

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 MARTHA SHEAHAN
(Taken on Behalf of Defendant)

Monday, September 9, 1957

Las Vegas, Nevada

FILED

SEP 23 1958

OLIVER F. PRATT CLERK
Oliver F. Pratt

Stella Butterfield
Official Court Reporter
United States District Court
Las Vegas, Nevada

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REPORTER'S TRANSCRIPT OF PROCEEDINGS

Place: Las Vegas, Nevada.

Date: Monday, September 9th, 1957, 11:35 o'clock, A. M..

Pages: 1-12.

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

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CIVIL ACTION NO. 175

DEPOSITION OF MARTHA SHEAHAN
(Taken on Behalf of Defendant)

Time: 11:35 o'clock, A. M..

Date: Monday, September 9th, 1957.

Place: Office of U. S. Attorney, Room 305, 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
Asst U. S. Attorney

1 PURSUANT TO WRITTEN NOTICE OF TAKING DEPOSITION, and stip-
2 ulation of counsel for the respective parties continuing the
3 time of the taking of said deposition to this date, the deposi-
4 tion of MARTHA SHEAHAN, one of the plaintiffs herein, and a wit-
5 ness produced as an adverse witness for and in behalf of the
6 defendant, was taken before me, STELLA BUTTERFIELD, duly app-
7 ointed and acting Official Court Reporter for the United States
8 District Court for the District of Nevada, and duly authorized
9 to act in the taking of testimony, beginning at the hour of
10 11:35 o'clock, A. M., on Monday, the 9th day of September, 1957,
11 at the Office of the United States Attorney, Federal Building,
12 301 Stewart Avenue, Las Vegas, Nevada; the said witness having
13 been first duly sworn by FRANCES PETTINGILL, Deputy Clerk of
14 the United States District Court, duly authorized to administer
15 oaths, to testify to the truth, the whole truth and nothing but
16 the truth in the testimony she was about to give in the above-
17 entitled matter; the said witness was thereupon examined upon
18 oral interrogatories propounded by counsel, and made answers
19 thereto, under oath, as hereinafter contained, and the follow-
20 ing proceedings were had:

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

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

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

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6 DIRECT EXAMINATION

7 By Howard W. Babcock, Esq.

8 ---o0o---

- 9 Q Will you state your name please?
10 A Martha R. Sheahan.
11 Q And where do you reside, Mrs. Sheahan?
12 A 1122 Darmak Drive, Las Vegas.
13 Q Mrs. Sheahan, you are one of the plaintiffs in the civil
14 action number 175, filed in the United States District
15 Court for the District of Nevada, is that correct?
16 A Yes, I am.
17 Q On June 23, 1954, were you upon the Groom Mine property?
18 A Yes.
19 Q Were you residing there at that time?
20 A Yes.
21 Q With whom?
22 A My husband.
23 Q Was anyone else present on or upon the Groom mine property
24 as of June 23, 1954?
25 A No.

- 1 Q Did you have occasion to go into the milling plants on
2 that day?
- 3 A Yes, I did.
- 4 Q About what time of day was it?
- 5 A We went over in the morning after breakfast.
- 6 Q After breakfast. And how long were you there, as best you
7 can recall?
- 8 A Well, until lunchtime. We went down about twelve thirty.
- 9 Q You left the mill property at that time?
- 10 A It was twelve-thirty, or a little after that.
- 11 Q And what were you doing in the mill and power plants dur-
12 ing that morning?
- 13 A We were getting the mill cleaned and ready to turn over
14 to these lessees, these men that wanted to lease the mill.
- 15 Q Did you observe or hear any aircraft operating in the area
16 in the morning while you were in the mill and power plants
17 doing your work?
- 18 A Yes.
- 19 Q Was there anything that invited your particular attention
20 to the aircraft in that area?
- 21 A They were just flying over, as they did every day.
- 22 Q After you left the milling plant and went to your home on
23 the Groom property what then happened?
- 24 A You mean after we went down to lunch?
- 25 Q Yes?

- 1 A Well I was fixing lunch and I asked Dan if he wanted a hot
2 lunch or a cold lunch and he just said 'make it something
3 quick', so I put some cold wieners, I believe, on the table
4 and put some coffee on. The coffee wasn't ready when Dan
5 and I both heard this whistling noise, as he mentioned, but
6 I didn't think it was anything more than the wind at the
7 time. He asked me if I heard something, and I said it was
8 probably the wind, and soon after that we heard the explos-
9 ion.
- 10 Q At the time you heard this whistling noise did you observe
11 if there was any aircraft in the area?
- 12 A I can't say. As I say, they were flying over there and
13 shooting in the area. Sometimes before we would be out
14 of bed they would come over the hill, fire, and that would
15 happen every day.
- 16 Q How low did these aircraft come over the hill and fire?
- 17 A I couldn't tell you. Sometimes they were quite low. Other
18 times they were high.
- 19 Q How soon after you heard this whistling noise did you hear
20 an explosion?
- 21 A Soon after.
- 22 Q Was it a loud or soft noise?
- 23 A Yes, it was a loud noise.
- 24 Q What did it sound like to you?
- 25 A It sounded like - I don't know - I would say a heavy dyna-

- 1 mite blast.
- 2 Q After the explosion what did you do?
- 3 A We got in our pick up and went to the mill.
- 4 Q After you heard the explosion did you go to any of the
5 windows or outside your home to see where the explosion
6 might have been?
- 7 A I didn't go to the front window, but after Dan came back
8 from looking out the front way then he looked out the back
9 door and of course I looked out with him.
- 10 Q And what did you see?
- 11 A I saw the flames above the horizon of the mountain.
- 12 Q Did you see any smoke?
- 13 A Yes.
- 14 Q What was the color of the smoke?
- 15 A The smoke was light colored to begin with and then it be-
16 came very dark - black.
- 17 Q Did you observe the color of the flame?
- 18 A No, I can't say I did. I was too excited.
- 19 Q How high did the flames reach, if you know?
- 20 A Oh way in the air - I don't know.
- 21 Q Then what did you do?
- 22 A We went over to the mill and tried to see what we could
23 do. There was nothing we could do. We knew before we got
24 there it was gone, because I kept saying on the way over
25 'it is gone - it is gone'. There is nothing that could

- 1 have been done.
- 2 Q After the fire when did you first go into the damaged and
3 destroyed portions of the milling and power plants?
- 4 A I imagine it might have been the next day. I was with Dan
5 at all times during that period. If he was over there I
6 was there.
- 7 Q Did you make an examination and inspection of the milling
8 and power plants at that time when you first went in?
- 9 A I don't understand.
- 10 Q Well, when you first went in after the fire--
- 11 A We looked it over, of course.
- 12 Q Did anything of particular significance come to your at-
13 tention while you made your---
- 14 A Just that everything was burned.
- 15 Q Did you take any samples of metal or other materials at
16 that time?
- 17 A Not at that time.
- 18 Q At any time subsequent to your first visit following the
19 fire did you take any samples of metals or other materials
20 from the damaged or destroyed portions of the milling and
21 power-plants?
- 22 A I did, yes. I found some metal in one of the launders that
23 had melted and run down. It was metal that we couldn't
24 figure where it came from. It seemed to be foreign to any-
25 thing we had there in the mill, anything over in that part

1 and so we wondered what it was.

2 Q What did you do with that sample?

3 A Well we took a piece of it down to the house and when
4 these Army or Air Force men came out we also got samples
5 and I showed this man where the - I showed him where I had
6 found these samples.

7 Q Do you know the name of the person?

8 A Sergeant Blake.

9 Q Did you take any other samples of metals or materials af-
10 ter that?

11 A Yes, we gave this sergeant - this was later on - he got a
12 sample the first time he was out and then he came to the
13 house - I guess it was a couple of months later and he
14 wanted more. Well we had some here, but before that I had
15 found where more of the metal, a larger amount of it had
16 run down in a pipe which was about four feet long and it
17 ran from this launder to a bin and it had lodged itself in
18 this pipe and since that launder was where we had found
19 the other I got curious and found this one. So when I was
20 out there this time I took him down and showed him the
21 metal and then - let's see - it was after he came to the
22 house ~~that he took it~~ ^{and MS.} and I told him that we ~~would have~~ ^{had found MS.}
23 ~~had~~ much more of it in the pipe, but we left it there, and
24 when we went out the next time the metal was gone.

25 Q Did you have occasion to take any samples of metals or

- 1 other materials from this area other than what your hus-
2 band testified to?
- 3 A No, I didn't.
- 4 Q You didn't alone?
- 5 A No.
- 6 Q At any time that samples were taken your husband was with
7 you?
- 8 A Yes he was there. One of our sons was there the day I
9 found the metal in the first place.
- 10 Q Was Mr. Sheahan, your husband, there at that time?
- 11 A Yes he was there, but I was rummaging in one place looking
12 around and he was looking around down below me. He and
13 one of our sons - I believe it was Pat.
- 14 Q Do you know what caused the explosion and the fire?
- 15 A No, I don't know.
- 16 Q Did you observe personally an aircraft flying in or about
17 the area at or about the time of the explosion? Did you
18 see an aircraft?
- 19 A I can't remember. As I told you, they were flying all
20 the time. It got to where you didn't pay too much atten-
21 tion unless they were shooting too close.
- 22 Q But there was nothing that came to your attention?
- 23 A Except the noise Dan mentioned.
- 24 Q But you didn't see aircraft in the air at that time?
- 25 A Not then.

1 Q Has ever a portion of an aircraft fallen on to the Groom
2 property at any time prior to June 23, 1954?

3 A Bullets. Bullets and the outer shells. We found any num-
4 ber of them.

5 Q Have you ever found what might be called a wing tip tank
6 from an aircraft upon the property?

7 A No, I wouldn't say right on our property, but off of the
8 Air Force ground, yes. Down, just down below us there
9 was part of what they said was a tank.

10 Q When was that?

11 A I have no idea. I don't know.

12 Q Some time prior to June 23, 1954?

13 A Well now that I don't know either. We found where targ-
14 ets had been shot off over an area where it shouldn't
15 have been - I mean close to our property.

16 Q By close to your property, how far would you say it was
17 found?

18 A I don't know - it would be a mile. It would be closer than
19 that from some of the claims and it would be about a mile
20 I would say from camp.

21 MR. BABCOCK: I have nothing further.

22 MR. FOLEY: I have no questions.

23 (Whereupon the taking of the deposition was concluded
24 at 11:50 o'clock, A. M., Monday, the 9th day of September, 1957.)

25

Martha Sheahan
MARTHA SHEAHAN, Witness

1 COUNTY OF CLARK)
2 STATE OF NEVADA) ss

3 I, Stella Butterfield, Notary Public in and for said
4 County and State, do hereby certify:

5 That on the 22nd day of September, 1958, before me,
6 personally appeared MARTHA SHEAHAN, the witness whose deposi-
7 tion appears hereinbefore.

8 That the said witness, having been duly advised of the
9 right to make such changes and corrections in the within trans-
10 cript, as might be necessary in order to render the same true
11 and correct, the said witness stated to me that the deposition
12 had been read to or by her and she, having made such changes
13 and corrections as she desired, thereupon subscribed and swore
14 to the said deposition in my presence.

15 IN WITNESS WHEREOF, I have hereunto subscribed my name and
16 affixed my seal of office the date hereinabove written.

17 Stella Butterfield
18 Notary Public in and for said County and
19 State
My Commission expires:

20 I, STELLA BUTTERFIELD, duly appointed, qualified and acting
21 Official Court Reporter for the United States District Court
22 for the District of Nevada, and duly authorized to act in the
23 taking of testimony, HEREBY CERTIFY that the deposition of MAR-
24 THA SHEAHAN, one of the plaintiffs herein, and a witness produced
25 as an adverse witness for and in behalf of the defendant, was

1 taken before me, beginning at the hour of 11:35 o'clock, A. M.,
2 Monday, the 9th day of September, 1957, at the Office of the
3 United States Attorney, Federal Building, Las Vegas, Nevada;
4 that before the taking of the deposition the said witness was
5 first duly sworn to testify to the truth, the whole truth and
6 nothing but the truth in the testimony she was about to give in
7 said matter by FRANCES PETTINGILL, Deputy Clerk, United States
8 District Court; that the said witness was thereupon examined
9 upon oral interrogatories propounded to her by counsel, that
10 said witness made answers thereto under oath, as hereinabove
11 contained; that all of said proceedings had at the taking of
12 said deposition were by me duly taken down in shorthand and la-
13 ter transcribed into typewriting as hereinabove contained, and
14 I DO FURTHER CERTIFY that the above and foregoing pages, num-
15 bered two to ten, both inclusive, comprise a full, true and cor-
16 rect transcription of my shorthand notes of all of said proceed-
17 ings had at said matter on said day.

18 I FURTHER CERTIFY that I am neither attorney nor counsel
19 for nor related to or employed by any of the parties to the ac-
20 tion in which this deposition is taken, and that I am neither
21 a relative or employee of any attorney or counsel employed by
22 the parties hereto, nor in anywise interested in the outcome
23 thereof.

24 DATED at Las Vegas, Nevada this 23rd day of September, 1957.

25

Stella Butterfield
STELLA BUTTERFIELD