

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

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DANIEL SHEAHAN and MARTHA
SHEAHAN, husband and wife,

Plaintiffs,

-vs-

UNITED STATES OF AMERICA,

Defendant.

CIVIL ACTION NO. 175

DEPOSITION OF DANIEL SHEAHAN
(Taken on Behalf of Defendant)

Monday, September 9, 1957

Las Vegas, Nevada

FILED

SEP 23 1958

OLIVER F. PRATT, CLERK
By [Signature]

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REPORTER'S TRANSCRIPT OF PROCEEDINGS

Place: Las Vegas, Nevada.

Date: Monday, September 9th, 1957. 10:00 o'clock, A. M..

Pages: 1- 48

STELLA BUTTERFIELD
OFFICIAL REPORTER
UNITED STATES DISTRICT COURT
LAS VEGAS, NEVADA
DUDLEY 2-5990

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Time: 10:00 o'clock, A. M..

Date: Monday, September 9th, 1957.

Place: Office of United States Attorney, Federal Building,
301 Stewart Avenue, Las Vegas, Nevada.

APPEARANCES:

For the Plaintiffs;

FOLEY BROTHERS
Attorneys at Law
120 South Third Street
Las Vegas, Nevada
By JOSEPH M. FOLEY, Esq.

For the Defendant:

FRANKLIN P. RITTENHOUSE
United States Attorney
301 Stewart Avenue
Las Vegas, Nevada
By HOWARD W. BABCOCK
Assistant U. S. Attorney

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I N D E X

<u>Witness:</u>	<u>Direct</u>	<u>Cross</u>
Daniel Sheahan	3	43

E X H I B I T S

<u>Exhibit Number</u>	<u>Description</u>	<u>Page</u>
Defendant's Exhibit "A"	Summary of Cost on Equipment and Supplies Destroyed June 23, 1954 - Groom Mine	8

1 PURSUANT TO WRITTEN NOTICE OF TAKING DEPOSITION, and oral
2 stipulation of counsel for the respective parties, continuing
3 the time of the taking of said deposition to this date, the
4 deposition of DANIEL SHEAHAN, one of the plaintiffs herein, and
5 a witness produced as an adverse witness for and in behalf of
6 the defendant, was taken before me, STELLA BUTTERFIELD, duly
7 appointed and acting Official Court Reporter for the United
8 States District Court for the District of Nevada, and duly auth-
9 orized to act in the taking of testimony, beginning at the hour
10 of 10:00 o'clock, A. M., on Monday, the 9th day of September,
11 1957, at the Office of the United States Attorney, Federal
12 Building, 301 Stewart Avenue, Las Vegas, Nevada; the said wit-
13 ness, having first been duly sworn to testify to the truth, the
14 whole truth and nothing but the truth in the testimony he was
15 about to give in the above-entitled matter by FRANCES PETTIN-
16 GILL, Deputy Clerk of the United States District Court, duly
17 authorized to administer oaths, was thereupon examined upon
18 oral interrogatories propounded by counsel, and made answers
19 thereto, under oath, as hereinafter contained, and the following
20 proceedings were had:

21 It was further stipulated that all objections are reserved
22 until the time of trial except as to the form of the question;
23 and, further, that the deposition may be signed in the presence
24 of any Notary Public.

25 FOLEY BROTHERS, Attorneys at Law, appeared as counsel for

STELLA BUTTERFIELD
OFFICIAL COURT REPORTER
UNITED STATES DISTRICT COURT
LAS VEGAS, NEVADA

1 plaintiffs, by JOSEPH M. FOLEY, Esq., Plaintiff MARTHA SHEAHAN
2 also being present; FRANKLIN P. RITTENHOUSE, United States At-
3 torney, appeared as counsel for the defendant by HOWARD W.
4 BABCOCK, Assistant United States Attorney.

5 ---o0o---

6 DIRECT EXAMINATION

7 By Howard W. Babcock, Esq.

8 ---o0o---

9 Q Will you state your name please?

10 *Arnold Sheahan*
A ~~Arnold~~ Sheahan.

11 Q And where do you reside, Mr. Sheahan?

12 A 1122 Darmak Drive, Las Vegas.

13 Q You are one of the plaintiffs together with your wife,
14 Martha Sheahan, in Civil Action 175 filed in the United
15 States District Court for the District of Nevada, is that
16 correct?

17 A Right.

18 Q What is your interest in the Groom Mining property, Mr.
19 Sheahan?

20 A In the property commonly called the Groom Mine comprises
21 five-unpatented claims and two patented claims. I am the
22 lessee. My family owns seven-thirtieth interest in that
23 group of claims, of which I would be entitled to approx-
24 imately one-fifth. I own, my wife and I own, outright oth-
25 er claims in the same district.

1 Q When you speak of yourself being lessee, is your wife les-
2 see with you?

3 A Yes, she is.

4 Q Who is the Lessor?

5 A The lessor of that is the Poncin Corporation. That has
6 since been changed. The corporation has been dissolved.
7 There are principals that have interests in that. Then
8 there is the estate of Thomas J. Osborne, owning a one-
9 sixth interest in the property, and the Estate of William
10 Wheatley, owning a one-tenth interest in it, and then the
11 interest of my family, being seven-thirtieths.

12 Q Where is the Groom Mining property located?

13 A It is in the southwest part of Lincoln County, Nevada.

14 Q Could you give a boundary description of its location as
15 it relates to the Las Vegas Gunnery Range?

16 A It is - let's see - it is - I can't remember the township
17 and range offhand, but it is in an angle of the Las Vegas
18 and Tonopah Gunnery Range, which is an outside angle, and
19 it is about - north about three and one-half miles and
20 east approximately two miles of the boundary lines of the
21 Gunnery Range.

22 Q You have alleged in the complaint on file in this action,
23 Mr. Sheahan, that certain properties upon the Groom Mine
24 were totally damaged and destroyed. What were those pro-
25 perties?

- 1 A Those properties were a milling plant and a power plant
2 with other equipment relating to mining, as air compress-
3 ors, etc..
4 Q When was this milling and power plant destroyed?
5 A The milling and power plant are located on a claim located
6 -called The Mill Claim---- when? - Oh, June 23, 1954.
7 Q About what time of day, do you recall?
8 A Well it was somewhere around one o'clock. It could be
9 fifteen or twenty minutes either way from then.
10 Q One o'clock, p. m.?
11 A One o'clock, p. m., yes. I have some notes here taken
12 from my records. May I refer to them?
13 Q Yes. Where is the milling and power plant located?
14 A It is located on a claim called The Mill Claim approximate-
15 ~~ly~~ ^{westerly} one-quarter mile ~~easterly~~ from the Groom campsite, or
16 westerly from the Groom camp.
17 Q How large a structure is the milling plant - the mill build-
18 ing and power plant? Or, rather, how large was it?
19 A The main mill building was approximately forty-five feet by
20 forty-five feet, that is to the best of my recollection.
21 The power plant is about twenty some feet wide, between
22 twenty and thirty feet wide and something like that in leng-
23 th, and it joined the mill building. The entire milling
24 structure, including trestles, ore bins, etc., covered ap-
25 proximately one hundred fifty feet.

- 1 Q You stated that the power plant adjoins the milling plant?
- 2 A It is actually part of the same building in a different
- 3 room.
- 4 Q The power plant was contained within the milling plant?
- 5 Is that what you mean?
- 6 A The whole milling part was in the forty-five by forty-
- 7 five. Next to that was a room connecting the power plant
- 8 room.
- 9 Q And these were the two plants, that is the milling plant
- 10 and the power plant that was destroyed on June 23, 1954?
- 11 A That is right.
- 12 Q Was there any other destruction in or about those two
- 13 plants?
- 14 A Yes, including the crushing plant.
- 15 Q Where is the crushing plant located?
- 16 A The crushing plant was easterly from the mill building,
- 17 about forty feet - fifty feet - something like that.
- 18 Q Any other structures destroyed?
- 19 A The ore bin, which is part of the crushing plant, and the
- 20 *AS* truck ramp and diesel fuel storage ^{Tank} ~~plant~~.
- 21 Q Any other?
- 22 A Well that covers most of it. The water tanks, in connec-
- 23 tion with the mill.
- 24 Q Mr. Sheahan, when was the milling and power plant with
- 25 the adjacent structures, that you have testified to, con-

- 1 structured.
- 2 A When was it constructed?
- 3 Q Yes.
- 4 A Construction was started in 1942 and then in 1946 it was
- 5 added to and parts of it repaired, between 1946 and 1950.
- 6 Q Were there any additions to the plant structure and adja-
- 7 cent buildings that you have testified to after 1950?
- 8 A Possibly minor changes. No major changes after 1950.
- 9 Q How long have you been in operation of the Groom property?
- 10 A I operated it off and on since 19 - let's see - about
- 11 1922. I operated it continuously from 1941 until 1953.
- 12 Q Until 1953?
- 13 A Yes.
- 14 Q And during that period of time you made use of the mill-
- 15 ing and power plants and the adjacent structures you have
- 16 testified to during the course of your operations, is that
- 17 right?
- 18 A Yes.
- 19 Q Do you have a breakdown as to the costs incurred either
- 20 by yourself or the interested owners of the 'property in
- 21 the construction of the milling and power plants and ad-
- 22 jacent related buildings?
- 23 A Yes.
- 24 Q What is that figure?
- 25 A It is Eighty-One Thousand Dollars something - I can't re-

1 member exactly - I apparently did not - - this was revised
2 last year (indicating paper.) My first estimate was
3 slightly less and I made the complete inventory for the
4 Army engineers last year. The final figure was Eighty-one
5 Thousand Seven Hundred Five Dollars and fifteen cents.

6 Q May I see that, Mr. Sheahan? (Handed to counsel.) Mr.
7 Sheahan you are referring to a Summary of Costs on equip-
8 ment and supplies destroyed June 23, 1954. This summary
9 memorandum, was that drafted and drawn up by you?

10 A This, yes.

11 Q Do you have any objection if this be made an exhibit to the
12 record?

13 MR. FOLEY: Can I ask a question on voir dire?

14 MR. BABCOCK: Surely.

15 Q (Mr. Foley) Is this exclusive of all of the properties
16 that were located in the mill at the time it was destroy-
17 ed?

18 A That is my recollection, yes.

19 MR. FOLEY: We have no objection.

20 MR. BABCOCK: Defendant offers into evidence the sum-
21 mary sheet, from which the witness testified as to original
22 costs in and to the mill site physical property. Is there any
23 objection, counsel? (Document marked Defendant's Exhibit "A")

24 MR. FOLEY: No objection.

25 MR. BABCOCK: Referring to Defendant's Exhibit "A"

1 which is the summary memorandum, Mr. Sheahan were these
2 figures that you have summarized taken from books and
3 records of the Groom mining operation?

4 A Yes, they were.

5 Q And those books and records are available for further in-
6 spection if it should become necessary?

7 A My part are; the ones of the mining corporation are in
8 their office. I assume they still have them.

9 Q Do I understand that the figure of Eighty-One Thousand
10 Seven Hundred Five Dollars Fifteen cents is the cost val-
11 ue of the mill property at the time of its destruction
12 June 23, 1954?

13 A That is correct.

14 (Off the record discussion.)

15 Q Strike the cost. Was this the value of the property, the
16 cost of the property at the time?

17 A You couldn't replace it.

18 Q I am not asking that. Was this the actual money cost?

19 A The actual money cost.

20 Q At the time of the destruction June 23, 1954. Is that cor-
21 rect?

22 A That is correct.

23 Q For purposes of the record, Mr. Sheahan, would you give a
24 description of the mining operation as it then existed on
25 June 23, 1954, with relation to various buildings and struc-

1 tures on the entire property?

2 A I don't quite understand what you want.

3 Q A brief description of the physical layout of the Groom
4 property.

5 A Well, as I mentioned before, the milling plant is about
6 a quarter of a mile away from the camp and the camp build-
7 ings - there are about fifteen or so cabins and structures
8 in the camp. Then in the northerly direction, half a
9 ~~Q~~ ^{are} mile, ~~of~~ the main mining workings, there is an open pit --
10 then four hundred feet from the mill, northeast, would be
11 ~~Q~~ the entrance to our two hundred foot ^{level} tunnel. At that lo-
12 cation there is a blacksmith shop and a small warehouse
13 and that just about covers it.

14 Q On June 23, 1954, who was residing upon the Groom property?

15 A My wife and myself were the only ones residing at the pro-
16 perty on that date.

17 Q Were there any employees or other persons on the property
18 at that time?

19 A No there were not.

20 Q Was the property in operation at that time?

21 A No, it was not.

22 Q When was the last time, prior to June 23, 1954, that you
23 were operating the Groom property?

24 A I can't give you the exact date. It was quite a little
25 while before that, that is, in months. We operated inter-

- 1 mittently and I can't give you the exact date of the last
2 operation.
- 3 Q Could you give the date by way of years?
- 4 A Well I know we operated in 1952 and I think we operated
5 some in 1953, but again, I am not positive. I have records
6 which would show that.
- 7 Q And those records would be available?
- 8 A Yes. That is right.
- 9 Q What processes did you use in the milling of ores?
- 10 A We used both gravity and flotation. In the gravity method
11 *we* we used jigs on the coarser material and ~~concentrates in~~ ^{concentrating tables on}
12 the finer material.
- 13 Q What types of chemicals were used in the various processes?
- 14 A I have a list of that here, also. In flotationary process
15 *agents* the ~~agents~~ we used were sodium silicate, sodium sulphide,
16 pine oil, zanthate - called Z-6, reagent 404, and aerofloat
17 number 31. On this I have the approximate on hand at the
18 time of the destruction. This list has already been fur-
19 nished to I believe the Air Force.
- 20 Q Would you briefly describe the flotation process as it was
21 used in your property?
- 22 A *For* For the flotation process we used ~~four~~ ^{a five} by four ball mill
23 and number 62 door classifier in the grinding circuit. In
24 this circuit we had a number one hundred Denver unit flo-
25 tation machine which picked up the particles as they circ-

1 *Q* ^{*circuits*} ulated through this grinding ~~unit~~. Then from the classi-
2 *Q* fier overflow the ^{*pulp*} ~~bulk~~ went to a six ^{*cell*} ~~cylinder~~ Denver flo-
3 tation machine. The tailings from this machine were passed
4 over a Denver number six table in order to check the re-
5 sults of flotation. The tailings from the table went into
6 *Q* a twenty-four foot wooden type thickener where the mill ^{*water*} ~~ore~~
7 was recovered.

8 Q Would you describe the other process used?

9 A The other process, the gravity process, started with a
10 *Q* crusher product which was ^{*minus*} ~~mined~~ three-quarter inch. This
11 was screened to approximately plus one-eighth inch and
12 *Q* fed to a three ^{*cell*} ~~cylinder~~ New Century type jig, which made
13 a coarse concentrate and also a middling product which
14 was returned to a ball mill circuit for grinding. The sand
15 particles, were concentrated on another number six Denver
16 table with the tailings being returned to the ball mill
17 circuit for grinding and flotation. That covers that main-
18 ly.

19 Q Those are the only two processes that you used in the re-
20 covery of ores in the Groom property, is that correct?

21 A That is right.

22 Q I believe you testified earlier, Mr. Sheahan, that with
23 reference to the chemicals used in the flotation process
24 that you had determined the approximate amount on hand as
25 of June 23, 1954?

- 1 A That is right.
- 2 Q Now do you have those figures available with you now?
- 3 A Yes, I do.
- 4 Q What are they?
- 5 A Sodium silicate, we had about thirty gallons in a fifty-
- 6 five gallon drum on a stand outside the mill building;
- 7 sodium sulphide, generally used, but not on hand at that
- 8 time; pine oil, we had about twenty-five gallons in a
- 9 fifty-five gallon steel drum on a stand. Zanthate number
- 10 six, we had less than fifty pounds in a two hundred fifty
- 11 pound steel drum on a large platform; reagent 404, we had
- 12 less than ten pounds in the ten gallon can on a large
- 13 platform; aerofloat 31, less than five gallons in a five
- 14 gallon can on a large platform. That is all.
- 15 Q You testified that the sodium silicate and the pine oil
- 16 were located on a stand outside the mill building?
- 17 A That is right.
- 18 Q Approximately how far outside the mill building?
- 19 A Oh I would say approximately fifteen feet, roughly some-
- 20 thing like that.
- 21 Q Was there any particular reason for having these two chem-
- 22 icals outside the mill building?
- 23 A No, at times we had them stored in the mill building. One
- 24 reason for the sodium silicate being kept outside, the
- 25 barrel it came in was very, very heavy - it weighed some-

1 thing like seven hundred pounds and it was easier to unload
2 it outside, and the pine oil - it was just convenient to
3 have it there. That is all.

4 Q Did you have any welding equipment in the mill building?

5 A *At* Yes, we did. We had some shop equipment on ^{the} ~~a~~ ball mill
6 *At floor* ~~form~~ - and - including welding equipment, small lathe,
7 drill press, and other shop tools.

8 Q Did you have any gases in the mill property at the time,
9 for your welding operation, as of June 23, 1954?

10 A Yes, we did. One tank of oxygen, partly full; and one tank
11 of acetylene, partly full.

12 Q By 'tank' what do you mean?

13 A Cylinder, as they are commonly sold, commonly used. I
14 can't give you the exact contents of them. They are the
15 commercial size cylinders.

16 Q Did you have occasion to oil equipment in the mill property?

17 A Oh yes.

18 Q Did you have any oil in the property?

19 A Yes, we did. Our lubricating oils. The oil barrels were
20 kept outside of the mill building on the north side of
21 the diesel room on a stand. We had several barrels there
22 of different types of lubricating oils and hoist oils, etc..

23 Q Do you know how much oil there was on or about the mill
24 property as of June 23, 1954?

25 A Well we had approximately half a barrel of diesel lubricat-

1 ing oil.

2 Q Was that located inside or outside?

3 A Outside the building. We had, I guess, about one-half a
4 barrel of hoist oil, hydraulic hoist oil.

5 Q Where was that located?

6 A Also on a stand outside the mill building.

7 Q About how far?

8 A Starting probably ten feet north of the power plant room
9 and extending for about another fifteen feet; the stand
10 was about fifteen feet long - maybe a little less - ten
11 to fifteen feet long.

12 Q Would you continue.

13 A I can't recall what other oils we had on hand right then.
14 We sometimes used some common automotive type oils and we
15 probably had a little bit of that. I believe that is all
16 the oil we had.

17 Q Did you have any oils inside the mill or power building?

18 A Not that I can recall, except probably an oil can or some-
19 thing like that. We always went outside the building with
20 our oil cans to refill them. Oh yes, we did have some
21 air compressor oil on the stand outside. I can't recall
22 how much. That is, as I recall, all.

23 Q Were the various types of oils you testified to destroyed
24 as a result of this fire?

25 A No. The ones on the platform were not destroyed.

- 1 Q Still intact?
- 2 A Still intact. Some of the barrels were scorched but they
- 3 were still intact.
- 4 Q When was the last time you were inside the milling plant
- 5 or power plant prior to June 23, 1954?
- 6 A You mean on a day preceding that?
- 7 Q Yes?
- 8 A ~~We were~~ in the day before. We were also in it that day.
- 9 Q For what reason were you in the property, if you can re-
- 10 call?
- 11 A We were going to lease the milling plant to some people
- 12 who were operating a tungsten property in the north end
- 13 of the Atomic test site. They were making arrangements
- 14 with us to take over the milling plant to mill their ores.
- 15 We were getting our stuff cleaned up. In fact, on the
- 16 day following they were to take over the place. That
- 17 would be June 24, 1954, so that is mainly what we were
- 18 there for.
- 19 Q On June 23, 1954, and prior to the destruction of this pro-
- 20 perty under consideration were all the windows and doors
- 21 intact?
- 22 A You mean closed?
- 23 Q Yes.
- 24 A No.
- 25 Q Were there any openings in the building proper?

- 1 A Yes, I recall some of them were open, yes; because we had
- 2 been in there and it would be warm, so I am sure some of
- 3 them were open.
- 4 Q Do you recall when you last cleaned out or broomed out the
- 5 milling or power plant prior to June 23, 1954?
- 6 A On that day we had cleaned up. On the day before and also
- 7 on that day.
- 8 Q Were there any oily rags?
- 9 A There were no oily rags. In fact, that is one thing we
- 10 never did put out, unless they were in a can, and I am pos-
- 11 itive there were no oily rags because my wife had taken
- 12 what rags we had out and put them out on a tractor fifteen
- 13 to twenty feet south of the mill property to dry.
- 14 Q In the operation of the Groom property did you make use
- 15 of high explosives?
- 16 A Yes, we used dynamite.
- 17 Q Where was the dynamite stored?
- 18 A The dynamite was stored in a powder magazine I would say
- 19 four hundred feet from the mill, in an easterly direction.
- 20 Q Was there any dynamite in the milling plant or power plant
- 21 building?
- 22 A No, not that I remember.
- 23 Q Was there an occasion when you would have dynamite in the
- 24 milling plant or power plant building?
- 25 A It would only be if we were blasting out foundations, and

1 we hadn't done that for a long time, so I don't recall any
2 dynamite being there. There is a storehouse which wasn't
3 destroyed and it was about one hundred feet north from
4 the mill building in which we sometimes had a little dyna-
5 *QA* mite we used for breaking boulders in our ^{pit} path. There
6 might possibly have been a stick or two in that, and we did
7 sometimes put them in that little building in order to
8 keep them from laying out in the sun; then they would be
9 in that little house.

10 Q Was that particular building destroyed on June 23, 1954?

11 A No.

12 Q Was the powder room destroyed?

13 A No, it was not.

14 Q Was there electricity used in the operation of the milling
15 and power plant?

16 A Yes, all of the machines were driven by electric motors.

17 Q Who made installation of the wiring in the structures?

18 A The wiring was done by a fellow named Gaines, Arthur
19 Gaines, I believe.

20 Q Do you recall when the last wiring was installed in and to
21 the milling and power plant?

22 A Let's see. The last wiring would have been put in approx-
23 imately 1950. And that was done by myself, part of it,
24 and part of it by my son, Bob. I believe that is correct.

25 Q By you and your son?

1 A Yes, that is right.

2 Q What experience have you had, Mr. Sheahan, in wiring or
3 doing electrical work?

4 A I have had quite a lot of experience. I have had consider-
5 able experience in wiring. In fact, all of our wiring was
6 first class. It was by conduit and all properly installed.

7 Q From 1950 to June 23, 1954, had you had any difficulty
8 with wires, any shorts?

9 A No, we had not had any difficulty with the wiring. None
10 whatsoever.

11 Q From 1950 to the 23rd day of June 1954 did you have occas-
12 ion to call in any electrical contractor for electrical
13 repair work in or about the milling and power plant?

14 A Not that I recall. There were two electrical engineers
15 that helped us out from Pioche. A fellow named Ridges and
16 another name I can't remember, but that was all before
17 1950, and they was working on the voltage control of the
18 diesel plant, but not on the wiring. On the voltage regu-
19 lator and diesel plant, but I can't recall any that was
20 after 1950.

21 Q You have alleged in paragraph 2 of your complaint on file
22 in this action, that on June 23, 1954, the defendant by
23 and through the United States Air Force negligently and
24 carelessly or intentionally dropped or discharged a missile
25 or missiles or a portion of aircraft from the air onto a

- 1 mining mill owned and operated by the plaintiffs in con-
2 junction with their mining operations on the properties
3 commonly known as the Groom mine...now, did you observe
4 any missile or missiles or a portion of aircraft falling
5 into the mining property on that day?
- 6 A Observe by sight, you mean?
- 7 Q Yes?
- 8 A No, not by sight. I heard what we thought was possibly
9 a plane coming over the camp. We heard this whistling
10 sound and we also heard a plane.
- 11 Q What kind of plane?
- 12 A Jet plane, from the Air Force.
- 13 Q About what time of day was that?
- 14 A During that time, during that period they were flying alm-
15 ost constantly, so during the morning hours the planes
16 were over almost constantly. I couldn't say what time.
17 They were there sometimes ten minutes apart in flights.
- 18 Q Now on the day of June 23, 1954, did you observe any United
19 States Army aircraft in this area?
- 20 A Yes, yes I did.
- 21 Q How many planes?
- 22 A I couldn't say how many there were. There were a great
23 number of planes.
- 24 Q About what time of day?
- 25 A In the morning hours. I don't know when exactly, what

1 time. It was after we were up, and up to the mill we heard
2 planes flying around.

3 Q You came down to the milling plant about what time of day
4 on June 23, 1954?

5 A I went to the milling plant?

6 Q Yes?

7 A Well we usually went to work some time around eight. I
8 don't know exactly what time - eight - eight-thirty.

9 Q You and your wife together?

10 A Yes.

11 Q And how long did you remain there, would you say?

12 A We left there some time after twelve-thirty. My wife look-
13 ed at the time and said 'we better go down to lunch. It is
14 twelve-thirty.' We left, maybe five - ten minutes after
15 that. Right soon after that.

16 Q At or about that time as you and your wife were leaving
17 the milling plant did you observe any Air Force aircraft?

18 A I can't recall definitely. As I say, they were in and
19 around the area so much of the time that I can't definitely
20 say that they were at a specific particular time.

21 Q You can not recall, in any event?

22 A No, I can't recall. I can't say - it didn't register.
23 They were there constantly, so I can't say.

24 Q Then you went to your house on the Groom property, is that
25 correct?

- 1 A Yes.
- 2 Q And proceeded with lunch, is that correct?
- 3 A Yes. We went from the mill directly to my house.
- 4 Q And did you hear or observe any aircraft while you were in
5 the house that day?
- 6 A Yes, I did. I heard this one whistling sound that I men-
7 tioned a moment ago - the noise I heard was a whistling,
8 whining sound - familiar to us - my wife's brother used to
9 come over and cut his motor - come over the house and cut
10 the motor of his plane, and I heard that sound and moments
11 after that we heard an explosion.
- 12 Q This whistling, whining sound, had you ever experienced
13 that noise before?
- 14 A Yes, I have heard it many times before, but I asked my
15 wife what it was. I said 'what's that', and she said 'may-
16 be the wind', and we paid no attention to it, but moments
17 afterwards the explosion occurred. Then in the excitement
18 I had even forgotten that until after I began to recall
19 the events and I remembered the whistling, whining sound
20 of a plane, missile or some other thing causing this whistl-
21 ing noise.
- 22 Q Do I understand your testimony to be that right after you
23 heard this whistling noise there was an explosion?
- 24 A Yes, within moments. Within seconds after we heard this
25 whistling noise there was an explosion.

1 Q Was it a loud explosion?

2 A Pardon me?

3 Q Was it a loud explosion?

4 A Yes, it was quite loud. At first I thought it might have
5 been an explosion off in the distance because they had been
6 doing a lot of bombing, and also the Atomic Energy Commis-
7 sion had set off TNT blasts and I thought it to be in the
8 distance, so I went to the front window to see if I could
9 see anything, any dust - I didn't see anything to the front
10 and then I went to the back of the house and saw the flames
11 were coming over the hill at least one hundred feet high.

12 Q What did you do?

13 A We immediately got in our pickup truck and raced to the
14 mill - I ran back and grabbed a small foamite extinguisher
15 and raced to the mill.

16 Q What did you do when you got to the mill?

17 A When we got to the mill I circled the mill, I couldn't get
18 in from the east or north side, so I circled the mill and
19 went around to the north and west side. Our tractor was
20 sitting nearby. The first thing I did was get in and back
21 the tractor out of the way so it also wouldn't be destroyed.

22 Q How long was it after the explosion that you came on to
23 the milling plant?

24 A From the time of the explosion until we arrived at the
25 milling plant, I would say three minutes - not more than

1 that because our pickup was already turned around and the
2 workings is only a quarter of a mile - I would say just a
3 couple of minutes from the time it took us to get to the
4 pickup, I raced back to the house and got this fire ex-
5 tinguisher and got in the truck and drove over. It is
6 hard to be positive, but I would say three minutes, some-
7 thing like that.

8 Q Did you observe the color of the explosion from the window?

9 A When I first saw the explosion it was a white smoke, kind
10 of peculiar white, along with flames. Very high flames.
11 As we drove over to the mill the white turned to black.
12 We had those two colors, white and black.

13 Q Did you observe the flames when you arrived at the mill
14 property?

15 A The flames?

16 Q Yes?

17 A Yes, I did.

18 Q What was the color?

19 A It would be a dark red color. It was coming out of the
20 top of the milling building. The entire mill building was
21 gone. The roof was caved in. The entire double struc-
22 *NA* ture was all ~~kindling~~ ^{leaning} to the north, and everything was on
23 fire, from the beginning of the truck ramp to the concent-
24 rate platform, approximately one hundred fifty feet in
25 length. Everything was burning when we first got there.

1 Q Was it an intense heat?

2 A It was very hot, yes. Very intense.

3 Q How long did the fire continue to burn?

4 A I can't tell you exactly -- because we were so excited
5 and nervous over the thing. We were trying to save our
6 concentrates. The fire had gotten out on to the concent-
7 rate platfrom through the wall of the building, and had
8 started to burn the edges of the contrate platform and we
9 didn't want this approximately Fourteen Thousand Dollars
10 worth of concentrates spilled out on the roadway and lost.
11 So we worked frantically to put out this part of the
12 structure until way after dark, and of course the stuff
13 smouldered for a long time; the building was down and gone
14 within minutes, in less than an hour, except for the smoul-
15 dering and remaining burning.

16 Q How long did this intense heat last, if you recall?

17 A Well during that first period of say half an hour to an
18 hour, a very intense heat.

19 Q When was the fire completely out?

20 A We weren't sure it was completely out until the following
21 day, and I think we did find some embers covered up in
22 there. We stayed until I think one o'clock in the morning
23 after the fire, bucketing water to be sure to save these
24 concentrates, and then we stayed overnight and worked the
25 next day to prevent the possibility of anything burning the

1 concentrate platform, so we prepared to leave about four
2 in the afternoon so there may have been some little smoul-
3 dering until four in the afternoon the next day.

4 Q What buildings and equipment were destroyed or damaged as
5 a result of this fire?

6 A Pardon me?

7 Q What buildings or property or equipment were destroyed or
8 damaged as a result of this fire?

9 A All of our milling equipment. All the crushing plant. All
10 the power plant equipment, along with whatever mining equip-
11 ment we had in there were either destroyed or damaged.

12 Q That was in the - contained within the two buildings, the
13 milling plant and the power plant?

14 A That is right.

15 Q Was there any other damage to adjacent structures as a
16 result of the fire?

17 A ~~Partial~~ ^{tailing} damage to the ~~concentrate~~ thickener tank and water
18 system.

19 Q Could you describe that?

20 A ^{The} A tailing thickener tank is a tank approximately twenty-
21 four feet in diameter and ten - twelve feet high with mech-
22 anical devices for discharging tailings and returning clear
23 water. On top of this tank there was a small corrugated
24 iron structure to protect the electric motor and drive
25 equipment from the weather. I think that is it.

1 Q About how much destruction to that particular structure,
2 that you have just testified to? Was it totally destroyed?
3 A Of this tailing thickener thing?
4 Q Yes?
5 A No, it was partially destroyed. The walkways and power
6 lines and return water tank were damaged.
7 Q Is that particular structure that sustained partial dam-
8 age a part of your cost itemization, referred to in Ex-
9 hibit "A" ?
10 A That is right.
11 Q It is?
12 A It is.
13 Q How much value, with reference to the cost? What was the
14 construction cost?
15 A It would be hard to put a figure exactly on it, because
16 that tank was part of equipment we bought from a gold mine
17 for Six Thousand Dollars and we moved it to the property
18 and no price was set directly on the tank, and we paid Six
19 Thousand for a group of machinery, so it would probably be
20 not more than one-sixth of the value of that.
21 Q Referring to Defendant's Exhibit "A" where is the cost
22 itemized on the summary sheet of that particular structure?
23 A In Item 1.
24 Q Do you have an estimate as to the replacement cost or re-
25 placement of the particular damage to that structure?

1 A Just to this one structure?

2 Q Yes?

3 A No, I haven't gone into that. The thing now is getting in
4 pretty bad shape because in addition to the fire damage
5 there is a caving; water has washed in and caused the -
6 well the rotting of the dirt, etc., against the tank is
7 going to eventually completely destroy it - I couldn't
8 estimate that.

9 Q Were there any other structures immediately adjacent to
10 the milling and power plants that were partially destroyed
11 or damaged by the fire?

12 A Our coarse tailing conveyor system was partially destroyed.

13 Q Where is that referred to in Defendant's Exhibit "A", the
14 summary of costs and equipment?

15 A Under Item 2.

16 Q What was the nature of the destruction of that particular
17 structure?

18 A It burned the conveyor belt and burned the tailing rig
19 mechanism.. Some damage was done to the motor, although I
20 don't know how much because we had no electrical current
21 to test them out.

22 Q Under Item 2 of Defendant's Exhibit "A" you have a cost
23 item of Twelve Thousand Three Hundred Six Dollars thirty-
24 eight cents. In relation to that figure, Mr. Sheahan, what
25 would be the cost of the partial destruction of that struc-

- 1 ture?
- 2 A Oh possibly Five Hundred Dollars - a small structure.
- 3 Q Do you know what the replacement cost or replacement re-
- 4 pair would be at this time?
- 5 A It would be quite high, because that has all doubled. It
- 6 would probably cost One Thousand Dollars.
- 7 Q Were there any other structures adjoining the milling and
- 8 power plant that were destroyed or partially damaged by
- 9 reason of the fire?
- 10 A No, I think that covers it.
- 11 Q When was the first time that you went into the destroyed
- 12 milling and power plants?
- 13 A I believe on the day following the fire, that is as I re-
- 14 member. It would be on the 24th of June.
- 15 Q Did you make an examination of the damaged premises at
- 16 that time?
- 17 A I didn't spend much time in doing it because we wanted to
- 18 get to Las Vegas. We just looked around very little.
- 19 Q What did you observe, as you recall?
- 20 A I just observed everything was in ruin and destroyed. I
- 21 made no close physical inspection at that time.
- 22 Q And you left for Las Vegas on June 25th?
- 23 A Yes, I think that is right.
- 24 Q And when did you return to the property?
- 25 A Let's see - On June 30th we had Mr. Zinc out there. I am

1 not sure whether we went out the day before. I would have
2 to look that up also. I was there on June 30th 1954 with
3 Mr. Zinc and my brother and his wife.

4 Q And who is Mr. Zinc?

5 A Mr. Zinc is the fire chief of Henderson.

6 Q And what did you do on the premises when you returned?

7 A When we were with Mr. Zinc we spent several hours rummag-
8 ing through the ruins of the mill.

9 Q What did you observe at that time?

10 A Well, molten metal. Melted glass. Certain things which
11 were pointed out by Mr. Zinc, showing extremely high tem-
12 perature. We observed a brass part of a flotation shell
13 which had been not only melted but oxidized, like some-
14 thing subjected to a high, searing heat. I observed sev-
15 eral different types of white, oxidized materials, and I
16 also observed some torn sheets which were part of the roof
17 structure of the mill, along with the destroyed items. I
18 think that is all.

19 Q Did you take away from the destroyed structure at that
20 time any metal samples?

21 A Yes, we did. There were - I would say possibly six or so
22 samples of metal and scrapings taken by Mr. Zinc. He took
23 all of them.

24 Q He took all of them?

25 A Yes, he did.

- 1 Q Do you know what Mr. Zinc did with them?
- 2 A Yes, he had some of them checked by some of the chemists
3 at Henderson. I think Western ^{Electric Chemical Co.} Electric did some of it.
- 4 Q Do you know anything else Mr. Zinc did with the samples?
- 5 A No, I don't.
- 6 Q Did you have anything done with reference to the samples
7 taken by Mr. Zinc?
- 8 A No, I did not.
- 9 Q Do you know where those samples are at the present time?
- 10 A No, I do not. I haven't seen them since.
- 11 Q And you have none of those samples, is that correct?
- 12 A No, I do not have. Not of those particular samples, no.
- 13 Q And did you take any other samples other than what Mr.
14 Zinc took?
- 15 A Yes, later on.
- 16 Q Samples of what?
- 17 A Samples of metal.
- 18 Q What did you do with those samples of metal?
- 19 A Part of them we gave to Lieutenant Blake of the Air Force
20 and some of them we still have.
- 21 Q When were the samples taken at the time subsequent to the
22 taking of samples by Mr. Zinc?
- 23 A On July 1st, 1954, there were some samples taken.
- 24 Q By you, is that correct?
- 25 A Now they were not taken by me. They were taken by - I have

1 it down here - Master Sergeant Charles Blake and Airman
2 First Class Edward Berg of Nellis Air Force Base Nellis
3 Legal Office.

4 Q Is that the date that you also took samples?

5 A Yes.

6 Q Were any other samples taken, if you know, at a date sub-
7 sequent to July 1st, 1954?

8 A Any samples taken by us?

9 Q Or anyone else that you have knowledge of?

10 A I think - we took one more small piece after that and
11 then some person unbeknownst to us took a large piece of
12 a metal remaining there.

13 Q When was that?

14 A I can't give you the date because I wasn't at the property
15 at the time it was taken.

16 Q How did you learn about it?

17 A Sometime after July 1st, 1954, Sergeant Blake came to our
18 house in Las Vegas and asked us for more of a certain met-
19 al found in our concentrate tank, or in a pipe leading from
20 the concentrate table to the concentrate tank by my wife
21 and Sergeant Blake on July 1st. He wanted some more of
22 this same metal. We gave him a part of it, what we had.
23 The other remaining part was left as it was found, where
24 it had come out of this pipe and was left in this mass of
25 ruins. When we went back, I would say some weeks after

1 that, but looking for the same metal. It was gone.
2 Q Do you have any knowledge where it was today?
3 A Where it is now?
4 Q Yes?
5 A I assume someone connected with the Air Force took it.
6 Q When you went upon the premises after the explosion and
7 fire did you examine the acetylene tank?
8 A After the fire I looked at the acetylene tank.
9 Q What did you observe?
10 A I couldn't see that it had been damaged at all except all
11 the brass parts were melted. The tank was still intact.
12 Q Was there any gas left in the tank?
13 A That I don't know. I haven't cleaned them at all.
14 Q You have made no examination to determine that at all?
15 A No, I made no examination at all.
16 Q Do you have any knowledge that the tanks were empty at the
17 time of examination?
18 A That I don't know. I left that to someone else. The gas
19 may have escaped by the fire which melted the brass valves.
20 That I don't know.
21 Q You have stated in your complaint that the United States
22 Air Force was negligent. How were they negligent or care-
23 less, Mr. Sheahan?
24 A You mean on that day?
25 Q Yes?

- 1 A They were negligent on that day the same as on other days
2 in that they did not confine their activities to the bomb-
3 ing and gunnery range, but they used the entire southwest
4 section as a gunnery range as they had in the past.
- 5 Q In your examination of the premises following the fire and
6 explosion did you recover any metal from any aircraft or
7 shells from aircraft?
- 8 A Yes, you can find .50 caliber shells. In fact, after the
9 fire I got to looking around and there were .50 caliber
10 shells around the mill.
- 11 Q Had you observed that before?
- 12 A Not these particular ones. We had found hundreds of them
13 before but not scattered around the vicinity of the mill
14 and around the blacksmith's shop. I left them there.
- 15 Q Have you ever had any damage to any of your improvements
16 in the Groom area by reason of military aircraft in oper-
17 ation?
- 18 A Have we ever had any damage?
- 19 Q Yes?
- 20 A Yes, we have.
- 21 Q Would you state what the damage was, and when it occurred?
- 22 A Well there was an outside toilet we had hit with .50 cal-
23 iber shells back in the '40s and there were some shots
24 that went into our bunkhouse, and we had also had some of
25 our equipment hit with .50 caliber shells in the mill -

1 that was back in April 1951, I believe.

2 Q Did you recover any of the materials from any of the so-
3 called shots?

4 A Yes. Yes.

5 Q When you were in the mill on the morning of June 23rd,
6 1954, and prior to the explosion did you observe any de-
7 struction from missiles or aircraft in and to the building
8 itself?

9 A Not that I recall, no.

10 Q At any time prior to June 23, 1954, did you register a
11 complaint with the military authorities in conjunction
12 with the flying operations?

13 A Yes, on numerous occasions. I wrote more than a dozen
14 letters, both to the Commanding Officer at Nellis, to our
15 Senator, and even to the Air Force Headquarters in Wash-
16 ington. This went on over a long period of time and I
17 wrote many letters on that.

18 Q Relating to their aircraft operations?

19 A Relating to their carrying on activities within our area,
20 yes.

21 Q You mean firing activities? Is that what you mean?

22 A Firing, bombing, and all types of military aircraft gun-
23 nery practices, yes.

24 Q Do you know what caused the explosion and fire on June
25 23, 1954?

- 1 A I do not know the specific missile. I know it was caused
2 by some type of missile which came into the mill building
3 from the easterly side of the mill and carried an explos-
4 ive and incendiary type of material which destroyed the
5 plant. Just which missile I don't know.
- 6 Q How do you know that?
- 7 A Because there was nothing else in the place. The fact
8 that I heard it come in.
- 9 Q You heard, as I understand your testimony, a whistling
10 sound?
- 11 A That is right.
- 12 Q You didn't observe a missile?
- 13 A No, because I was in the house. We had nothing in the
14 plant, no possible means of exploding it or burning it in
15 the manner in which it went in the matter of three minutes
16 or so. It was impossible except by something brought in
17 by outside. That I am sure.
- 18 Q Do you know who called in Mr. Zinc to make an examination
19 of the premises?
- 20 A Yes, I called in Mr. Zinc.
- 21 Q You asked him?
- 22 A Yes, I asked him, through my brother.
- 23 Q What is your brother's name?
- 24 A ~~Thomas~~ ^{Timothy} J. Sheahan. He was living in Henderson at the time.
- 25 Q Where does he reside now?

- 1 A In California. I don't know his present address.
- 2 Q Other than Mr. Zinc, did you call on any other person to
- 3 make an examination?
- 4 A Other persons looked it over.
- 5 Q I am speaking primarily of experts.
- 6 A No, Mr. Zinc was the only expert we called.
- 7 Q You have alleged in paragraph 3 of your complaint that
- 8 the value of the mining mill, buildings, equipment, machin-
- 9 ery and appliances were in the sum of One Hundred Fifty
- 10 Thousand Dollars as of June 23, 1954. How did you determ-
- 11 ine that valuation?
- 12 A That is a very rough estimate, considering the increased
- 13 costs of construction. It would be at least that and pos-
- 14 sibly a great deal more. That is a minimum figure.
- 15 Q That figure is based upon your estimate, is that correct?
- 16 A That is right.
- 17 Q Based upon your experience in mining operations?
- 18 A Correct.
- 19 Q Did you call in any other experts in the field of mining to
- 20 make a survey of cost replacement as of June 23, 1954?
- 21 A I have had talks with other men, yes, and just got a rough
- 22 idea of percentage cost.
- 23 Q Do you have anything in writing as to replacement costs?
- 24 A I am not sure, but I believe I do have some letters on it.
- 25 Q Did you have anyone else come on to the property to make a

1 survey?

2 A No, I did not. Oh, pardon me, I had my brother who is a

3 mining engineer, but he being a member of the family, I

4 didn't mention that.

5 Q That is the brother you previously identified?

6 A No.

7 Q What is his name?

8 A Benjamin H. Sheahan.

9 Q Where does he reside?

10 A In Reno.

11 Q What is his occupation?

12 A He is a mining engineer.

13 Q He is active in that work at the present time?

14 A Yes he is.

15 Q And he was in 1954?

16 A Yes, he was.

17 Q Did he give you an estimate of replacement costs or value?

18 A Yes.

19 Q Did he do that in writing or was that verbally done?

20 A I think I have it in writing.

21 Q Do you know what that figure is?

22 A No, I can't recall now, but it would be higher than One

23 Hundred Fifty Thousand Dollars.

24 Q You further allege in your complaint that by reason of the

25 explosion and fire set forth in the complaint that you have

1 been prevented from conducting mining operations all to
2 your further damage in the sum of Two Hundred Fifty Thous-
3 and Dollars. How do you calculate that particular item
4 of damage, Mr. Sheahan.

5 A Well we were prevented from operating the mine because our
6 ores are mainly low grade milling ores and can't be market-
7 ed without a mill, and as I recall, that figure would be
8 based partly on loss of operation income and partly for
9 the destruction costs of the mill or the value of the
10 equipment.

11 Q So there is no misunderstanding, you have alleged you had
12 a loss - destruction of One Hundred Fifty Thousand Dollars?

13 A Yes.

14 Q And then you further allege a sum of Two Hundred Fifty
15 Thousand Dollars as a separate item of damage, apparently
16 by reason of your inability to operate the property. Does
17 that figure of Two Hundred Fifty Thousand Dollars, a por-
18 tion, if not all, include the damage sustained by the de-
19 struction of the physical property?

20 A It has been so long I am a little hazy. I remember we
21 worked up figures, but I can't give you a definite answer
22 until I look it up.

23 Q Do you have those figures?

24 A I believe we do, along with Mr. Foley. That would be in
25 Mr. Foley's records, I believe.

1 Q How did you calculate your loss in the sum of Two Hundred
2 Fifty Thousand Dollars by reason of your inability to oper-
3 ate the property?

4 A Well I am not exactly sure of the exact figures, but it
5 would be based on loss of operating income and loss of in-
6 vestment in the lease, plus maintenance costs of the pro-
7 perty which is not bringing in any income. There are sev-
8 eral items which go into it. It is based on a number of
9 things.

10 (Off the record discussion.)

11 Q Is it my understanding then that the figure of Two Hundred
12 Fifty Thousand Dollars set forth in your complaint as damages
13 for fire and your inability to operate is an approximation
14 rather than an exact figure? Is that correct?

15 A Yes, that is correct.

16 Q I presume, Mr. Sheahan, that you have books and records
17 which recite your operation of the Groom property to June
18 23, 1954?

19 A Yes, I do. .

20 Q And those records would show the ore tonnage?

21 A It would.

22 Q And the various shipments to a smelter?

23 A That is right.

24 Q And would those records be available in the event we should
25 ask for them?

1 A Yes, they would.

2 Q You have alleged as an additional item of damages, Mr.
3 Sheahan, that you have incurred and will incur additional
4 expenses in the maintenance of the mining properties,
5 mining equipment, buildings, machinery and appliances, gen-
6 eral damages, all to your damage in the sum of Two Hundred
7 Fifty Thousand Dollars. Now what does that item of damage
8 include?

9 A Well, that is what I say - I mean as to how much of each
10 item - it covers operating loss, cost of maintenance, cost
11 of paying taxes and many other small items.

12 Q Since June 23, 1954, have you been maintaining the property
13 there?

14 A Yes, I have. Doing assessment work, paying taxes and try-
15 ing to keep the place intact.

16 Q Have you or anyone else interested in the Groom mine made
17 any repairs to the structures that were destroyed or dam-
18 aged?

19 A We have not. We have tried to leave them as they were. We
20 have done nothing.

21 Q Therefore it has not been necessary for you to maintain
22 that particular portion of your operation?

23 A No, it has not.

24 Q What other maintenance expenses have you had since the fire
25 and explosion?

1 A Cost of maintaining the camp. Cost of maintaining under-
2 ground workings, mining timbers, doing assessment work, trans-
3 portation expenses back and forth, and various supply
4 items in order to keep certain facilities in usable condi-
5 tion.

6 Q Do you know the monthly cost of that maintenance?

7 A I estimate approximately Three Thousand Dollars a year,
8 covering the Groom property. In addition to that my bro-
9 ther and I have some unpatented mines on which we do assess-
10 ment work, and that is not included in the Three Thousand
11 Dollars.

12 Q What would that sum be if it were included?

13 A It amounts to approximately Eight Hundred Dollars a year on
14 unpatented claims.

15 Q Were you able to salvage any equipment subsequent to the
16 explosion and fire?

17 A I haven't tried to salvage any equipment.

18 Q Is there any equipment that could be denominated salvage?

19 A I doubt if there is much of anything. The diesel engine
20 ~~is~~ *is* cracked ~~through~~ *are* through the main block and frozen solid. We
21 did look over the air compressor and it was fused together
22 so we could do nothing with it. The entire mill and mill-
23 ~~ing~~ *ing* and power plant and mining machines ~~that were~~ *are* in the
24 ~~building~~ *is* gone. I can't see anything of it which can be
25 salvaged, except scrap metal possibly.

1 MR. BABCOCK: I have nothing further.

2 ---o0o---

3 CROSS EXAMINATION

4 By Joseph M. Foley, Esq.

5 ---o0o---

6 Q Mr. Sheahan, you testified that you are the lessee and al-
7 so part owner of the Groom property. Isn't it a fact you
8 have a contract to purchase, of which there has been paid
9 nearly half the purchase price?

10 A Yes, we do.

11 Q Then your interest is more than that of lessee?

12 A Yes, we are the contract purchasers.

13 Q Now, about the mill. Is it the same type of ownership as
14 you had in the Groom property?

15 A No, the mill was our property outright, fully paid for and
16 we are the sole owners.

17 Q Who is the owner of the mill claim?

18 A I located the mill claim.

19 Q You also have a mining claim by the name of Mill?

20 A Yes.

21 Q Is that distinguished from the millsite claim?

22 A They are the same claim.

23 Q Now Exhibit "A" that you furnished to the Government at-
24 torney, that represents the cost figure of the various
25 matters contained therein?

1 A That is right.

2 Q And when was that cost incurred if you know? Over what
3 period of time was that cost incurred for those items?

4 A From 1941 until the date of destruction.

5 Q Then the sum of Eighty-one Thousand Seven Hundred Five Dol-
6 lars and Fifteen Cents represents what, the cost or the
7 value?

8 A It represents the cost.

9 Q What would be the replacement value if you were to repur-
10 chase or reinstall each item to make up this total sum of
11 Eighty-One Thousand Seven Hundred Five Dollars and Fifteen
12 Cents?

13 A We made a conservative estimate of One Hundred Fifty Thou-
14 sand Dollars, although I doubt if it can be done for that
15 much.

16 Q In reference to Item 2 of your Summary, what was your ref-
17 erence to an item of Five Hundred Dollars? Was that for
18 the total? Was there only Five Hundred Dollars worth of
19 equipment destroyed out of that Twelve Thousand Dollars
20 worth of equipment that was purchased?

21 A Oh, no. No.

22 Q That was one item?

23 A That is just one item.

24 Q Included within the sum of Twelve Thousand Dollars?

25 A Yes.

1 Q Had the U. S. Government through its agency or personnel
2 ever appraised that mill property before it was destroyed?
3 A No, not that I know of.
4 Q Do you know whether any of their personnel or agents or
5 agency had inspected that mill?
6 A You mean after it was destroyed?
7 Q Before it was destroyed?
8 A No, I do not. There were several men in the gunnery range
9 visited the mill, but to my knowledge they did not make
10 an appraisal.
11 Q Was there one from the Bureau of Mines in conjunction with
12 the other personnel make an appraisal?
13 A They did not make any and give us one. As I say, they
14 did visit the mill.
15 Q Can you name any of them?
16 A I can't recall, except for my brother.
17 Q Was there a Mr. Jones that looked over your---
18 A Oh, yes. He was in there and saw the mill. Mr. David
19 Jones saw the mill in connection with some of his work
20 with the gunnery range. He was in there before and after
21 and he just noted that it was a very well constructed mill
22 and in top shape. I don't know if he put any value on it.
23 Q Did he inventory the mill?
24 A That I don't know. It happened I was not even there the day
25 he looked it over. I do know he knew what the mill was,

1 he knew the condition of it before it was destroyed.

2 Q Were you able to salvage the concentrates that you mentioned
3 that you tried to save during the fire?

4 A Yes, we salvaged the concentrates.

5 Q Was there any other salvage in connection with the equip-
6 ment to date?

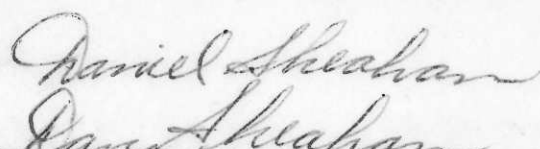
7 A To date, no.

8 MR. FOLEY: I have nothing further.

9 MR. BABCOCK: I have nothing further.

10 (Whereupon the taking of the deposition was concluded
11 at the hour of 11:35 o'clock, A. M., Monday, the 9th day of
12 September, 1957.)

13 .

14 
DANIEL SHEAHAN, Witness.

15 COUNTY OF CLARK)
16) ss.
17 STATE OF NEVADA)

18 I, Stella Butterfield, Notary Public in and for said
19 County and State, do hereby certify that:

20 On the 22nd day of September, 1958, before me, per-
21 sonally appeared DANIEL SHEAHAN, the witness whose deposition
22 appears hereinbefore.

23 That the said witness, having been duly advised of the
24 right to make such changes and corrections in the within trans-
25 cript, as might be necessary in order to render the same true
and correct, the said witness stated to me that the deposition

1 had been read to or by him and he, having made such changes
2 and corrections as he desired, thereupon subscribed and swore
3 to the said deposition in my presence.

4 IN WITNESS WHEREOF I have hereunto subscribed my name and
5 affixed my seal of office the date hereinabove written.

6
7 Stella Butterfield
8 Notary Public in and for said County
and State
My Commission Expires:


9 I, STELLA BUTTERFIELD, duly appointed, qualified and act-
10 ing Official Court Reporter for the United States District Court
11 for the District of Nevada, and duly authorized to act in the
12 taking of testimony, HEREBY CERTIFY that the deposition of DAN-
13 IEL SHEAHAN, one of the plaintiffs herein, and an adverse wit-
14 ness produced for and in behalf of the defendant, was taken be-
15 fore me, beginning at the hour of 10:00 o'clock, A. M., Monday,
16 the 9th day of September, 1957, at the Office of the United
17 States Attorney, Federal Building, Las Vegas, Nevada; that be-
18 fore the taking of the deposition the said witness was first
19 duly sworn to testify to the truth, the whole truth and nothing
20 but the truth in the testimony he was about to give in said
21 matter by FRANCES PETTINGILL, Deputy Clerk, United States Dist-
22 rict; that the said witness was thereupon examined upon oral in-
23 terrogatories propounded to him by counsel, that said witness
24 made answers thereto under oath, as hereinabove contained; that
25 all of said proceedings had at the taking of said deposition were

STELLA BUTTERFIELD
OFFICIAL COURT REPORTER
UNITED STATES DISTRICT COURT
LAS VEGAS, NEVADA

1 by me duly taken down in shorthand and later transcribed into
2 typewriting as hereinabove contained, and I DO FURTHER CERTIFY
3 that the above and foregoing pages, numbered two to forty-six
4 both inclusive, comprise a full, true and correct transcription
5 of my shorthand notes of all of said proceedings had at said
6 matter on said day.

7 I FURTHER CERTIFY that I am neither attorney nor counsel
8 for nor related to or employed by any of the parties to the
9 action in which this deposition is taken, and that I am neither
10 a relative or employee of any attorney or counsel employed by
11 the parties hereto, nor in anywise interested in the outcome
12 thereof.

13 DATED at Las Vegas, Nevada, this 26th day of September,
14 1957.

15
16 
17 Stella Butterfield
18 Official Court Reporter
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GROOM MINE

SUMMARY OF COST ON EQUIPMENT AND SUPPLIES DESTROYED JUNE 23, 1954

1.	Cost of mill by International Mining Corporation & Dan Sheahan to July 1, 1946.	\$ 54,495.16
2	Cost of additions and improvements to mill by Sheahans July 1, 1946 to June 23, 1954.	12,306.38
3	Cost of mill water system, including the well, pump, pipe line etc.	5,373.00
4	Cost to Sheahans of Air Compressors and other Mining Equipment destroyed.	5,566.00
5	Machine shop and related equipment destroyed.	2,371.11
6	Approximate cost of Spare Parts etc. destroyed (see inventory items 2/15, 2/16/, 3/12 and 3/13	1,450.00
7	Cost of Power Plant Supplies and Mill Reagents destroyed.	143.50
		<hr/>
		\$ 81,705.15

Defendants Exhibit "A"

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STELLA BUTTERFIELD
OFFICIAL COURT REPORTER
UNITED STATES DISTRICT COURT
LAS VEGAS, NEVADA