil):

Q. What is your occupation? A. Coal miner.

Q. Where do you work? A. For the Miners' Fuel Company.

Q. Do you know where the Carlson mine is? A. Yes, sir.

Q. Where do you live from here? A. Straight south across the railroad track.

Q. Did you see the fire this morning at that time in the mine?

A. Yes, sir.

Q. What time did you first notice it? A. Between half past four and five o'clock. I did n't look at the time.

Q. How did you happen to see it? A. It was an explosion I thought that woke me up; I thought it was an explosion; it was a great racket.

Q. You looked out and saw the fire? A. Yes, sir.

Q. Did you go to the mine? A. I did.

Q. Was there any one there when you got there? A. No, sir.

Q. Did you see anybody there? A. No, sir.

Q. Who was the first person that came? A. My brother Tom.

Q. Does he live with you? A. Yes; I called him when I saw the fire.

Q. Who came next? A. I think it was Clarence Rapp.

Q. Did you see any one around that part of town at all? A. No, sir; I did not see a soul when I got there; I went as quick as I could get my clothes on.

Q. Have you any idea what caused that explosion? A. No, I have not.

Q. Did any one else hear this explosion? A. I think that Clarence Rapp said that he heard it; I would not say for sure.

Q. Have you any idea what caused that fire? A. No, sir; it was mostly on the east side of the shaft when I got there; the other part had n't gotten a good start when I first saw it. The east side was pretty near burned down.

Q. Was the fan running when you got there? A. No, sir; the first place I went was to the escape shaft; I opened the door; I did n't know whether that was right or not, and I shut it back again; I went and got my lamp and tried to go down and could not make it because it blew my lamp out every time I tried it.

Q. You opened the door and shut it again? A. Yes, I did n't know which was the best; I knew the men were in there; I did n't know how many; but I saw them every morning when they came out.

Q. You tried to go down and could not? A. Yes, sir; then Axel Hokanson, Leo Johnson and John Hokanson went down.

Q. No fan was running when you got there? A. No, sir, it was all burned where the fan would be.

Q. You got there about 5 o'clock? A. I suppose it was about 5 o'clock.

Q. Who else came after Clarence Rapp and your brother? A. I thing that John Hokanson was the next man.

Q. Is your brother here now? A. No, sir, he is not here now; I do not know where he is at.

A JUROR: Q. If you had left the door open would the air have gone down or come up at the mine shaft? A. I don't know; I suppose it would have come up if the trap was open; if it was not open it would go around the face.

Q. Was that door kept shut all the time? A. I don't know; it was shut this morning when I got there.

Q. How do you know the fan was not running? A. I could tell; it was all on fire in there when I went to the shaft.

Q. Was the smoke coming up through the main shaft then? A. Yes, sir.

O'NEIL: Q. Was the fire just on top when you got there? A. The east end was burning.

Q. There was no fire coming out of the mine itself? A. Not much coming out of it.

Q. In your opinion where had it taken fire first? A. I thought it was on the east end of the shaft.

Q. Was there anything there that could have caused the fire? A. Not that I know of; there might have been, but I do not know of anything.

Q. Was there a stove in there? A. I don't know; I can not say.

Q. That is where the motor was? A. Yes, sir.

A JUROR: Q. Which would have been better for the men in the mine, if the fan had stopped or that it had kept on running? A. Better that it was stopped.

S. J. CARLSON: I would like to say something about this manway. That is a cross entry; they are not cut off until the mining is done for a certain distance; this mine was not in far enough for that; we started on the east side to cut it through on account of the air not being strong there; that is why we started this cross entry sooner than we would otherwise have done; of course we did n't get very far with it because only a couple of day's work had been put in on it; it is customary in the mines around Osage City that no roadways or manways are cut until the mine is in a certain distance; we had a manway according to law from the main shaft to the escape shaft.

CLARENCE RAPP (examination by O'Neil):

Q. Where do you live? A. In the second ward of Osage City.

Q. How near do you live to the Carlson mine? A. About five blocks from it.

Q. Were you there this morning. A. Yes, sir.

Q. What time did you go over there? A. It was about a quarter of five o'clock.

Q. How did you happen to go over there? A. One of my sisters discovered the fire first; saw the blaze or the reflection of it, and, of course, we saw it then; we looked out through the window and then I went over there.

Q. Did you hear any explosion? A. I did.

Q. What time was that? A. About five o'clock.

Q. Was that after the blaze started? A. Yes, sir.

Q. Was that before you got to the mine? A. Yes, while I was on the way over there.

Q. Was it a loud explosion? A. Yes, it was.

Q. What did you think it was? A. I thought it was dynamite; that is what I thought it was.

Q. You know something about dynamite? A. Yes, a little.

Q. Would the ordinary fire burning a stick of dynamite cause an explosion? A. I don't think it would.

Q. On the way over there did you see anybody? A. No, sir.

Q. Who was at the mine when you got there? A. Denny Whalen was the first one that I saw.

Q. Who was with you? A. Charley Cudeen.

Q. Where was he? A. He is staying at our home.

Q. Did you see anything that gave you any information as to how the fire started? A. No, sir; I did not.

Q. Where was it burning when you got there? A. It was all ablaze.

Q. Was the fan going? A. I did not hear it.

S. MARINO (examination by O'Neil):

Q. Did you work at the Carlson mine. A. Yes, sir.

Q. About what time did you get there this morning? A. About a quarter after seven.

Q. You went into the mine? A. Yes, sir.

Q. Who with? A. Wm. Rice and some other fellows; I do not know who all they were.

Q. Did you see the bodies in the mine? A. Yes, sir.

Q. Were they alive, in your opinion? A. I could hardly say whether they were alive or not. I do not know whether they were alive or not.

Q. Could you hear their hearts beat? A. I thought I did; I don't know whether I did or not; I was pretty badly scared.

Q. Have you any idea what was the cause of that fire? A.- No, sir, I have not.

Q. Don't know of any motive anyone would have in setting fire to it? A. No, sir.

CORONER STAHL: Q. Was Dr. Walker there when you got there? A. He came about 7:30 o'clock.

Q. Did he go to the bottom while you were there? A. Yes, sir.

Q. What did he say about them? A. Said there was not much hope.

Q. He said they were dead? A. Said there was not much hope.

REPORT OF DISASTER

At mine No. 9 of the Fidelity Coal & Mining Company, operated under lease by the Ryan & Reedy Coal Company, located near Stone City, Kan., on December 13, 1916.

[In addition to the statements included in this report, statements were taken by me from four other men employed in this mine at time of disaster, but they refused to permit the same to be made public, and under the provisions of section 8018, General Statutes of 1909, it appears that I am prohibited from using such statements in this report or from disclosing the contents of the same.—JOHN PELLEGRINO.]

An explosion occurred at mine number 9 of the Fidelity Coal and Mining Company, which has been leased by the Ryan & Reedy Coal Company since August 1, 1916, and is located 3½ miles northeast of West Mineral, or one-half mile northeast of Stone City, on a spur off the M. K. & T. railway, Cherokee county, Mineral township, state of Kansas, on December 13, 1916, at about 12:10 o'clock p. m., and caused the death of the following men: Paul Lefevre, Lert Hay, William Hay, W. H. Windsor, Frank Windsor, Lud Windsor, Matt Roth, Charles Roth, Rudolph Trelz, J. W. Page, John Laurentcic, Domenic Kelso, John Frye, A. H. Roycroft, Carlo Tavernaro, Gregor Burgy, Paul Komatz, Tony Kroshol, Mike Urisk and Frank Jerino.

At the time of the disaster the following men were employed in the mine:

Straight north entry: First room, Mike Urisk; second room, Paul Komatz; third room, Tony Kroshol; fourth room, Gregor Burgy; entry, Rudolph Trelz.

John Frye, track layer, was laying switch in room No. 4.

Back entry off straight north: First room, William Hay; entry, Frank Jerino.

East entry off back north: First room, stopped; second room, Leopold Dermosbseck; third room, Domenic Kelso; fourth room (branch off third room), W. H. Roycroft; fifth room, Frank Windsor, Hut Windsor; sixth room (branch off fifth room), John Laurentcic; seventh room, not working; eighth room, Carlo Tavernaro.

Back entry off east entry: First room, J. W. Page; second room, Matt Roth and Charles Roth.

First west off main north: First room, Domenic Rat; second room, Paul Lefevre; third room, John Persona; fourth room, Lud Windsor; fifth room, Tony Finch; sixth room, Frank Pogacnic; seventh room, Lert Hay; eighth room, Louis Manly; entry, Jake Volz.

Back entry off first west: First room, Tony Stiffler; second room, Frank Buret; third room, not working; fourth room, George Torner; fifth room, Joe Brezavor; sixth room, not working; seventh room, Floyd Brezavor; eighth room, Clarence Miller; entry, Frank Kerbulsnick.

South entry off west entry (pulling pillars): W. S. Brown, M. Ray.

East entry which is turned about 1800 feet from bottom: First room, Joseph Kurder; second room, Emile Dieu; third room, John Stopar; entry (straight), Steve Tebruck; entry (back), Joe and Victor Vietti.

Total number of men working on north side of mine..... 42
 South side of mine:

Tenth east (straight and back) and straight south entry.....	9
First south off tenth east back.....	4
Eleventh east straight and back entries.....	3
Tenth west off back south entry.....	3
Number of drivers employed in mine.....	6
Number of cagers employed in mine.....	3
Number of gas men employed in mine.....	1
Ryan and Reedy (lessees).....	2

Total number of men employed in mine..... 73

At the time of the disaster sixty-seven men were actually in the mine. One man went home at about 10 o'clock, and the others did not report for work that morning.

From the sixty-seven men that were employed in the mine at the time of the disaster, twenty lost their lives as the result of the explosion, eleven were partially overcome by afterdamp, and the balance escaped up the hoisting shaft, which was intact, as the explosion did not damage the mine or hoisting equipment.

On the morning of the disaster twenty-three kegs of black powder, each containing twenty-five pounds of powder, were delivered in the mine. Six kegs to men employed on the south side, and seventeen kegs to the following men working on the north side of the mine:

One keg delivered to check No. 120, J. W. Page.
One keg delivered to check No. 108, Chas. Roth and Math Roth.
One keg delivered to check No. 134, A. H. Roycroft.
One keg delivered to check No. 115, Carlo Tavernaro.
One keg delivered to check No. 109, Frank Jerino.
One keg delivered to check No. 144, Tony Kroshol.
One keg delivered to check No. 117, Frank Bauret.
One keg delivered to check No. 125, Frank Kerbulnick.
One keg delivered to check No. 128, Tony Stiffler.
One keg delivered to check No. 127, George Torner.
One keg delivered to check No. 119, C. C. Miller.
One keg delivered to check No. 107, Jake Volk.
One keg delivered to check No. 111, Frank Pogacnic.
One keg delivered to check No. 110, Louis Manly.
One keg delivered to check No. 113, Joe Kurder.
One keg delivered to check No. 142, John Stopar.
One keg delivered to check No. 126, Joe Vietti.

A total of five hundred and seventy-five pounds of black powder was delivered in the mine on December 13, 1916.

The members of the miners' legislative committee and I were in conference in the office at about 1:05 o'clock p. m. when I received word of this disaster over phone from one of the officials of the company. He informed me that an explosion occurred at their mine number nine when all of the men were in the mine, and requested that we come to the mine with all necessary rescue apparatus and safety appliances to assist in the recovery and first-aid work.

Mr. J. J. Forbes, junior mining engineer, of the U. S. Bureau of Mines, was in the office when I received this call, and was informed of

the disaster. On account of not having an auto or rescue truck I called up the different auto-livery stations in Pittsburg, but could not get the services of an auto. Mr. Forbes then went down on the main street and hired an auto and proceeded to the rescue station and loaded the machine with mine-rescue apparatus and live-saving appliances.

As there were no trained men in mine-rescue work available, and knowing that there were no men trained in the use of the breathing apparatus at this mine, I tried to get mine No. 14 of the Western Coal & Mining Company over the phone, but could not. I then requested Mr. Holmes Wager, of the Western Coal & Mining Company at Pittsburg, Kan., to get in touch with their mine No. 14, at Fleming, and get the men who had completed first-aid and mine-rescue training on December 9, 1916, to the surface ready to accompany us to the scene of the disaster and help in the recovery work.

I lost considerable time in locating a machine, and when I was successful it did not have sufficient gasoline to run the distance to the mine, which is over twenty miles from Pittsburg. The driver drove to a filling station and got sufficient gasoline, and I then loaded all life-saving appliances and safety lamps from my office and drove to the mine-rescue station and took the balance of the rescue apparatus and proceeded to the mine. On the way to the mine I met Deputy Inspectors James Sherwood and Martin Kotzman, near mine No. 14 of the Western Coal & Mining Company, and on account of not having sufficient room in the machine for both inspectors, Sherwood alone accompanied me, and Kotzman came later with Mr. J. J. Forbes of the U. S. Bureau of Mines. I arrived at the mine at about 2:20 o'clock p. m. and at once took charge of the situation. I was informed that the ventilating fan was intact and was running at full force.

The volunteer rescue crew, formed at the mine after the disaster, were bringing three men out of the mine, who were apparently dead or dying, and I at once connected the lung motor and assisted by Dr. Lightfoot of West Mineral, Kan., applied it on one of the men, but failed to resuscitate him. With the next two men we were successful and they were resuscitated. A number of other doctors were present and as soon as these two men were revived Dr. Lightfoot and myself descended into the mine and used the lung motor in reviving men on the bottom of the mine.

While we were using the lung motor on men on the surface the rescue squad, consisting of James Sherwood, deputy mine inspector, George Price, foreman of mine No. 14 of the Western Coal & Mining Company, Blaine Dunlap and Fred Jones, miners at mine No. 14 of the Western Coal & Mining Company, in charge of Mr. Forbes of the U. S. Bureau of Mines, donned with rescue apparatus, were lowered into the mine on the cages at about 2:40 o'clock p. m., the hoisting shaft being intact, and proceeded north along the straight main north entry to the second west entry off the straight north entry, followed the air course in the second west entry, proceeded north in the air course in the little north entry, and in the air course in the second west entry off the little north entry, arrived at the junction of the first west off

the little north entry and main north entry at about 2:50 o'clock p. m. At this point the rescue squad was met by volunteer rescue crews who were not equipped with breathing apparatus. These men were unable to proceed into the explosion area and were waiting at this point for the arrival of the apparatus crew. The two doors in the back and straight north entries were partly demolished (one of these doors was ordered put in by Deputy Mine Inspector Fred Green on December 1, 1916), but were repaired temporarily by the volunteer rescue crew before the apparatus crew reached this point. A number of the stoppings that were blown out in the straight north and east entries were also curtained by the time the apparatus crew arrived, and the ventilating current was practically restored.

The junction of the main north and first west entry was chosen as a fresh-air base. The apparatus crew proceeded into and explored the back north entry, the rooms and working places off the straight and back east entries, and collected all the bodies and transported them without delay to the fresh-air base. While working on the bottom a driver came and requested Dr. Lightfoot and myself to come on in to the fresh-air base and use the lungmotor on some of the men that were recovered by the apparatus crew. We at once proceeded in with the driver to the fresh-air base and assisted in resuscitating work. The Schaeffer method of artificial respiration was administered on some of the bodies, but to no avail. The apparatus squad recovered and transported nine bodies from the back north entry and straight and back east entries, and the following bodies were at the fresh-air base when I arrived: A. H. Roycroft, W. H. Windsor, Frank Windsor, John Laurentcic, Carlo Tavernero, Domenic Kelso, Walter Paige, Matt Roth, and Charles Roth. The rescue squad then proceeded into the straight north and explored all the rooms and working places in this entry and recovered eight dead bodies as follows: Mike Urisk, Paul Komatz, Tony Kroshol, Wm. Hay, Gregor Burgy, Rudolph Trelz, Frank Jerino and John Frye.

From all information received the explosion occurred in this mine at about 12:10 o'clock p. m., for at this time the mine foreman and day men, who were engaged in proximity of the hoisting shaft, stated "that they felt a slight concussion of the air." The mine foreman, Ed Ryan, became suspicious that something was wrong in the north section of the mine as the concussive force seemed to come from this direction. He at once proceeded with Leonard White, a driver, to the northeast stubb off second west entry and examined these entries carefully in view of ascertaining what had occurred. The six men who worked in these entries were met by Ryan and White, and they made their escape out the intake from the north side of the mine. After Ryan and White were convinced that nothing had gone wrong in this part of the mine they retreated to the switch. Here they were met by George Dillman, another driver, who had started into the mine from the bottom. Ryan ordered these two men to remain at this point, and to direct the way out to any men who would chance to pass there. He then proceeded into the little north entry through the smoke and at about one hundred feet from the switch met Frank Pogacnick and Jake Volk coming out of

the little north entry in the dark. Ryan inquired of the men what the trouble was and they replied "that there must have been an explosion." These men traveled through the afterdamp and smoke from their working place in the first west entry to the surface unassisted. These men further informed Ryan that Paul Lefevre was lying in a helpless condition about a thousand feet inby from this point. Ryan proceeded without further delay to aid Lefevre, but on arriving found that the man was dead. Lefevre worked in the second room in the first west entry off the main north entry and traveled over one thousand feet in the afterdamp before he was overcome and died.

Ryan made his way to the turn in the straight north entry and sly to the first west, but was forced to return to the bottom of the hoisting shaft. At about 12:30 o'clock p. m. Ryan called Alex. Brown, the gas man at this mine, and informed him of the accident. Brown immediately proceeded to the mine, and after being lowered in to the mine he made his way to the first west entry off the straight north entry. He examined the straight north entry and found that all stoppings were blown out. He then returned to the surface for supplies and help. Francis Ryan and Francis Blainer remained at the first west entry off the straight north to repair the two doors that were blown down; these men were unable to do any further work, as they were rendered very weak from the effects of the afterdamp. Brown returned with Timothy Reedy (lessee) and they both curtained about three of the crosscuts between the straight and back north entries. Reedy became very sick from the effects of the afterdamp and at once returned to the surface. Brown and Charles Dillman then made their way to the face of the first west entry off the straight north to look for Lert Hay and Lud Windsor, as all of the other men who worked in the first west entry were accounted for with the exception of these two men, and all escaped from this section of the explosion area with the exception of Paul Lefevre, Lert Hay and Lud Windsor.

A number of miners who worked on the south side of the mine arrived at the junction of the first west off straight north by the time Brown and Dillman returned out of the first west off straight north. The bodies of Lert Hay and Lud Windsor were found in the meantime by this new arrival of men, about fifty feet inby from the door in the straight north entry. Paul Lefevre, Lert Hay and Lud Windsor were recovered before the apparatus crew arrived. Lert Hay and Lud Windsor either got lost on their way out, or it is possible that they endeavored to save their fathers and brothers who were working in the north and straight east entries.

The recovery work done by the apparatus crew commenced at 2:40 p. m. and at about 4:50 p. m. all the recovery work was completed and the seventeen dead bodies recovered and placed in empty cars at the fresh-air base ready to be hauled to the bottom. All bodies had to be carried out to the fresh-air base on stretchers, a distance of from three hundred to seven hundred feet. At about 7 o'clock all the bodies were hoisted out of the mine ready to be transported in ambulances to the undertaking parlors and to their homes.

I can not speak too highly of the able assistance given this department by Mr. J. J. Forbes of the U. S. Bureau of Mines, the rescue party consisting of James Sherwood, deputy mine inspector, George Price, Blaine Dunlap and Fred Jones, and I will state that as soon as the rescue party took charge there was no confusion and the recovery work was carried out systematically. My office at Pittsburg was used as a connecting link to the mine for volunteer rescue squads from the mining towns in the vicinity of Pittsburg. Deputy Inspector Kotzman remained on the surface with a reserve rescue squad under his direction ready at an instant's notice to enter the mine if necessary. Fifteen sets of mine-rescue apparatus were taken to the mine, and five were used by the rescue squad and ten were left on the surface to be used, if necessary, by the additional volunteer rescue crews who responded. The members of the additional rescue crews that tendered their services in this disaster can not be praised too highly.

After all the recovery work was completed I instructed the officials of the company to not disturb anything, nor allow anyone to enter the mine without the consent of Deputy Inspector Fred Green or myself. I also informed them that I would return on December 15, to make an investigation of this disaster.

Statement of ALEX. HOWAT, JOHN GORE, CHARLES HARVEY and EARL DRAPER, after being first duly sworn:

Q. What is your occupation, Mr. Howat? A. I am president of District No. 14 of the U. M. W. of A.

Q. Your occupation, Mr. Gore? A. Miner, and member of the miners' legislative committee.

Q. Your occupation, Mr. Harvey? A. Miner, and member of the legislative committee of the State Federation of Labor.

Q. Your occupation, Mr. Draper? A. Miner, and member of the miners' legislative committee.

Q. Were you gentlemen present to-day, December 15, 1916, when the investigation was made in regard to the explosion which occurred at mine No. 9 of the Fidelity Coal & Mining Company, leased to Ryan & Reedy, located near Stone City, Kan., on December 13, in which twenty men lost their lives? A. Yes, sir.

Q. Mr. Howat, have you any opinion as to what caused this explosion? A. It might have been gas or powder, it is possible that gas was ignited, and it ignited the powder.

Q. What is your opinion as to the cause of this explosion, Mr. Draper? A. I don't think that the indications were very definite as to the cause of the explosion. I believe that it is possible that a man might have drilled into a pocket of gas, ignited it, which might have set some powder off. I did not see any indication on rib or roof where any powder had been exploded.

Q. What is your opinion, Mr. Harvey? A. I believe that it could have been possible that it was gas or powder exploded. I feel like Brother Draper, I do not think that the indications were very definite.

Q. Mr. Gore, have you an opinion as to what caused this explosion? A. I am not clear in my own mind as to how it happened and where it originated.

Q. Is there anything else that you could state in connection with this explosion, Mr. Howat? A. I could not say definitely what caused it, it might have been that a pocket of gas may have been ignited and exploded powder which was ignited from the flame of the gas. I failed to

see any indications on the rib or roof that indicated that powder had caused it.

Q. Is there anything further that you could state in connection with this explosion, Mr. Harvey? A. Nothing other than what Mr. Howat has stated.

Q. Mr. Gore, is there anything further that you could state regarding this explosion? A. Nothing further.

Q. Mr. Draper, is there anything further that you could state in connection with this explosion? A. Nothing.

Q. Mr. Howat, is there anything that you could recommend that would prevent accidents of this nature in the future? A. No, not knowing the cause.

Q. Mr. Gore, is there anything that you could recommend? A. Nothing.

Q. Mr. Harvey, is there anything that you could recommend? A. No, sir.

Q. Mr. Draper, could you recommend anything that would prevent accidents of this nature in the future? A. No.

Q. Mr. Howat, did you examine any of the rooms in this mine, and did you find any gas or fire damp? A. I did not see any gas, it is possible that there might have been some, I did not go to the face of all the entries and rooms.

Q. Mr. Gore, did you examine the rooms and did you find any gas? A. Saw no one trying to test for gas, and had no lamp myself.

Q. Did you examine any rooms and find any gas Mr. Harvey? A. No, I did not go to the face of all the rooms and entries.

Q. Mr. Draper, did you find any gas on your examination of the rooms in this mine? A. No, I did not go to the face of all the rooms.

Statements of GEORGE HORN, IGNOTZ SIERNI and L. B. SMITH, after being first duly sworn:

Q. Where do you work? A. At mine No. 9 of the Ryan & Reedy Coal Company.

Q. What is your occupation? A. Miner.

Q. What official positions do you hold in the local union? A. We are members of the mine committee.

Q. Were you gentlemen present today when this investigation was made of the accident that occurred here on December 13, 1916? A. Yes, sir.

Q. Did you make a complete investigation of the entries in which this explosion occurred with the inspector and investigating party? A. Yes, sir.

Q. So far as you know the measurements and notes that were taken are correct? A. Yes, sir.

Q. Have you any idea where this explosion originated or happened? A. We believe in the east off the north where we found those boxes.

Q. Did you ever hear any complaint about bad air and gas in this mine? A. No, we went in the first east and down in the first west off the north and were not out any more than two hours before it happened.

Q. Is there anything else that you could state? A. No.

Statements of JOHN MAYER, E. M. ROBERTS, PHIL ROESER, GEORGE RICHARDSON, GEORGE PRICE, JOSEPH FLETCHER, W. O. ERNHART, after being first duly sworn:

Q. What is your occupation Mr. Mayer? A. Coal operator.

Q. Were you a member of the investigating party to-day, December 15, 1916, which investigated the accident which occurred here at mine No. 9 of the Fidelity Coal & Mining Company, leased to the Ryan & Reedy Coal Company, on December 13, 1916? A. I was.

Q. Have you any idea as to the cause of this explosion, Mr. Mayer?
A. I believe it was a powder explosion.

Q. What is your opinion as to where this explosion originated, Mr. Mayer?
A. I believe at the turn of the back north entry off the first east.

Q. Mr. Mayer, what in your opinion would cause an explosion of this kind to start?
A. I think it was started from powder being ignited, and it might have been ignited by a spark from a lamp, pipe, cigarette, opening of a keg of powder with some metal instrument.

Q. Is there anything else that you could state that would help us to arrive at the cause of this accident?
A. No, sir.

Q. What is your occupation, Mr. Roberts?
A. Superintendent of the Sheridan Coal Company.

Q. Were you a member of the investigating party that investigated this accident here at this mine to-day?
A. Yes, sir.

Q. Have you any idea as to what caused this explosion?
A. I believe it was a powder explosion.

Q. Where, in your opinion, did this explosion originate?
A. It is my opinion that it originated at the turn of the back entry off the first east.

Q. What in your opinion would cause an explosion of this kind to start, Mr. Roberts?
A. I am of the same opinion of Mr. Mayer.

Q. Is there anything else that you could state that would help us to arrive at the cause of this accident?
A. I believe not.

Q. What is your occupation Mr. Roeser?
A. Superintendent of the Western Coal & Mining Company.

Q. Were you a member of the investigating party that investigated the accident which occurred here at this mine on December 13, 1916?
A. I was.

Q. Have you any opinion as to the cause of this explosion?
A. It is my opinion that it was a powder explosion.

Q. Where in your opinion did this explosion originate?
A. In my opinion it originated at the turn of the back entry off the first east.

Q. What do you think would cause an explosion of this kind to start?
A. I am of the opinion of Mr. Mayer.

Q. Is there anything further that you could state that would help us to arrive at the cause of this accident?
A. No, I believe not.

Q. What is your occupation, Mr. Richardson?
A. Commissioner of the Southwestern Coal Operator's Association.

Q. Were you a member of the investigating party to-day, December 15, 1916, which investigated the accident which occurred here at mine No. 9 of the Fidelity Coal & Mining Company, leased to the Ryan & Reedy Coal Company, on December 13, 1916?
A. Yes, sir.

Q. Mr. Richardson, have you any idea as to what caused this explosion?
A. I believe it was a powder explosion.

Q. What is your opinion as to where this explosion originated?
A. I believe at the turn of the back north entry off the first east.

Q. Mr. Richardson, what in your opinion would cause an explosion of this kind to start?
A. It might have been done from a spark from a lamp, pipes or some other thing which might ignite powder, or it might have been that a man might have been making a cartridge, and through carelessness of handling it, or it might have been done in opening a keg of powder with a pick or anything that would make a spark.

Q. Is there anything further that you could state that would help us to arrive at the cause of this accident?
A. No.

Q. What is your occupation, Mr. Price?
A. Mine foreman of Mine No. 14 of the Western Coal & Mining Company.

Q. Were you a member of the investigating party that investigated this accident here at this mine?
A. Yes, sir.

Q. Have you an opinion as to the cause of this explosion? A. I believe it was a powder explosion.

Q. Where do you believe this explosion originated? A. I believe at the turn of the back north entry off the first east.

Q. Mr. Price, what in your opinion would cause an explosion of this kind to start? A. I am of the same opinion as Mr. Richardson.

Q. Is there anything further that you could state that would help us to arrive at the cause of this accident? A. No sir.

Q. What is your occupation, Mr. Fletcher? A. I am superintendent of the Jackson and Walker Coal & Mining Company.

Q. Were you a member of the investigating party that investigated this accident here at this mine to-day? A. Yes, sir.

Q. Mr. Fletcher, have you an idea as to the cause of this explosion? A. I am of the opinion that it was a powder explosion.

Q. What is your opinion as to where this explosion originated? A. I have a difference in opinion. I am of the opinion that it occurred near the third room in the first east.

Q. What in your opinion would cause an explosion of this kind to start? A. I am of the same opinion as Mr. Richardson and Mr. Mayer.

Q. Is there anything further that you could state that would help us to arrive at the cause of this accident? A. No, I believe not.

Q. What is your occupation, Mr. Ernhart? A. Superintendent of the Central Coal & Coke Company.

Q. You were also a member of the investigating party that investigated the accident here at this mine, were you not? A. Yes, sir.

Q. Mr. Ernhart, what in your judgment caused this explosion? A. It is my opinion that it was a powder explosion.

Q. What is your opinion as to where this explosion originated? A. I am of the same opinion as Mr. Fletcher, at or near the third room in the first east.

Q. What do you think would cause an explosion of this kind to start? A. I am of the same opinion as Mr. Richardson and Mr. Mayer.

Q. Is there anything further that you could state that would help us to arrive at the cause of this accident? A. No sir.

Statement of E. L. BURTON and AL. F. WILLIAMS, after being first duly sworn:

Q. State your names. A. E. L. Burton and Al. F. Williams.

Q. What is your profession, Mr. Burton? A. Attorney at law, Parsons, Kansas.

Q. What is your profession Mr. Williams? A. Attorney at law, Columbus, Kansas.

Q. Were you gentlemen present to-day, December 15, 1916, when the investigation was made of the explosion which occurred at this mine on December 13, 1916? A. We were present when the investigation was made of mine number nine by the mine inspector, a number of experts of mining and operators.

Q. So far as you could see, was this investigation properly conducted? A. Yes, sir.

Q. Is there anything further that you could state in regard to this accident? A. No sir.

Statement of ED RYAN, after being first duly sworn:

Q. State your name. A. Ed Ryan.

Q. Where do you work? A. At mine No. 9 of the Ryan & Reedy Coal Company as boss driver.

Q. Who operates this mine? A. Ed Ryan and Timothy Reedy.

Q. Were you working here at this mine on December 13, 1916, when this explosion occurred? A. Yes, sir.

Q. How many men were killed in this explosion? A. To my knowledge there were twenty.

Q. Were there any others injured? A. There were some that got down with blackdamp.

Q. On which side of the mine did the explosion occur? A. On the north side.

Q. In which entry were the men working that were brought out dead? A. Straight north and stub east off the back north. One man died on the road out of the first west, he was about half way out of the mine, two others came out of the first west and died at the door to the straight north.

Q. Who were the men that worked in the rooms in the straight north entry? A. First room, Mike Urisk; second room, Paul Komatz; third room, Tony Kroshol; fourth room, Gregor Burgy; the track layer, John Frye, was laying a switch in Burgy's room. Rudolph Trelz drives the entry.

Q. Who are the men that worked in the back north entry? A. William Hay worked in the first room, and Frank Jerino worked in entry. Only two men worked in this entry.

Q. Who worked in the east off back north, straight entry? A. First room working, Leopold Dermobsek, was not working on December 13; second room, Domenic Kelso, third room, a branch room off Kelso's room, Doc. Roycroft; fourth room, Hut Windsor; Frank Windsor also worked in the fourth room; fifth room, branch room off Windsor's, John Laurentic; sixth room, not working; seventh room, Charles Tavernaro.

Q. Who worked in the back entry? A. First room, Wat. Page; second room, Math Roth and Charles Roth.

Q. The first west entry off straight north entry? A. First room, Domenic Rat, not working on December 13; second room, Paul Lefevre; third room, John Personar, not working on December 13; fourth room, Lud Windsor; fifth room, Tony Finch, not working on December 13; sixth room, Frank Pogacnic; seventh room, Lert Hay; eighth room, Louis Manly; ninth is entry, Jake Volk.

Q. Who worked in the back entry? A. First room, Tony Stiffler; second room, Frank Buret; next two rooms are stopped; fifth room, Joe Brezavor, fourth room, branch room off fifth room turned to the right to take coal out from the 4th working room on entry; the man that worked in the branch room was George Torner; seventh room, Floyd Brezavor; eighth room, Clarence Miller. The sixth room is stopped. Clarence Miller had been working, but went home at ten o'clock; the next working place is the entry, Frank Kerbulnick worked there.

Q. How many men were working in that part of the mine on December 13, 1916? A. Twenty-nine men.

Q. What time did you notice that something was wrong? A. To the best of my knowledge about five or ten minutes after 12 o'clock.

Q. How did you notice it? A. I noticed a kind of a gush of wind on the bottom.

Q. What did you do then? A. I went in with Leonard White, George Dillman and John Sylvena to the first east which is turned off the bottom about 1800 feet.

Q. How did you find the conditions there? A. I found them very bad on the main entry, it was smoky.

Q. What did you do then? A. We went into the first east to see if it happened there, but found that all the men in the first east had come out through the air course. We came out of the first east and started up the main entry and found two men who were walking out.

Q. Who were they? A. Jake Volk and Frank Pogacnic.

Q. What did you do then? A. They said another man fell around the turn, I went to see how far I could go, but I could not get to him. I came back to the first east, took two of the drivers to the bottom,

Leonard White and John Sylvena, and left George Dillman in the first east with the above two men.

Q. What did you do then? A. I came to the bottom and sent for help to the south side, came on top and called for doctors and the mine inspector.

Q. At about what time was that? A. At about 1 o'clock; I then told the engineer to speed up the fan to its capacity, and sent for the gas man.

Q. What did you do then? A. I went back to the bottom and sent all help through the main air course and took the air man and tried to shut the air off the south side as much as possible. From then on I helped wherever I could.

Q. Do you know how many kegs of powder were delivered that morning? A. I could not say now, but we have a record.

Q. Is there anything else that you wish to state regarding this accident at the present time? A. Only that everything was in good condition that morning.

Q. What was the gas man's report on those entries that morning? A. There was no gas, it was in good shape.

Q. What is the gas man's name? A. Alex. Brown.

Q. How long has he been working here in that capacity? A. To the best of my knowledge since the first of last January.

Q. So far as you know, is he a practical gas man? A. Yes, sir.

Q. How many miners and other men are working in this mine? A. I would judge about 71 men; 37 miners on the south side, 19 on the north side, 6 drivers, 1 track layer, 1 gas man, 3 cagers, boss driver and 2 shotfirers.

Q. Have you any idea why Clarence Miller went home? A. I do not wish to state it at this time.

Q. Is there anything further that you can state? A. No, not at present.

A. Inside of the back north switch on the straight north. After these men got in there we started to search for the other men. I requested that only two men go in. While we were sitting there I heard a noise, a man groaned, and I said there is somebody coming now. I got up and shoved the curtain aside and told Brown to grab Frank Kerbulnik as he fell down. We took him out on the switch, took the wet rag I had around my mouth off and he told George to get that Brezavor boy, he brought him so far and had to leave him. I told Brown to go get him and I would stay with Frank. Brown started in but could not make it. I said I will go, and Steve and I went and got him and brought him out to the fresh-air base. I told them I would not go any more, as I was down and out. We left him there until more help came.

Q. Is there anything else that you could state? A. No.

On December 15, 1916, the investigating party consisting of the following men made an investigation of the mine: Alex. Howat, president of district No. 14, U. M. W. of A., Earl Draper, John Gore and Charles Harvey, members of miners' legislative committee, Ignatz Sherni, L. B. Smith, and George Horn, members of the mine committee, Alex. Brown, gas man at this mine, George Dillman and Charles Dillman men employed at the mine, Joe Fletcher, superintendent of the Jackson and Walker Coal and Mining Company, E. M. Roberts, superintendent of the Sheridan Coal Company, Phil Roeser, superintendent of the Western Coal & Mining Company, and Wear Coal Company, George Price, foreman of mine number fourteen of the Western Coal & Mining Company, Joseph Humble, superintendent of the Mayer Coal Company, W. C. Ernhart, superintendent Central Coal & Coke Company, Joe Ryan,

Ed Ryan, and Francis Ryan, operators, John Mayer, operator, George Richardson, commissioner of the Southwestern Interstate Coal Operators' Association, R. E. Walsh, surveyor, Al. F. Williams and E. L. Burton, attorneys at law, James Sherwood, Martin Kotzman, and Fred Green, deputy mine inspectors, George Knoll, stenographer, and J. J. Forbes of the U. S. Bureau of Mines.

When the investigating party arrived at the mine I detailed Deputy Inspector James Sherwood, J. J. Forbes, junior mining engineer of the U. S. Bureau of Mines, and Alex. Brown, gas man at this mine, to examine the mine to ascertain if any firedamp had accumulated. Nearly two hours was devoted to examining the explosion area of the mine. Before entering the mine I requested Mr. Brown to report conditions as found to me after their examination was made. He reported to me that a considerable quantity of gas or fire damp had accumulated in a room in the straight north entry, and that Mr. Sherwood and Mr. Forbes were acquainted with all other facts, and that he would like to have permission to attend the funeral of John Fry, which was held that morning. (At the face of number 1 room off the straight north entry a horse-back was observed, into which was drilled a hole 7 feet 4 inches in depth. There was a goodly quantity of gas emanating from this hole. The sound of the gas blower, in fact, could be readily heard one hundred feet outby from the face of the room. A cap corresponding to about 4½ per cent of gas was found by this first party with an approved Koehler safety lamp forty feet from the face of the room. Alex. Brown, gas man, dead, lined the entrance to this room. See report of Deputy Mine Inspector James Sherwood.)

We were then lowered into the mine. I issued orders that no open lights would be permitted in the mine while the investigation was being made. The party proceeded from the bottom and met Mr. Sherwood and Mr. Forbes a short distance from the bottom taking air measurements. Found no evidence of violence or disturbance on the bottom. We then proceeded about four hundred feet from the hoisting shaft inby along the old main north entry, thence west on the straight main west entry to point where little north entry is turned off straight main west, thence north on the little north entry to the point where the first west is turned off the little north, where the first indications of coking were found on the inby and outby faces of timbers.

The party then proceeded into the back little north entry and found coking on the outby end of timbers. Powder kegs and deposits of dust and debris were quite pronounced along the entry, and these evidences indicated without a doubt that the direction of the force was inby in the back entry. Evidence of movement of materials was found about two hundred feet inby in the back entry. The party returned to the straight entry off the little north entry, and proceeded inby along the little north entry; deposits of dust, empty powder kegs and debris were found strewn all along the little north entry. The party proceeded into the straight entry off the second west entry off the little north, and at one hundred and twenty-five feet inby in room neck, examined place where Paul Lefevre's body was found. Deposits of dust, debris and

coking were quite pronounced at the point where the second west entry connects the main north entry, showing without a doubt that the explosive force worked outby against the ventilating current. The party examined the door in the cut-off that connects the straight and back entries, and found that it had been blown outby or towards the straight north entry.

The party proceeded into the back north entry and observed coking on inby end of timbers, empty powder kegs scattered here and there along the entry, heavy deposits of dust along this roadway, sticks off timbers and debris pointing outby. A number of stoppings between the main and back north from the second room on were blown out towards west. All the rooms in the back north entry were worked out and abandoned. As near as can be ascertained the body of A. H. Roycroft was the first dead body found in the back north entry. He was found near the room neck of number 7 room at least two hundred feet from the switch of his working place. Frank Windsor and W. H. Windsor were found dead, laying about ten feet apart between the seventh and eighth room in this entry. Frank Windsor's shoe and cap were found nineteen feet south from the curtain in the back north entry; this curtain was destroyed by the explosion, and was replaced by Alex Brown and Tim Reedy on the day of the disaster before the apparatus crew arrived. The body of Charles Tavernaro was found near the seventh room in this entry. A roll of blasting paper was strewn around in the entry inside of the curtain and showed no great evidence of fire. The brushing in the back north entry was stopped at this point and the entry was driven as a smoke room or low entry from there on, and the east entry turned off at this point in the back north entry. We found three full kegs of powder at this point on the west side of the track, one of these was slightly busted in the seam and a little powder would run out if tilted; the other two kegs of powder were battered but not busted. We also found the remains of a keg of powder which apparently had been exploded, as it was flattened out, a woolen sock was found next to the flattened keg and showed no signs of flame. Also some clothing was found here which was scorched, pieces of tool boxes and debris were found, and it was further observed that sticks of wood pointed outby. Going into the east entry we found two carbide lamps and one cap which apparently had been lost by some of the unfortunate miners in making their escape.

Coking was found but not pronounced on both sides of timbers at entrance to the straight east entry. The body of John Laurentic was found by the rescue squad near room No. 1, in the east entry. Coking was found in the east entry on timbers between rooms Nos. 1 and 3, and heavy deposits of coke were observed on both the north and south faces of timbers in cross-cut opposite room No. 2. An empty mine car was found in the neck of room No. 2, undisturbed, and at five feet inby in the east entry a tool box was found apparently undisturbed. Two men were found between rooms two and four. Heavy deposits of coke crust and spalling, indicated intense heat, were found on the outby necks of rooms Nos. 3 and 4, respectively. Five feet outby in the straight east entry

from room No. 4 heavy deposits of coke crust were found on the roof. Two tool boxes were found in the neck of room No. 4, containing two full kegs of powder, and in one of the boxes was a fifty-foot roll of fuse that was completely burned up. Ten feet inby from the entrance of room No. 4 were a number of empty powder kegs on ends showing very little disturbance. A canvas curtain hung in neck of smoke room off east entry was burned, and found slight evidence of coking on both sides of the wooden bar which was used to hang curtain; pieces of wood and debris were scattered here and there in this place and pointing in the direction of the back entry. Two bodies, supposedly Matt and Charles Roth, were found between rooms five and six. In the second room turned off the smoke room, a loaded car was found; on the front end of a car a paper check No. 120, partially burned, was observed; also, evidence of coking on front end of car, and on chunks of coal. On the left side of the car a dinner bucket was standing, and the lid was found laying towards the working face of the room, and no coking found on the south end of the car. Props in this room on the side of loaded car were charred on north side of props. Coking was observed on the outby side of loaded cars in neck of rooms Nos. 5 and 7, respectively. In room neck No. 5 a charred shirt was found, and W. H. Windsor had apparently been cutting at face of his room, as we found his cap and lamp laying near pick at his working face. Going into the east entry considerable movement of materials was manifested towards the face of the entry. The first gob stopping inby from switch was blown towards the straight entry. A canvas curtain between Nos. 1 and 2 in the smoke room was not charred, and intact. A sample of residue or incrustation was taken from room necks 3 and 4 in the straight east entries and sent to Pittsburg, Pa., to be analyzed. Heavy deposits of coke crust were found in the crevices of the roof opposite room No. 4 in the straight east entry. Domenie Kelso, who worked in room No. 3 off the straight east entry, was severely burned about the head, face, arms and hands. The left side of this man's head was badly mashed, showing that he was violently thrown against the rib. All bodies removed by apparatus crew from the straight east and back north entries, with the exception of Charles Roth, were found with head facing outwardly and face down. Charles Roth was found in a sitting posture against right rib of entry inby. There was not much evidence of coking or movement in the back entry beyond fifty feet inby. There were no shots tamped in this entry, there being only two shots drilled in all of the places in this entry. From the evidence collected in this entry it would seem apparent that powder exploded somewhere in the straight east entry.

The party proceeded to the turn of the straight east entry; here the exploded powder keg was again examined. After examination was completed in the east entry we followed the smoke room running parallel with the straight north entry; in the cross-cut opposite the east entry, which was blown out towards the west, we found a cap and lamp. On the props in the smoke room coking was observed on north side. We proceeded on up until we arrived at the new back entry, where Wm. Hay was found. Hay was the last man found by the apparatus crew, and no

signs of violence were observed in his working place. He apparently traveled about fifty feet before he was overcome and died. His cap was found inside of his switch and matches laying around, he apparently tried to light his lamp. Coking was found in the north and south faces of timbers at entrance to cross-cut between north and back entries. The party proceeded inby in the back north entry to the fact; here two loaded cars, twenty and fifty feet, respectively, outby from face, showed no signs of movement or coking. At the face of the north entry one shot on the right rib was tamped and flagged for shot firer. It might be well to mention here, that this is the only shot in the east and north entries, and in the working places thereof, that was tamped ready for firing. Clothing was found on entry, but no signs of flame. Gregor Burgy's body was found in his room neck by the apparatus squad, and this place was next observed. This man was burned, a shirt presumably belonging to Burgy, was found in room neck intact. This man when found by the apparatus squad lay with head in direction of the straight north entry, face down and behind a small pile of coal in the room turning; two shots were drilled in his room, but not tamped. A miner's tool box five feet inby from room No. 2 was found opened but apparently undisturbed, and alongside of this box was a full keg of powder undisturbed. Five feet outby from room No. 2 another box was observed, but intact. The party next proceeded into the face of No. 1 room off the straight north entry. This room is of an exceedingly faulty character; a horse-back had been encountered about fifteen feet back from the face of the room, and another horse-back at the face. About one per cent of gas forty feet from the face was detected with an approved Koehler safety lamp. (Note: About four and one-half per cent of gas was found about this point in room by Messrs. James Sherwood, deputy mine inspector; J. J. Forbes, U. S. Bureau of Mines, and Alex. Brown, gas man, prior to investigating party entering mine). Coking, but not pronounced, on the inby faces of timbers, paper along roadway in room unburned, a miner's lamp (carbide) and cap about fifty-seven feet from face of room, slight deposits of dust along roadway. At the face of No. 1 room a horse-back was observed, into which was drilled a hole two and one-half inches in diameter and seven feet and four inches in depth, at the left of room face a drilling machine was set up and intact, and another hole six inches in depth had already been started. All posts in this room were intact, and there was very little evidence of disturbance in general. There was no evidence of intense heat. The gas feeder or blower at the face of this room could readily be heard 100 feet outby from the face. After an extended consultation in room No. 1 the party proceeded into the straight entry and examined the loaded car, where four bodies were found by the rescuing squad. The probable names of these bodies are Rudolph Trelz, Mike Urisk, Paul Komatz and John Fry. A full keg of powder and a miner's box were found about four feet inby from loaded car apparently undisturbed, and no coking was observed on loaded car. Twenty feet outby from loaded car, another full keg of powder was found, but intact, and alongside of keg, thirty feet of

blasting fuse was found intact. Falls of roof and deposits of dust were observed outby from room No. 1 in the straight north entry. Following the straight entry outby it was observed all gob from stopping was thrown onto the straight entry, the stopping opposite the straight east entry being thrown more to the center of the straight north than the stoppings inby and outby from this point.

The party observed the door in the straight north that is used to deflect the ventilating current into the first west entry. This door was blown outby by the force of the explosion, and indicated without a doubt that the explosive force worked with the air outby in the straight north entry as well as against the air. The party proceeded into the straight west entry off the straight north entry and were unable to find any disturbance so to speak beyond 200 feet inby on this entry.

This completing the investigation of the mine, we returned to the surface and took testimony from a number of witnesses.

On December 16, 1916, I instructed Deputy Inspector James Sherwood to accompany J. J. Forbes, of the U. S. Bureau of Mines, to mine No. 9 of the Fidelity Coal & Mining Company, which is leased to the Ryan & Reedy Coal Company, near Stone City, Kan., to take samples of the air and dust in that mine to be sent in to Pittsburgh, Pa., to be analyzed.

On December 19 I again instructed him to go to the mine with Dr. J. J. Rutledge and J. J. Forbes, both of the U. S. Bureau of Mines, and make an investigation of conditions in the mine.

On December 28, I again requested Mr. Sherwood to go to the mine with J. J. Forbes and Joseph Davies of the U. S. Bureau of Mines, and Prof. A. C. Terrill, of Kansas University, and collect dust and air samples, and get a correct measurement of room No. 1 in the main north entry. All of the samples taken were sent in to the Pittsburgh, Pa., station of the U. S. Bureau of Mines to be analyzed, and up to the present date we have not received a copy of the analyses.

Inspection of mine No. 9 of the Fidelity Coal & Mining Company, leased to Ryan & Reedy, by Deputy Mine Inspectors Fred Green, Martin Kotzman and Charles Paisley on January 2, 1917.

Found the fan running at 74 revolutions per minute.

Total intake of air 42,500 cu. ft. per minute.

Total outlet of air 43,000 cu. ft. per minute.

Register of 2090 cu. ft. of air in first crosscut open in the first east off straight north entry. Second crosscut open a register of 440 cu. ft.

Register of 450 cu. ft. in last crosscut in first east entry off back north entry. Register of return of this entry 3600 cu. ft.

Register of 4200 cu. ft. in straight north entry.

Register between the first and second room in the straight north entry 4000 cu. ft.

Register of air in first west off straight north, 2100 cu. ft. per minute, two crosscuts open.

Register of air in tenth east 1000 cu. ft., two crosscuts open.

Register of air in the eleventh west on the south side of mine 1800 cu. ft.

Register in the eleventh east 960 cu. ft., two crosscuts open.

The mine committee consisting of W. L. Hamilton, Ignac Cerne and L. B. Smith accompanied us on this investigation and countersigned the report. We made a very careful inspection of this mine and found it in general in lawful condition.

MARTIN KOTZMAN,
FRED GREEN,
CHARLES PAISLEY,
Deputy Inspectors.

W. L. HAMILTON,
IGNAC CERNE,
L. B. SMITH,
Mine Committee.

Report of the examination of the explosion area by Deputy Inspector James Sherwood, of mine No. 9 of the Fidelity Coal & Mining Company, leased to Ryan & Reedy, on December 15, 1916.

On the morning before the investigating party entered the mine I was instructed by Mr. John Pellegrino, state mine inspector, to make an examination of the explosion area to ascertain whether or not any gas or fire damp had accumulated. Accordingly I in company with J. J. Forbes, junior mining engineer of the U. S. Bureau of Mines, and Alex. Brown, gas man at this mine, made a thorough examination of the explosion area, and the only trace of gas or fire damp found was in the first room in the main north entry. I got a cap corresponding to about four and one-half per cent of gas with an approved Koehler safety lamp a distance of fifty feet from the face of the room. I later returned to this room with the investigating party and again tested for gas and got a register of about one per cent. I was present during the entire investigation by the investigating party, and did not make any definite conclusions as to the cause of this disaster.

I again returned to this mine on December 16, 1916, in company with J. J. Forbes of the U. S. Bureau of Mines, and took samples of air at the return of the little east entry, straight north entry, second west entry and in the main north back entry just outside of sly to second west. A sample was taken in Mike Urisk's room in the main north entry. Two road-dust samples were taken in main north entry about 250 feet inby from door on main north.

On December 19, 1916, I returned to the mine with Dr. J. J. Rutledge and J. J. Forbes, both of the U. S. Bureau of Mines, and made another thorough investigation of the explosion area. We again examined room number one in the main north entry and found a considerable quantity of gas, but not as much as on the first investigation, which was made on December 15, 1916.

On December 28 I again returned to the mine with J. J. Forbes and Joseph Davies, both of the U. S. Bureau of Mines, and Prof. A. C. Terrill of the University of Kansas, and took coal samples in neck of room number four in the first east entry; also, took sample of residue in room neck of this room. Took a sample of coal in the sly of main north on right rib where it holed through to smoke room. Coal-dust samples were taken in second west entry. I also took samples of air in same place as taken previously. Deputy Inspector Fred Green and the mine committee accompanied us on this investigation. Mr. Green and I measured room number 1 in the main north, and found it to be 44 feet from switch to first crosscut; from the first crosscut to second crosscut a distance of 22 feet; second to third crosscut a distance of 25 feet, and from third to face a distance of 47 feet. There was still a quantity of gas in this room.

Inspection of mine No. 9 of the Fidelity Coal & Mining Company, leased to Ryan & Reedy Coal Company, December 1, 1916. Deputy Inspector Fred Green.

First east entry off straight north, register of air for nine men, 3000 cu. ft.

Main north entry, 4950 cu. ft., five men.

First west off north, 1500 cu. ft., twelve men.

First north off second east, no reading, five men.

Eleventh east off south, 1500 cu. ft., four men.

Tenth east off south 2840 cu. ft., seven men.

Total intake of air, 41,600 cu. ft.

Total outlet of air, 42,000 cu. ft.

The ropes, to the best of my judgment, were in good condition.

On the north side of this mine I demanded the dust cleaned off the roads and roads sprinkled with water. On the above date mine foreman, Ryan, promised me he would comply with these demands. I demanded a door put across the main north, which will increase the volume of air in that part of the mine.

POSSIBLE CAUSES OF THE EXPLOSION.

The opinion of the investigating party as to the cause of this disaster is divided. Some of the members believe that it was caused by a powder explosion, and that this powder became ignited through some cause or other on the turn of the first west in the back north; others believe that this was ignited near number 3 room in the first east. One flattened out powder keg which evidently had been exploded was found at the turn of the first east in the back north. Three full kegs of powder were found at the turn, two of which were battered, but not busted, the other keg was apparently slightly busted at the seam, as powder would run out of keg if tilted. A woolen sock was found near this exploded keg, but showed no indications of flame, a coat was found near the north end of the turn only a few feet from all these kegs, and it showed slight indication of flame. Near room number 3 indications were observed that powder had been exploded, as a light bluish coke which will form near where powder explodes was found at this point, where we could not observe any of this coke at the turn of the first east off the back north entry. We also observed that the majority of the empty kegs, and kegs containing powder, were opened unlawfully. At the time of the disaster there were eight men employed at the first east, and it is probable that each man had a tool box. There were also three extra tool boxes in this entry belonging to Charles Quantroon, Roxus Croshot, and Rochus Bozicnik, men who formerly were employed in or near this entry, making a total of eleven boxes. At the time of the investigation only eight tool boxes could be found, indicating that the powder in some of the tool boxes may have been ignited through some cause and exploded. Domenic Kelso, who worked in room number 3 off the straight east, was severely burned about the face, head, arms and hands, and the left side of his head was badly mashed, showing that he was violently thrown against some hard substance.

This explosion may have originated in room number 1 off the straight north entry, and may have been caused by the ignition of an accumulation of gas or fire damp in this room by an open light. The statement of the gas man, Alex. Brown, given at the inquest, will show that he examined this room on the morning of the explosion, and found no trace of gas or fire damp, but observed a horse-back at the face of this room, and after completing his examination of the mine informed the officials of the

company that this man had struck another horse-back, and at the coroner's inquest held on December 18, 1916, he testified that Mr. Ryan told him, "I have stopped this place." On the morning of the investigation we found at the face of this room a shot hole drilled through the horse-back 7 feet 4 inches in depth, and 2½ inches in diameter (see sketch of this room), and this shot hole had struck a gas feeder or blower which could be readily heard one hundred feet from the face of room, and this will show that those orders were not carried out.

Before the investigating party entered the mine on December 15, I instructed Alex. Brown, gas man at this mine, James Sherwood, deputy mine inspector, and J. J. Forbes, junior mining engineer of the United States Bureau of Mines, to make a thorough examination of the explosion area to ascertain whether any gas or fire damp had accumulated, and was informed by this party that they found gas blower in room number 1 in the straight north which was releasing gas or fire damp, and that a cap corresponding to about 4½ per cent of gas or fire damp was detected with an approved Koehler safety lamp, forty feet from the face of the room. This was found two days after the disaster, and it is a known fact that when a gas pocket is first tapped by a shot hole or otherwise, this gas or fire damp will release itself with greater force than afterwards. At the inquest the coroner testified that out of the twenty men killed five of them were more or less burned; two of the five were Domenic Kelso, and A. H. Roycroft, who worked in the first east entry off back north, and Mike Urisk, Tony Kroshal and Gregor Burgy in the straight north. Mike Urisk working in the first room, Tony Kroshal in the third room, and Gregor Burgy in the fourth room.

It is possible that if this explosion originated by a powder explosion in the east entry it would have burned the men that were working in the east entry, but it is not probable that these men would have been burned in the main north by this powder explosion, for all indications showed that this powder explosion confined itself to a small area, as there were only two men burned out of the eight working in the east entry; no indications whatever were found in the main entry that any powder was exploded, and it is probable that the men burned in the straight north were burned by the accumulation of fire damp or gas which had accumulated on account of the gas blower or feeder being struck in Mike Urisk's room, which was the first working room in the main north entry.

On December 1, 1916, when this mine was inspected by Deputy Inspector Fred Green, he ordered the dust cleaned off the roadways and roadways sprinkled with water. On the day of the investigation the dust in the mine was very dry, and it is possible that this explosion originated in room number 1 in the main north entry, traveled north for some distance, then retreated and traveled south through the old smoke room of the main north, thence to the east entry. The flame of the explosion may have ignited some coal dust in the abandoned smoke room, as there was evidence of coking on the north side of the props in the smoke room, and may have then traveled into the east entry, and may have ignited some powder and caused a second explosion which

knocked the stoppings out between the main and back north entries towards west.

It is possible that Mike Urisk was burned in his room, as his cap and lamp were found in his place about fifty feet from the face. His lamp was still hooked in his cap, which will show that he had his lamp on his cap, and lost both cap and lamp after he was burned.

The death of these men was undoubtedly caused by breathing the afterdamp of the explosion.

PRECAUTIONARY MEASURES.

It should not be permitted to take kegs containing twenty-five pounds of powder in a coal mine; only sufficient powder for one day's work should be permitted to be taken into a mine. This powder should be kept in a good, substantial tool box, under lock, and kept in a protected place.

Kegs containing powder should not be opened any other way than unsealing the seal thereof.

In any mine where there is any danger of gas blowers or gas feeders being encountered, no open light of any kind should be used; nothing but approved safety lamps and electric cap lamps should be allowed to be used.

In all mines in which coal dust accumulates in such quantity that it may become dangerous to the health, life and limb of the men employed therein, an up-to-date sprinkling system should be installed. Water pipes should be connected to the surface and water driven through these pipes into the mine, and sufficient hose provided so each place in which coal dust has accumulated may be sprinkled daily, if necessary. If the dust has accumulated in such quantity that it can not be kept in a moist condition it should be removed to the surface.

To reduce the loss of life to a minimum in case of a disaster it is necessary that this coal field be provided with a mine-rescue station and at least two sub-stations. These to be supplied with all necessary mine-rescue apparatus and life saving appliances. Trucks or autos should be provided so the men in charge of the stations can repair immediately to the scene of the disaster.

If these stations were provided and maintained, nothing but certified officials employed in coal mines, all safety precautions observed by both miners and operators, a practical code of mining laws adopted, better coöperation between employees and employer manifested, I feel confident that the coal mine fatalities would be greatly decreased.

The following poem, written by K. H. Chisholm of the U. S. Bureau of Mines, dedicated to safety, should receive careful consideration by all:

“Now our days on earth are numbered, and our life is short at best
 And the end for each and all will come some day;
 So let's be prepared to guard it and save what may be left,
 And enjoy the world a little while we may.

“We like a man who's fearless, and we hate a coward, too,
 Still it's better to be wise than always brave;
 For perhaps you'll win the gamble, and perhaps you'll only ramble
 To the home of risky chances—that's the Grave.”

CORONER'S INQUEST.

Coroner's inquest held at city hall in the city of West Mineral, Kan., before J. S. McAuley, Coroner, and Don H. Elleman, Deputy County Attorney, on the 13th day of December, 1916, and on said day adjourned to the 18th day of December, 1916, over the bodies of William Hays, John Fry, Frank Jerino, Rudolph Trele, George Burger, Tony Koshol, Paul Kometz Mike Drisk, Paul Lafevre, Lart Hays, Ludy Windsor, Frank Windsor, Hut Windsor, Charles Taverino, A. H. Roycroft, John Loretic, Mat Roth, Charles Roth, Walter Paige and Dominic Kelso, here lying dead.

List of witnesses who testified in the No. 9 Mayer mine explosion: Joe Cerne, John Finley, G. G. Miller, Geo. Dixon, Walter Brown, Leonard White, Will Carpenter, Louis Mandley, L. B. Smith, Ignace Scina, J. N. McClure, Harry Reed, Chas. Dillman, Joe Salamie, Joe Brasso, Jacob Boltz, Geo. Dillman, J. S. McAuley, George Horne, Alex Brown.

Name of dead bodies: John Fry, William Hays, Frank Jerino, Rudolph Trele, George Burger, Tony Kroshal, Paul Komatz, Mike Drisk, Paul Lafevere, Lart Hays, Ludy Windsor, Chas. Tarvarino, Frank Windsor, A. H. Roycroft, Hut Windsor, John Lauretio, Matt Roth, Walter Paige, Dominic Kelso.

CORONER'S JURY VERDICT.

STATE OF KANSAS, CHEROKEE COUNTY, SS.

An inquisition holden at West Mineral, in Cherokee county, Kan., and concluded on the 18th day of December, 1916, before me, J. S. McAuley, coroner of said county, on the body of names hereto attached, there lying dead; by the jurors whose names are hereunto subscribed.

The said jurors, upon their oaths, do say that the said parties came to their death on the 13th day of December, 1916, in said county and state, by explosion at mine No. 9, Stone City. Cause of explosion unknown to jury.

IN TESTIMONY WHEREOF, The said jurors have hereunto set their hands, the day and year aforesaid.

J. P. DUVALL, *Foreman.*

A. H. FRERE.

ABE MORGAN.

D. H. DEWEY.

C. RUSSELL.

B. S. EVANS.

Attest: J. S. MCAULEY, *Coroner, Cherokee County, Kansas.*

JOE CERNE, being first duly sworn, testifies as follows:

Direct Examination by Don H. Elleman.

Q. You may state your name. A. Joe Cerne.

Q. Where do you reside? A. Live at Stone City.

Q. And you are a miner? A. Yes, sir.

Q. Where have you been employed? A. At No. 9, Stone City.

Q. That is Mayer No. 9? A. Yes, sir.

Q. And that mine is operated by the Ryan Mining Company? A. Yes, sir.

Q. Were you so employed there at that mine on December 13th last? A. Yes, sir.

Q. Were you employed there at the time the explosion took place? A. Yes, sir.

Q. Were you in the ground at that time? A. Yes, sir.

Q. I wish you would tell the jury what the condition was there in the ground just prior to the time the explosion took place, that is to whether or not it was gasey or otherwise? Did you notice any gas? A. Could not tell how much there was, but I hear there was some and I do not know whether that the cause or not.

Q. Did you personally notice any gas? A. No.

Q. What part of the mine were you in? A. On the south side.

Q. And where was it that this explosion took place? A. On the north side.

Q. On the opposite side from the place where you were? A. Yes, sir.

Q. How far were you from the point where the explosion took place? A. About two thousand feet.

Q. What entry were you in? A. Entry east, back south ten feet.

Q. And what room were you in? A. In the entry.

Q. Now what entry did the explosion take place in? A. Took place second east on the north. I see them when I was in.

Q. You had been down in that entry that day? Yes, sir.

Q. How long before the explosion took place had you been in that entry? A. Not before, after explosion.

Q. After the explosion took place, Joe, I wish you would just state to the jury the condition you found things in when you went in that entry. Was there any indications as to what caused the explosion? Tell what you found there. A. I guessed first it was powder and then next dust a little bit.

Q. Did you find any empty powder boxes or cans there? A. I did n't. I was n't in since I helped to get the men out and I went out.

Q. You did not stay there long enough to examine it? A. No, there was too bad air in there at that time.

Q. How long have you been employed in the mines as a miner? A. Three years and eight months.

Q. You have been in mines where there have been explosions of some gas have you? A. Yes, sir.

Q. And also where there have been powder explosions? A. Yes, sir.

Q. Joe, from your experience as a coal miner, have you a judgment, based upon what you saw there in that entry after the explosion took place, as to what caused the explosion? A. Well, I guess it the powder and dust.

Q. Which do you think caused the first explosion, the powder or the dust? A. Looked like the powder.

Q. And that is your judgment, Joe? A. Yes, sir.

Q. Have you a judgment as to how that powder was exploded? By what means? A. I could not tell that.

Q. It might have been caused from a spark from a lamp? A. Might have been, could not tell how it came.

Q. Have you been down in that mine since that day? A. No.

Q. Now you say that in your judgment, Joe, that this explosion that is, the first explosion, was caused by an explosion of powder. What is your reason for saying that it was caused by powder explosion? A. Well I do not know I had some gas—

Q. No, you do not understand me. You say you think that it was caused by an explosion of powder. Now just tell the jury why you think it was powder? A. Well I do not know why.

Q. Did n't you see conditions down there that made you think it was powder? A. I smelt the powder and saw dust off of powder.

Q. And you did not notice any gas? A. No, I did not.

JOHN FINLEY, being first duly sworn, testifies as follows:

Direct Examination by Don H. Elleman.

Q. You may state your name. A. John Finley.

Q. Where do you live? A. Stone City.

Q. You are a miner by occupation? A. Yes, sir.

Q. And where have you been employed? A. At No. 9 Mayer.

Q. How long have you been engaged as a coal miner? A. Forty-seven year.

Q. You were engaged in mining at that place were you on the 13th of this month? A. Yes, sir.

Q. Were you in the ground at the time this explosion took place there? A. Yes, sir.

Q. What part of the ground were you in at that time? A. South part.

Q. And what entry? A. In the tenth east.

Q. And what room were you in? A. In the third working room.

Q. Some rooms that were not working rooms? A. Some rooms there that had been worked out and this was the third working room.

Q. How far were you from the point where the explosion took place on the north? A. I was 1500 feet from the pit bottom, and I think about 850 feet to the base of my room.

Q. From where the explosion took place? A. No, I was 1500 feet from the pit of the shaft and then I think the explosion took effect 850 feet.

Q. Making you 850 feet from the point of the explosion? A. Yes, sir.

Q. Had you been over the entry where the explosion took place that day prior to the explosion? A. No, sir.

Q. How long had it been since you had been over in that entry? A. I believe seven weeks ago, I think.

Q. And you had n't been over there since that time? A. No, sir.

Q. At that time you never noticed any gas over there did you? A. Well there was gas there more or less at all times in case of a horse-back being cut.

Q. Not enough to cause an explosion of that kind? A. No, I do not think there was at that time.

Q. But you do not know what the condition was that day? A. No.

Q. Did you go in that entry after the explosion took place? A. Yes, sir.

Q. I wish you would just tell the jury what conditions you found there, the condition of the air and ground, after the explosion took place.

A. Well while I was in there it was very hard to give an explanation of the condition the mine was in, because we could not see where we were walking for smoke; we were working and trying to get the men out, and there was a good bit of bad air and it was mixed up with smoke.

Q. Did you notice in that smoke whether it smelled like smoke from a gas explosion or powder, or what? A. In my opinion it smelled gas, undoubtedly; but it also smelled powder.

Q. You are an experienced miner and have been in the ground where explosions took place before? A. This is the second one I have been in.

Q. Have you a judgment as to the ground and air conditions at the time you went in and as to what caused the explosion? A. I could, it was the dust to my opinion.

Q. Have you been in the ground since? A. No, sir.

Q. I asked you a while ago in regard to detecting odors from the smoke. If the explosion had been caused from gas formed there, would the odor be different from an explosion caused by powder or other things. A. Yes, sir, in my judgment an explosion of gas will ignite dust, where in case of explosion of powder it is an explosion which will at all times take the roof, and I do not think it is possible that a powder

explosion could have caused the damage that was caused in that time.

Q. In your judgment then it was not a powder explosion? A. No, sir.

Q. Have you been down in the mine since? A. No, sir.

Q. You do not know what conditions have been found there since the smoke has been removed? A. No, sir.

Q. You do not know what condition they found the cans of powder and boxes of fuse in? A. I do partly. That afternoon we come across three kegs full of powder just apparently had been placed there that afternoon, not exploded.

Q. How far were they from the point where the main explosion took place? A. I do not know because I do not know where the explosion occurred.

Q. Nothing there to indicate? A. Not while I was there. The investigators since that time may have found out.

Q. John, you say you think you can tell the difference between a powder explosion and a gas explosion. I wish you would just state to the jury how you would determine which explosion had taken place? I want you to tell the jury how you would determine it was a powder explosion or a gas explosion that took place there. A. That is very hard to explain, it might only be imaginary. I do know that I smelt gas and likewise powder, and also dust and it is merely a matter of forming an opinion how.

Q. After an explosion of any kind, wouldn't there be a certain amount of gas form there and you could detect odors of gas? A. Well, the odor of gas was so strong that it was impossible for any of us men to go in, no man went in there until we got the man from Pittsburg with his safety guards.

Q. After that smoke had been removed, wouldn't that gas still stay there until removed in some way? A. There was still enough gas that no man dare carry a lamp.

Q. After that smoke was removed, wouldn't that gas still be there if it was caused from a gas explosion? A. Yes, sir.

Q. And you do not know what the condition was in regard to that? You have not been there since? A. Have not been there since.

C. C. MILLER, being first duly sworn, testifies as follows:

Direct Examination by Don H. Elleman.

Q. You may state your name. A. C. C. Miller.

Q. And where do you reside? A. No. 9 Mayer's.

Q. You mean you live there? A. No, I live up here north two miles.

Q. And you are a miner by occupation are you? A. Yes, sir.

Q. How long have you been engaged in the business of a coal miner?

A. Fourteen years, I guess.

Q. You were employed at No. 9 Mayer on December 13th last, were you? A. Yes, sir.

Q. Were you in the ground there at the time this explosion took place? A. Yes, sir.

Q. Where were you, on top or had you gone home? A. Just went home.

Q. What part of the mine are you employed in there? A. In the west entry.

Q. And this explosion took place north in the east entry didn't it?

A. Have not been down in there, but from the report, it is, I think.

Q. Had you been over in this entry where the explosion took place that day? No, sir.

Q. What room do you work in at the north and west entry? A. Last room in the back entry.

Q. Have you been in the entry where the explosion took place since the explosion. A. I have not been down in the shaft.

Q. How long before the explosion took place has it been since you

have been in the entry where the explosion occurred? A. I do not know, it is a month I guess, something like that.

Q. You do not know anything about the conditions in that entry on the day of the explosion immediately prior thereto, or the conditions since the explosion? A. Never been in.

Questions by McAuley.

Q. In your room there, the entries, are they connected any way with the east entry? A. No, could not say they would be in going north.

Q. The main entry north, and one west of that? A. Yes, sir.

Q. What condition was the air in the entry where you were working that day? A. Just like it usually is.

Questions asked by Jury.

Q. Did you have any particular reason for going home that day? A. No, just went home all I know.

Were you through your days work? A. Loaded three cars and just went on out.

GEORGE DIXON, being first duly sworn, testifies as follows:

Direct Examination by Don H. Elleman.

Q. You may state your name. A. George Dixon.

Q. Where do you live? A. West Mineral.

Q. You are a miner by occupation are you? A. Yes, sir.

Q. Where were you employed on the 13th day of December? A. No. 8 Stone City.

Q. How long have you been engaged in the business of coal mining? A. Probably fourteen or fifteen years.

Q. What part of No. 9 were you working in on that day? A. In south side.

Q. What entry? A. Eleventh west.

Q. And what room were you working in? A. I was working in the smoke room off the eleventh west.

Q. For my own benefit I wish you would tell me what a smoke room is? A. That is the same as the air room.

Q. How far is that room, George, where you were working from the place where this explosion took place? A. I would judge about a mile and a quarter.

Q. Were you in the ground at the time the explosion took place? A. Yes, sir.

Q. You know the entry that the explosion occurred in, do you? A. No, not for certain.

Q. As I understand it, it is on the north and east, is that right? A. Northwest and east entry, that is on the three entries the explosion was in.

Q. You know where the north and east entry is, do you? A. Yes, sir.

Q. Were you over there the day the explosion occurred, and prior to the time it took place? A. I was over there shortly after.

Q. But you was not there before, that day? A. I worked over there at times but not that day.

Q. How long before this was the last time you had been in there? A. Two weeks ago to-day was the last day I worked over there.

Q. At that time did you notice anything out of the ordinary in the way of gas or anything of that kind? A. No, sir.

Q. Now you say you was in those entries after this explosion took place. How soon afterwards? A. Probably an hour.

Q. Did you examine the condition of the entries there at that time? A. Yes, sir.

Q. What was the condition as to being full of smoke, or otherwise? A. I do not know what the condition was.

Q. You did not notice any smoke in there? A. No, sir.

Q. Were you able to observe there, George, sufficiently to have a judgment based upon your experience in mining, as to what caused the first explosion? A. No, I do not know what caused the first explosion, but I know that powder went off, from the smell.

Q. You think the first explosion was a powder explosion? A. No, I could not.

Q. If there had been a gas explosion couldn't you have detected it? A. No.

Q. Have you been down there since this smoke has been removed? A. No.

Q. Now you say you were working over there on the smoke room on the south side? A. Yes, sir.

Q. What is the condition there as to whether or not there was any gas? A. None there.

Q. If there was any gas in the mine would you be able to detect it there in this smoke room where you were working? A. I could not tell whether there was any gas in the mine or not by me working in my room.

Q. Could you tell whether there was gas on the south side from working there in that room? A. No, sir.

Q. Is that a room to let fresh air in or to take bad air out? A. Well, gas could accumulate in my place as soon as any place else unless I would cut a horse-back.

Q. You say the smoke room is an air channel that is to take the bad air out? A. Yes, sir.

Q. If there was any gas in the bad air coming out would you be able to detect it as it was going through? A. No.

Q. I wish you would explain why. A. Well there are a few coal miners on this case and they know that an entry is drove and the back entry gets the air that comes up the straight and comes out the back, and my place would have been an entry in time.

Q. In other words your place is not connected with the air shaft or any thing of that kind? A. No, sir.

WALTER BROWN, first duly sworn, testifies as follows:

Direct examination by Don H. Elleman.

Q. You may state your name. A. Walter Brown.

Q. Where do you live? A. Stone City.

Q. You are a miner by occupation? A. Yes, sir.

Q. How long have you been a coal miner? A. About twenty-three years.

Q. Where were you employed on the 13th day of December last? A. No. 9 Mayer.

Q. Were you in the ground there at the time this explosion took place? A. Yes, sir.

Q. Where in the mine were you working? A. In what is called the stub entry off the first west, I could not tell you exactly what the name of the entry would be, called the south off the first west I think,

Q. And what room were you working in? A. Pulling pillars.

Q. And how far is this place from where the explosion took place that day? A. I expect five hundred feet.

Q. Is this place connected in any way with the entry that the explosion took place in? A. By air way.

Q. Were you able to detect any gas there where you were working that day? A. Not at that time.

Q. Had you at any time before the explosion took place? A. No.

Q. Had you been over in the entry where this explosion took place? A. Never was in there.

Q. How long after the explosion took place was it before you went

into the entry? A. Just as soon as we could get in there, I expect nearly an hour.

Q. I wish you would just tell the jury what you observed when you went into the entry where the explosion occurred? A. Could not see anything for smoke, could not observe anything.

Q. Did you detect any odors in the smoke? A. What kind of odors do you mean?

Q. Gas, dust or powder. A. Could smell lots of smoke.

Q. Did it smell like smoke from gas explosion or from powder or what? A. Well, you could smell powder smoke.

Q. Have you been in that entry since that time, since this smoke has been cleared away? A. No, sir.

Q. From what you were able to notice at the time you were in this entry, have you a judgment as to what explosion took place first, whether gas, powder or what? A. No, I could not tell you that.

Questions by Jury.

Q. What first attracted your attention to the explosion? A. Getting knocked over.

Q. Did you hear the report? A. Just a whistling noise.

Q. Did there seem to be one or more shots? A. Just a whistling sound and then a popping sound.

Q. How did you get out of the mine? A. Went out through what they call the crooked entry.

Q. Out through which shaft? A. Where the explosion came from I went up there afterwards.

Q. Then you afterwards went to the bottom did you? A. Yes, sir, up there two or three hours I guess.

Q. And afterwards came out the regular place? A. Yes, sir.

Questions asked by the Jury.

Q. Were these men you found all along the entry? A. Yes, sir; and all alive that I helped bring out. No; I helped bring out one dead one.

Further Examination by Mr. Elleman.

Q. How were the boys' faces turned with reference to the entry? A. All had their faces turned toward the way to get out.

LEONARD WHITE, being first duly sworn, testifies as follows:

Direct Examination by Mr. Elleman.

Q. Where do you live Mr. White? A. Four miles from here.

Q. Mr. White you are a coal miner by occupation are you? A. Yes, sir.

Q. And where were you employed on the 13th day of December? A. Driving at No. 9, Stone City.

Q. And in what part of the mine were you working? A. On the north side.

Q. And what entry? A. Drove the straight north, first east.

Q. Is that the entry that this explosion occurred in? A. Yes, sir; supposed to be.

Q. How long before the explosion took place was it that you were back in this entry? A. It was ten-thirty.

Q. And what time did the explosion take place? A. I judge about fifteen minutes after twelve o'clock.

Q. At the time you went back there, Mr. White, did you detect any gas? A. Well, I started in that entry right after noon about fifteen minutes after twelve and I got about a third of the way in when the explosion hit me.

Q. I say the last time you were in there did you detect any gas? A. No, sir, not a bit.

Q. Did you notice anything out of the ordinary in the condition of the air? A. No, sir.

Q. You say you had started in the entry at the time the explosion took place, or were about a third of the way in? A. Yes, sir.

Q. And it knocked you over? A. I was on the fourth car and third car, lying on my back. Blowed me back there.

Q. Was there any report from the explosion? A. Well sir, when it hit me it just seemed like a bullet whistling over my head, and I looked back to see if the driver was coming. Before noon we had shut down, did not have empties, and I looked back, and about the time I looked back it hit me and blowed my mule back into the second car, and me into the third and fourth, and I started to light a match and I thought I better not, and I saw the driver coming back, met around the turn, and he stopped and I went on back and the pit boss and this driver asked me what was the matter, and I told them I did not know unless it was an explosion.

Q. You could not see any light ahead of you? A. No, sir.

Q. And ordinarily you could see them ahead of you? A. No, sir, could not see if there was a light.

Q. How long have you been employed in the coal mine? A. About fourteen or fifteen years.

Q. And you have been in mines where explosions occurred prior to this time? A. Never was before.

Q. You have no judgment as to what it was that caused this explosion? A. In my own knowledge I have.

Q. And upon what is that based? A. Well, sir, I believe it was gas that lit the powder, and I do not see why there wasn't more holes; might have been some fellow that started to take up his pick and had a hole driven and this warm current of air, and I think it was a dust explosion.

Q. Why do you think it was dust? A. Because there was two or three inches of dust on the road from the bottom in.

Q. You think then it was a dust explosion, and not gas or powder? A. Might have been gas, I was on the return of the drive where the air comes out and goes up the mouth of the shaft.

Q. And you didn't detect any gas in that? A. No, sir, nothing but gas and coal.

Q. Nothing only what you detect every day? A. No, sir, just about the same. And when I went back out through there, there was nothing but smoke and I could not see and I traveled a fourth of a mile in that powder smoke.

Q. Was there more than one explosion? A. No, sir, all I heard, but there was not much of an opportunity for me to hear because from that time on I was deaf, there might have been a report but if there was I did not hear it.

By Mr. Pellegrino.

Q. Now you say you drove off the first east? A. Do not know, the first east is turned off the back north? Q. No, sir, first east is about half way in I should judge. It is a stub entry.

Q. The back north is turned off the straight north and the back north stops and the first east is turned off the back north? A. No, sir. You see this entry, you was up in there I believe, when you got about half way in you passed this first east. Where you was sitting there that day the back entry turns off.

WILL CARPENTER, being first duly sworn, testifies as follows:

Direct Examination by Don H. Elleman.

Q. You may state your name. A. Will Carpenter.

Q. Where do you live? A. Stone City.

Q. You are a coal miner are you? A. Yes, sir.

Q. How long have you been engaged in that business at Stone City?
A. About twenty-five years.

Q. Where were you working on the 13th day of December? A. I was not working, was at home.

Q. Where had you been employed prior to that time? A. No. 9, Stone City.

Q. In what part of that mine? A. Entry east on the south.

Q. Have you ever been employed in what is known as the north and east entry? A. No, sir, except for a while I worked company work and worked in there a while. That was about a year ago.

Q. Have you been in the entry since that time? A. Yes sir, same evening of the explosion.

Q. How long was it before you went down there? A. Probably an hour and a half, went from home to the shaft and went straight down.

Q. I wish you would just tell the jury what condition you found that entry in when you entered it. A. When I entered it was still pretty hot, too hot to go very far in, it was still pretty hot and smoky.

Q. Were you able to observe anything other than smoke at all? A. No.

Q. From what you was able to observe there, based upon your experience in the coal mines, have you a judgment as to what caused this first explosion? A. I have not.

Q. How long did you say it was since you was in this entry before this explosion took place. A. I think about a year.

LOUIS MANDLEY, being first duly sworn, testifies as follows:

Direct Examination by Don H. Elleman.

You may state your name. A. Louis Mandley.

Q. Where do you live? A. Stone City.

Q. You are a coal miner are you? A. Yes, sir.

Q. How long have you been engaged as a coal miner? A. About twenty-four years.

Q. Where were you working on the 13th day of December last? A. north side in first west. Mayer No. 9.

Q. Were you in the ground at the time the explosion occurred? A. Could not tell.

Q. About how far? A. Pretty far, over 400 or 500 feet.

Q. Is the place you were working in connected in any way with the entry where this explosion took place? A. No.

Q. What room were you working in? What room in this northwest first entry were you working in? A. Next place in the face.

Q. You work in the seventh place?

Q. The condition of the air where you was working was the same as it usually is, was it at the time this explosion took place? Was there anything out of the ordinary? A. No.

Q. Did you go over in this entry where the explosion took place after it occurred? A. Yes, sir; on left in my entry, I try and go out and come to the door and could not go, such dust and smoke, and have to go back in the face.

Q. How long was it after the explosion occurred before you went over into this entry where the explosion took place? A. May be take about twenty minutes before I go, before I can get out.

Q. Did you finally go over in the entry where it took place? A. No, can not go for smoke, have to turn back.

Q. Did you afterwards go up into this entry at any time? A. No.

Q. Did you afterwards go to the bottom and to out? A. No.

Q. How did you get out of the mine? A. There be a man comes and takes me out.

J. N. McCLURE, being first duly sworn, testifies as follows:

Direct Examination by Don H. Elleman.

Q. You may state your name. A. J. N. McClure.

Q. Where do you live? A. Stone City.

Q. You are a coal miner by occupation? A. I am, yes sir.

Q. How long have you been engaged in that business? A. About twelve years.

Q. Where were you working on the 13th day of December last?

A. I was working at No. 9.

Q. Whereabouts in that mine were you working at the time the explosion took place? A. I was on the list.

Q. You were not in the ground at that time? A. No, sir.

Q. Did you go down into the ground after the explosion took place? A. I did not, no sir.

Q. How long prior to the time the explosion took place had it been since you were in the north and east entry? A. It has been a long time since I have been in there.

Q. Probably a year? A. Yes, sir.

HARRY REED, being first duly sworn, testifies as follows:

Direct Examination by Don H. Elleman.

Q. You may state your name. A. Harry Reed.

Q. You reside south and east of town here? A. Yes sir, six miles.

Q. Mr. Reed, you are a coal miner by occupation? A. Yes, sir.

Q. And you were working at Mayer No. 9, on December 13th last were you? A. I was.

Q. Was you in the ground at the time the explosion took place? A. I was.

Q. What part of the mine were you working in? A. Right on the bottom.

Q. And how far is the bottom from this entry where the explosion occurred? A. I do not know, never was in it.

Q. And you have not been since the explosion took place? A. No, sir.

Q. What first called your attention to the fact that an explosion had occurred? A. Working there on the bottom and the wind from the explosion come very near blowing my light out.

Q. Did you hear any report? A. No, sir.

Q. You do not know how far back from the point where you were working this explosion took place? A. No, sir.

Q. You do not know whether you could have heard an explosion if it had occurred there? A. Could not say.

CHARLEY DILLMAN, being first duly sworn, testifies as follows:

Direct examination by Don H. Elleman.

Q. You may state your name A. Charley Dillon.

Q. Where do you live? A. Bruce, Kansas.

Q. You are a coal miner by occupation, are you? A. Yes, sir.

Q. Where were you working on December 13th last? A. No. 9 Stone City.

Q. Were you in the ground that day when this explosion took place?

A. Yes, sir.

Q. Where were you working? A. On the bottom cage.

Q. How far is the bottom from this entry where this explosion took place? A. I do not know, about two quarters of a mile I should judge.

Q. Have you ever been in that entry? A. No, sir, only the day this explosion was.

Q. You was not before or after the explosion took place? A. Was afterwards.

Q. What first attracted your attention to the fact that there had been an explosion? A. The dust and the wind came down in the bottom.

Q. Was it of sufficient force to knock you over? A. No, sir.

Q. Was that wind followed by smoke? A. Yes, sir.

Q. Were you able to establish the fact that it was powder smoke?
A. Smelled like powder smoke and dust.

Q. How long after the explosion took place was it before you went into this entry? A. I do not know.

Q. About how long, I do not mean exactly. A. Maybe three-quarters of an hour or an hour.

Q. What condition did you find this entry in at that time? A. Pretty bad condition.

Q. In what way? A. It was smoky and powder cans were scattered all around.

Q. They were empty, were they? A. Yes, sir.

Q. Indicate that the powder they contained was exploded? A. They were already empty.

Q. Did you find any of the men that had been injured or killed by the explosion? A. Yes, sir.

Q. Where did you find them? A. Found two that come out the first east, already out when we got there, and we come down the entry a little about a mile farther, but we did not get to him.

Q. Did you afterwards help carry any of them out? A. Yes, sir.

Q. And where were they? A. Down in the entry close to where the explosion was.

Q. And how were they lying with reference to their heads to the entry? A. What few I seen was lying coming out, face down.

Q. Were they all alive that you saw? A. Yes, sir.

Q. In your judgment, if there had been a loud report from the explosion back there in this entry, could you have heard it where you were in the bottom? A. Well, if it had been an awful loud one I might have heard it.

Q. But it would have to be extraordinarily loud before you could have heard it? A. Yes, sir.

Q. Several cans of powder could have exploded, and yet you not have heard any report where you were? A. Yes, sir.

Q. Have you a judgment as to what caused this explosion, based upon your experience in coal mining? A. All I could say was keg of powder and dust.

Q. Have you a judgment from that as to what was the cause of the explosion? A. That is about all I seen, what I thought caused it was keg of powder.

Questions Asked by Jury.

Q. You say there was a keg of powder exploded there? A. Yes, sir.

Q. In what shape was that keg? A. It was pretty badly mangled up.

Q. Were the ends blowed out of it? A. I think they was.

Questions Asked by Mr. Pellegrino.

Q. Where did you see that? A. I don't know, do not know them entries very good.

Q. As near as you can tell? A. I think they call it that north entry, right at the turn.

Q. You mean the main north or back north? A. I do not know. You know where you was at the last time, right at that turn. It is that big wide place.

Q. That is in the turn where the first east turns off the back north.

JOE SOLAMIE, being first duly sworn, testifies as follows:

Direct Examination by Don H. Elleman.

Q. You may state your name. A. Joe Solamie.

Q. Where do you live? A. Stone City.

Q. You are a coal miner are you? A. Yes, sir.

Q. How long have you been engaged in coal mining? A. About seven years.

Q. And where were you working on the 13th day of December last? A. No. 9.

Q. What were you doing there, driving? A. Yes sir, driving mule.

Q. And what entry were you driving? A. Eleventh east on the south side.

Q. You know who drives in the north and east entry? A. I do not know.

Q. You were not over on the north and east entry that day were you? A. After the explosion.

Q. And about all that you could see then was the smoke? A. That is all.

Q. What first attracted your attention to the fact that an explosion had taken place? A. I do not know.

JOE BRAISO, being first duly sworn, testifies as follows:

Direct Examination by Don H. Elleman.

Ignace Gross is duly sworn to act as interpreter.

Q. You may state your name. A. Joe Braiso.

Q. Where do you live? A. Stone City.

Q. You are a coal miner? A. Yes, sir.

Q. Were you working at Mayer No. 9 on December 13th last? A. Yes sir, on the north side.

Q. And what entry on the north side? A. Straight north.

Q. Where were you working with reference to where this explosion took place? A. In my room.

Q. Where is your room from where this explosion took place? A. Might be six hundred feet from where explosion took place.

Q. What is the number of the room where you was working? A. The third room from outside in.

Q. Did you notice any gas in there just before the explosion took place? A. I do not know.

Q. Was the air about like it ordinarily is? A. Could not tell, just about the same.

Q. What called your attention to the fact that an explosion had taken place? A. Can not say.

Q. Did you hear a report or noise? A. Yes, sir.

Q. Was that a loud noise or not? A. Yes, sir.

Q. Was there a rush of air also? A. Could not tell if any more wind came or not.

Q. Did it have any effect on you, this explosion? A. Yes, sir.

Q. What did it do? A. I fell down and lay.

Q. You had to be assisted out did you? A. Yes, sir, carry me out.

Q. How long have you been engaged as a coal miner? A. Ten years.

Q. Have you a judgment based upon your experience as a coal miner as to whether or not this was an explosion of gas or powder? A. Could not tell.

Q. You had never noticed any gas over there, more than is ordinarily in the mine had you. A. No.

JACOB VOLTZ, being first duly sworn, testifies as follows:

Direct Examination by F. W. Boss.

Q. You may state your name. A. Jacob Voltz.

Q. Where do you live? A. Stone City.

Q. What has been your occupation recently? A. Working digging coal in the entry.

Q. How long have you been a coal miner? A. Ten years.

Q. You were working in this mine on the 13th of this month were you? A. Yes, sir.

Q. And where were you working? A. On the first west.

Q. About how far were you working from the place where this explosion occurred? A. I think about 700 feet.

Q. How did you find it out? A. Found it out when I started to go out; it was full of smoke and could not see nothing, and all dust.

Q. You say you saw smoke there? A. Yes, sir; smoke and wind come out.

Q. You felt the wind did you? A. Yes, sir.

Q. Did you hear the noise of the explosion? A. Yes, sir.

Q. Now, the smoke that you saw in there, do you know what kind of smoke that was? A. Could not tell, just take all think out of me, do not know what it was.

Q. And where did you go then after you knew there was an explosion? A. Just started to go out to get air.

Q. Did you afterwards go into the entry where the explosion had occurred? A. No, just go straight out.

Q. You did not go into the entry then where the explosion was at all? A. I stay in my entry.

Q. You did not go into the entry where the explosion was? A. No.

Q. Had you been into the entry before the explosion? A. I was a couple of times.

Q. How long before the explosion was the last time you were in? A. Three or four days.

Q. Now, is there anything further that you know about this matter as to how this explosion occurred or anything of that kind? A. Could not know that because do not find out, just know there was powder and dust.

Q. Have you any opinion or judgment as to what was the cause of the explosion, as to whether it was gas or powder? A. I could not say, might have been gas and might have been powder.

GEORGE DILLMAN, being first duly sworn, testifies as follows:

Direct Examination by F. W. Boss.

Q. You may state your name. A. George Dillman.

Q. Where do you live? A. Bruce, Kan.

Q. What is your occupation? A. Have been driving a mule in the mine for the last year.

Q. And were you following that occupation on the 13th of this month? A. I was driving, and was on the bottom.

Q. You mean you were there at the time this explosion occurred? A. Yes, sir.

Q. How far were you, Mr. Dillman, from the explosion, from the place where it occurred? A. Could not tell you that.

Q. Can you give the jury some idea? A. Was right on the bottom when the explosion took place; of course it did not excite me because this is the second one I have been in. Dust came on the bottom and the lights flickered a little.

Q. Did you hear any report? A. Just a little.

Q. And there was some wind? A. Just a jar.

Q. And you knew from that there was an explosion? A. I never thought a thing about it, just thought a shot went off.

Q. Now, pursuant to this explosion, had you been in this entry, the place where this explosion occurred? A. Never been in there at all. I drive out the west entry.

Q. After the explosion did you go to that place? A. Yes, sir.

Q. Immediately afterwards? A. About two hours after.

Q. And what did you do there? Tell the jury what the conditions were there, and what you observed? A. Well, sir, when we went in there me and Ed Ryan, Leonard White and this foreigner—I forget his name, he was the last driver that left the bottom—well, when I got on the west entry, I knowed what happened. I left my trip and went the other trip and stopped there and met this foreigner, and I says, "Come on, Tony, go with me"; and he says, "I cannot stand the smoke"; and he followed me, and we went on and met Leonard White and Ed Ryan, and went through this trip down, and Tony came back and said he could not go through the smoke. And Leonard and Ed Ryan went from there on to the east and went in there and seen the explosion never took place in there, and came back and sat down there a few minutes and decided to go one at a time, and Ed took the lead; told him to go on the north, and he went down so far and heard a roaring, and here come Jake Voltz and his buddy, and took them back to the first east; and Ed Comes and Leonard White told them to go back to the bottom, and Ed went to the bottom and give the word over to the south side, and by that time I got help—fellow by the name of Steve—and I took him from the first east and went down as far as I could until I could not go any further, and Steve and me come back and got fresh air. And he told us there was a Frenchman down there at the turn, so we made our second trip and gets to the air course, went through there, and come down the loaded entry and there found Paul LeFevere, and he was dead. And we come back out and met Leonard White, and Walter Brown and I sat there and talked to him and told Leonard White I found Paul and he was dead. And I asked him who went in, and he said Ducky and Tim Reedy; and I asked him which way they went, and White said he did not know, so I started out and said, "Come on, Steve, and go with me," and Leonard White says, "I will go to the bottom and get help to get Paul out." And I went to the air course, and me, Tim Reedy and Ducky Jones, and we waited there and decided which way to go; and I says, "Let's go two together," and Alex says, "Alright," and Alex Brown started out with his gas lamp, and it went out, and Tim Reedy gets down with smoke, and by that time, why, the bunch comes in and helps us get the men out.

Q. Now who was that? A. Me and Walter Brown and Steve—only us three men—and when we got this Frank and other boy, there was George Horne, Joe Sherney—Joe is a driver on the south side—Tom Hamilton.

Q. Now, Mr. Dillman, how were these men that were killed out there, how were they lying? A. They were lying on their side smothered to death, lying side by side.

Q. How was this Paul lying with reference to his face? A. Paul's face was up.

Q. How was the others? A. Face down.

Q. Was he the only one you observed with his face up? A. Yes, sir.

Q. Did you observe any other evidence of an explosion? A. There was as far as I know right there.

Q. You did not go back to where it is said to have occurred? A. No, sir; never went in there at all; was one of the first in there and that was all I could stand.

Q. Early in your examination you said something about smoke getting in your working place. Could you tell what kind of smoke that was? A. No, it was thick, and I got down and got a hold of the rail, and it didn't excite me because this is the second one I have been in, and when I went from the first east to the back entry my light went out and I went on to get air.

J. S. MCAULEY, being first duly sworn, testifies as follows:

Direct Examination by F. W. Boss.

Q. You may state your name. A. J. S. McAuley.

Q. What official position, if any, do you hold? A. Coroner of Cherokee county.

Q. And how long have you been coroner? A. Two years.

Q. Were you called to the scene of this mine explosion on the 13th of this month? A. Yes, sir.

Q. And pursuant to that call did you afterwards go to that mine? A. I did.

Q. How long after the explosion is said to have occurred did you arrive at the mine? A. The explosion was about 12:15 and I was there about 1:30.

Q. What did you do when you first arrived? A. I asked some of the men around there if they needed any assistance as to a lung motor, and they told me they had a lung motor on the way from Pittsburg.

Q. Did you afterwards have anything to do with removing from the mine the dead bodies? A. I did.

Q. I wish you would tell the jury what bodies were removed, giving the names of the ones who were killed in that explosion? A. William Hays, John Fry, Frank Jerino, Rudolph Trelic, George Burger, Tony Koshal, Paul Kometz, Mike Drisk, Baul LaFevere, Lart Hays, Ludy Windsor, Frank Windsor, Hut Windsor, Charles Taveino, A. H. Roycroft, John Loretic, Mat Roth, Charles Roth, Walter Paige and Dominic Kelso.

Q. Twenty in all? A. Yes, sir.

Q. Did you make any examination of these various bodies? A. I did.

Q. Tell the jury whether some of them had evidence upon them of having been burned? A. There were five of them that were more or less burned; there were five of them that were badly burned.

Q. Which five were they that was in that condition? A. Dominic Kelso, A. H. Roycroft, Mike Drisk, Tony Kroshal and George Burger. Those were the worse burned ones.

Q. Do you know where those bodies were removed from, what part? A. No, sir; only I heard that Roycroft and Kroshal were near a lot of powder cans.

Q. What was the condition of the other bodies? A. They were all bruised—all some, but some worse, and some had cuts where they had fell on their faces.

Q. Were there any evidences of burns on the others? A. No, sir.

Q. This mine which has been referred to all the way through in this hearing was located in Cherokee county, Kansas? A. Yes, sir; about one mile northeast of Stone City.

L. B. SMITH, being first duly sworn, testifies as follows:

Direct Examination by F. W. Boss.

Q. You may state your name. A. L. B. Smith.

Q. Where do you live? A. Stone City.

Q. Mr. Smith, you were at this mine No. 9 shortly after the explosion occurred, were you? A. Yes sir, I was in the mine that day.

Q. Were you that day in the part of the mine where the explosion is said to have occurred? A. I was about two hours before the explosion.

Q. And was any one with you at that time? A. The rest of the pit committee.

Q. Tell the jury what were the conditions there at the time that this explosion is alleged to have occurred, at the two hours before? A. Well, I can not explain the conditions, the place where we were. We went in to examine a couple of rooms that some of the men had

objected to taking, and I did not pay any particular attention to the condition of the room.

Q. You did not notice then anything about the conditions of the air as to there being any gas in there? A. No, not particular; there is gas all over that mine.

Q. Did you notice anything at that time when you were in? A. No, sir.

Q. Now, after the examination, Mr. Smith, did you again go into that part of the mine? A. Not until the state mine inspector came and I went around with him.

Q. And that was about what time? A. Well, I judge it was a little after noon; do not know exactly what time; was waiting quite a while, and there was a few that went down ahead of us.

Q. That was the same day? A. No, sir, next day after the explosion.

Q. Was n't it December 15th that you went down, on Friday? A. Believe it was.

Q. That was the second day then after the explosion? A. I am not sure.

Q. Tell the jury, now, the conditions that you found that place in on the day that you went down. A. Well, found cans and dust and stuff scattered around over the road and conditions like there had been a disturbance there.

Q. These were powder cans you speak of? A. Some of them, yes, sir.

Q. And what were the others? A. Dinner buckets and such as that.

Q. What was the condition of these powder cans that you found there? A. Some of them was beaten up pretty bad and found several old kegs of powder; and one keg that was beaten up pretty bad, full of powder, and there was a small crack in it, and when we went to move it the powder had run out of it.

Q. And whereabouts in the shaft was that? I think up a little north. I was turned around up in there; went in different places, and I could not be positive just where that was.

Q. You saw only one full keg of powder? A. Saw several full kegs.

Q. And those were in the same entry where the explosion occurred?

A. Well, I do not know where the explosion did occur—could not state.

Q. Where were these few cans of powder that you speak of with reference to those empty ones that you say were battered up? A. They were way down the entry. There were quite a pile in the entry, some six or eight.

Questions asked by Jury.

Q. Did you examine the working places? A. There was part of the committee went in. I did not have a searchlight and some of them found holes driven ready for shots, and probably when the explosion come left their work just like I did. I was driving and I thought the air was bad and I got out as quick as I could.

Q. You did not examine any of the holes that were drilled? A. No, I did not.

Questions asked by Mr. Boss.

Q. In what capacity are you employed in the mine there? A. I am a _____.

Q. Whereabouts were you working? A. On the south side, the tenth east of the south side.

Q. About how far from the place where the explosion is alleged to have occurred? A. Would be probably almost a mile from me.

GEORGE HORNE, being first duly sworn, testifies as follows:

Direct Examination by F. W. Boss.

Q. You may state your name? A. George Horne.

Q. Where do you live? A. Stone City.

Q. What is your occupation? A. Digging coal.

Q. How long have you followed that occupation? A. Followed it ever since I was eleven years old, and I am thirty-three now.

Q. You were employed at the mine where the explosion occurred, No. 9? A. Yes, sir.

Q. Were you at work on that day? A. Yes, sir.

Q. At that time you were a member of the pit committee, were you? A. Yes, sir.

Q. Prior to the explosion were you in that part of the mine where the explosion is said to have occurred? A. Not at that time.

Q. Before that? A. Yes, sir; had been there about two hours before, I judge; not later than two and a half.

Q. And who, if any one, was with you? A. Ignace Scina and Mr. Smith.

Q. Now what was your purpose in being in there at that time? A. Why, we had a little committee work in the first east. Come a fellow's turn to take a place and he wouldn't take it, and then we were called to the first west on the north.

Q. Now, when you were in there at that time before the explosion, what was the condition with reference to the air? A. Found everything like it always was, all right as far as I seen.

Q. You observed no gas or anything like that? A. No.

Q. Were you in there again after the explosion? A. Yes, sir.

Q. And what condition did you find in there at that time? A. Found it pretty bad.

Q. Tell the jury what the condition was? A. Do not believe I could state it just exactly.

Q. You find any cans around there—powder cans? A. Lots of them.

Q. Did you find any full powder cans? A. Yes, sir.

Q. And how long after the explosion about was it that you was in this second time? A. I do not know just how long it was.

Q. Was it that same day? A. Yes, sir.

Q. At that time you say that you found some cans of powder there? A. After the explosion, two days after I was there, and found some.

Q. And you found, as I understand, some empty powder cans and also some full ones? A. That was after the explosion.

Q. Where were the full ones you found with reference to where the empty ones were? A. I do not know exactly.

Q. Were they in the same vicinity or a considerable distance away? A. They were scattered all up and down the entry, some of them quite a ways.

Questions asked by Jury.

Q. Did you examine any of the working places, the holes that were drilled? A. No, the mine inspector examined them, two of them there.

Q. Did you find any holes? A. I didn't, but some were found there.

IGNACE SCINA, being first duly sworn, testifies as follows:

Direct Examination by F. W. Boss.

Q. You may state your name? A. Ignace Scina.

Q. Where do you live? A. Stone City.

Q. What is your line of work? A. Miner.

Q. How long have you been in that occupation? A. Twenty-four years.

Q. You were working in this mine up at Stone at the time of the explosion here a week or so ago? A. Yes, sir.

Q. And you were also a member of the pit committee were you? A. Yes, sir.

Q. Before the explosion occurred were you in the mine there where the explosion did occur? A. Yes, sir, about two hours before; not in the place where the explosion occurred.

Q. How far from that place were you? A. About eight or nine hundred feet.

Q. What was the condition of the air in there? was there any gas? A. Could not say.

Q. You did not notice any gas? A. No.

Q. Were you in the mine again after the explosion, in that part of the mine? A. Yes, sir.

Q. How long after the explosion were you in the mine? A. Could not say exactly; about an hour after.

Q. And were you in that part of the mine where the explosion occurred? A. No.

Q. You were not over there where there were some powder cans, in that part of the mine? A. No.

ALEX BROWN, being first duly sworn, testifies as follows:

Direct Examination by F. W. Boss.

Q. You may state your name. A. Alex Brown.

Q. Where do you live? A. Close to Stone City.

Q. And what is your occupation? A. Gas man.

Q. At what place? A. No. 9.

Q. That is the mine where the explosion occurred on the 13th? A. Yes, sir.

Q. Were you in the mine on the day of the explosion? A. In the morning.

Q. About what time in the morning were you there? A. Went down about three o'clock, right around there.

Q. That was the morning of the 13th? A. Yes, sir.

Q. And that is the last you were down before the explosion occurred? A. Yes, sir.

Q. Now what was your purpose in going down at that time? A. To see whether the place was safe for the men to go down; about the condition of the gas.

Q. Tell the jury what was the condition at that time? A. It was in good shape; that is, the gas was.

Q. You mean by that that you found no gas there? A. None to speak of.

Q. How was it with reference to conditions being the same as they ordinarily were? A. They were as good as they ordinarily were.

Q. Now, Mr. Brown, were you down in the mine after the explosion occurred? A. Yes, sir.

Q. About how long after? A. Pretty quick after.

Q. Witin an hour or two? A. Yes, sir, in less time.

Q. In the morning, now, when you were there were you in that part of the mine where the explosion afterwards occurred? A. Yes, sir.

Q. And the conditions you refer to were all right in that part at that time? A. Yes, sir, at that time.

Q. Then afterwards, after the explosion when you went down, what conditions did you find there then? A. Well at that time the doors were blowed off and men dead down there.

Q. You were through that part of the mine where the explosion occurred? A. Yes, sir, the most of it.

Q. What did you find there when there with reference to powder cans? A. There were powder cans all along the shaft—was full of empty powder cans sitting along the road.

Q. Did you find some full cans in there after the explosion? A. Yes, sir.

Q. And where were they with reference to the empty cans? A. Just scattered and mixed up together.

Q. How long have you been a miner, Mr. Brown? A. Ever since I was fifteen years old.

Q. Mr. Brown, from your experience, have you any opinion as to the kind of an explosion that was, as to what caused it? A. Yes, sir.

Q. What is that? A. Think it was caused from gas; that is my opinion.

Q. Just explain to the jury, Mr. Brown, what you mean by that, and upon what you base your opinion? A. Well, straight north in the first room a man drove through a horseback in that place, and that morning when I went around I found this man. He had been afraid of this place, and I told the man that run the place that that man was up against another horseback, and he says, "I have stopped the place."

Q. Who was this? A. Ed Ryan and Mr. Reed, both together; and he says, "I have stopped the place," so I didn't go any further. I says, "Just as well stop it; the coal is not good—most out." And so my opinion was it come from that place, and the reason why the timber was scorched in this place, and the further around it went the worse it got. It followed the air course and went right back and went around the air-hole way, and the timber was scorched on the south side coming from this place, and it went on back up and took up the old air course; and on the north side of these timbers it was all scorched and burned bad, and on the east entry it was worse.

Q. And in what part of the mine do you now think the explosion started? A. Right in this first room at the back north; believe they say straight north, but I call it the back north, because it was on the back-hand side.

Q. And you were in there something like an hour or less after the explosion occurred? A. In less than an hour, just as quick as I could get there.

Q. Now, how often, as gas man, did you go into the mine for the purpose of making an inspection? A. Every morning the whistle blowed for work I went there.

Q. That was usually the same time? A. Yes, sir, I used to go in at one o'clock, but lately I have gone in at three.

Q. Had you ever before this detected any gas in any material quantity in this mine? A. Oh, yes.

Q. And you always reported that, of course? A. Yes, sir, and stop the place until they could get air into it or drain out. It will finally drain out itself.

Q. When you went down the second time, shortly after the explosion, did you observe any gas down there then? A. Not on the entry; did not go into this room, not until the next morning or the second morning from then.

Q. Did you find any gas there then? A. Yes, sir.

Q. In considerable quantities? A. Quite a bit when I went in the first time.

Q. But the same day the explosion occurred you did not go into that room? A. No, sir; not that time; no use looking in there.

Questions asked by Mr. McAuley.

Q. You say you stopped that entry; they were not working in that room that day? A. Yes, sir; worked in it on a horseback; wouldn't have been drilled. The boss told me he had stopped the place.

Q. And in fact they had not stopped it? A. In fact they drilled through it.

Q. Do you know who was working in this room? A. Mike is his name, I think.

Questions asked by Jury.

Q. These five men that were burned so badly, were they all on one entry? A. No, sir; these men that were burned so bad were over on the east—the two Roycrofts and Kroshal—over on the east side, right there at the air course, if the explosion followed the air back.

CERTIFICATE

STATE OF KANSAS, CHEROKEE COUNTY, SS.

I hereby certify that the above and foregoing is a full, true and correct typewritten transcript of my notes taken in shorthand of the evidence given at the coroner's inquest held before J. S. McAuley, coroner of Cherokee county, Kansas, at the city hall in West Mineral, said county, on the 13th and 18th days of December, 1916.

Witness my hand at Columbus, Kansas, this 29th day of December, 1916.

HAZEL M. GRAHAM,
Notary Public.