

## State inspector of coal mines reports

### Section 49, Pages 1441 - 1470

These reports of the Kansas State Mine Inspector mostly concern coal mining, though by 1929 the scope of the reports broadens to include metal mines. The content of individual reports will vary. The reports address mining laws and mining districts; industry production and earnings; fatal and non-fatal accidents; accident investigations and transcripts of oral interviews; labor strikes; mine locations; mining companies and operators; and proceedings of mining conventions. The reports document the political, economic, social, and environmental impacts of more than seventy years of mining in southeastern Kansas.

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tions for said office of inspector of mines shall be as follows, namely: He shall be a citizen of the United States, and shall have resided in the state of Kansas for two years, of temperate habits, of good repute, a man of personal integrity, shall have attained the age of thirty years, and shall have had at least five years' experience working in and around coal-mines; and he shall furnish evidence of such practical as well as theoretical knowledge of the working of coal-mines and noxious gases as will satisfy the governor and executive council of his capacity and fitness for the performance of the duties imposed upon an inspector of mines by the provisions of this act. His commission shall be for two years, to be computed from the 30th of June next.

SEC. 7. As often as vacancies occur by death, resignation or otherwise in said office of inspector of mines, the governor, in the same manner, shall fill the same by appointment for the unexpired term. Nothing in this act shall be construed to prevent the reappointment of any inspector of mines. The inspector of mines shall receive for his services an annual salary of \$2000, to be paid in instalments at the end of each quarter, by the state treasurer.

SEC. 8. He shall reside in the state, and keep an office as centrally located as practicable to the mining districts of the state. The executive council is hereby authorized to procure such instruments and chemical tests and stationery from time to time as may be necessary for the inspector in the proper discharge of his duties under this act, at the expense of the state, which shall be paid by the state treasurer, upon accounts duly certified by the executive council and audited by the auditor of the state. All the instruments, plans, book memoranda, notes, etc., pertaining to the office shall be the property of the state, and shall be delivered to his successor in office.

SEC. 9. The inspector of coal-mines shall before entering upon the discharge of his duties give bond in the sum of \$3000, with sureties to be approved by the executive council, conditioned for the faithful discharge of his duty, and take an oath or affirmation to discharge his duty impartially and with fidelity, to the best of his knowledge and ability.

SEC. 10. No person who shall act as a manager or agent of any coal-mine, or as a mining engineer, or be interested in operating any coal-mine, shall at the same time act as an inspector of coal-mines under this act.

### OPENINGS IN MINES—SAFETY OF MINERS.

SEC. 11. It shall not be lawful after six months from the passage of this act for the owner, agent or operator of any coal-mine to employ any person at work within said coal-mine, or permit any person to be in said coal-mine for the purpose of working therein, unless they are in communication with at least two openings, separated by natural strata of not less than eighty feet in breadth if the mine be worked by shaft or slope, and if worked by drift not less than fifty feet, provided, however, that such coal-mine shall not exceed 100 feet in depth from the surface to the coal; and for every additional 100 feet or fractional part thereof six months' additional time will be granted; but in all cases the number of men shall be limited not to exceed twenty-five until the second opening is perfected and made available; and a roadway to the same shall be kept open, not less than three feet high and four feet wide, thereby forming a communication as contemplated in this act; but the limit herein prescribed as the number working in the shaft before the completion of the second opening shall not apply to mines exceeding 700 feet in depth. And for a failure to do as provided in this section, the owner, agent or operator shall be subject to the penalty provided for in section 16 of this act [section 21 of this chapter]. And in case of furnace ventilation being used before the second opening is reached, the furnace shall not be within forty feet





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of the foot of the shaft, and shall be secured from danger from fire by brick or stone walls of sufficient thickness; and the flues shall be composed of incombustible material to an extent of not less than thirty feet from the furnace and the mine while being driven for making or perfecting a second opening.

SEC. 12. In all cases where the human voice cannot be distinctly heard, the owner, agent or operator shall provide and maintain a metal tube from the top to the bottom of the shaft or slope, suitably adapted to the free passage of sound, through which conversation may be held between persons at the bottom and top of such shaft or slope; and there shall also be maintained the ordinary means of signaling to and from the top and bottom of such shaft or slope.

SEC. 13. In all mines of 100 feet in depth or over from the surface of the ground an improved safety catch shall be used, and sufficient horns or flanges shall be attached to the sides of the drum of every machine that is used for lowering or hoisting persons into and out of said mine where steam is used, and adequate brakes shall be attached thereto. The main link attached to the swivel of the wire rope shall be made of the best quality of iron, and shall be tested by weights or other means satisfactory to the inspector of mines of the state; and bridle chains shall be attached to the main link from the crosspieces of the cage, and no single-link chain shall be used for lowering or raising persons into or out of said mine; and not more than six persons shall be lowered or hoisted by the machinery at any one time; and only sober, competent and experienced engineers shall be employed, and said engineer shall have attained at least the age of eighteen years; and on no account shall any coal be hoisted, or timber or any other material sent up or down, or empty cars, while persons are descending into or ascending out of said mine.

#### ESCAPEMENT SHAFTS—EXAMINATION OF BOILERS.

SEC. 14. In all coal-mines hereafter opened or that shall hereafter go into operation in the state, the owner thereof, or owners, lessee, agent, or operator, shall construct such escapement shaft as is now required by law in this state, at the rate of fifty feet every six months until such escapement shaft shall have been fully completed; and until such escapement shaft is fully completed and connected with the main shaft it shall be unlawful to work over twenty-five men in said mine; provided, that the number of men to be employed in any mine 700 feet deep or more, prior to the time when a second, or air-shaft is sunk, shall be designated by the state mine inspector after a careful examination of all the conditions as to the safety and health of the men in the mines.

SEC. 15. Every steam-boiler used in or around the coal-mines of this state shall be provided with a proper steam-gauge and water-gauge, to show respectively the pressure of steam and the height of water in the boiler, and to be also provided with a proper safety-valve; and the owner, agent or operator shall have the said boiler or boilers examined and inspected by a competent boiler-maker or other qualified person once in every six months, and the result of every examination shall be certified in writing and conveyed to the mine inspector, to be filed in the records of his office.

SEC. 16. In order to better secure the proper ventilation of every coal-mine and promote the health and safety of the persons employed therein, the owner, agent or operator shall employ a competent and practical inside overseer, to be called "mining boss," who shall keep a careful watch over the ventilating apparatus, the airways, traveling ways, pumps and pump timbers and drainage, and shall see that as the miners advance their excavations all loose coal, slate and rock overhead are carefully secured against falling in upon the traveling ways. And every underground plane on which persons travel, worked by self-acting





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pulleys, engines, windlasses or machinery of whatever description, shall be provided with proper means of signaling between the stopping-places and the ends of the plane; and shall furthermore be provided in every case, at intervals of not more than thirty feet, with sufficient manholes for places of refuge. And every road on which persons traveling underground, where the coal is drawn by mules or other animals, shall be provided at intervals of not more than sixty feet with sufficient manholes for places of refuge. And every mine shall be supplied with sufficient prop timber of suitable length and size for the places where it is to be used, and kept within easy access. And it shall also be the duty of the mining boss to measure the air current at least once per week at the inlet and outlet, and at the face of the workings, and keep a record of such measurements, and report the same to the inspector of the state once in every month. The safety-lamps used for examining the mines, or which may be used for working therein, shall be furnished by and be the property of the owner of said mines, and shall be in charge of the agent of such mine. And in all mines generating explosive gases the doors used in assisting or directing the ventilation of the mine shall be so hung and adjusted that they will close themselves, or be supplied with springs or pulleys so they cannot be left standing open; and bore-holes shall be kept not less than twelve feet in advance of the face of every working place, and when necessary on the sides, if the same is driven toward and in dangerous proximity to an abandoned mine suspected of containing inflammable gases or which is inundated with water.

#### MAP OR PLAN OF COAL-MINE.

SEC. 17. The owner, agent or operator of every coal-mine shall make or cause to be made within six months after the passage of this act an accurate map or plan of the workings of such coal-mine, and each and every vein thereof, on a scale not exceeding 100 feet to the inch, and showing the bearings and distances, which shall be kept in the office of such coal-mine; and it shall be the duty of the owner, agent or operator of such coal-mine to furnish the state inspector with a true copy of said map or plan, the same to be deposited at his office. And such owner, agent or operator shall cause, on or before the 10th day of July of each year, a plan of the progress of the workings of such coal-mine during the year past to be marked on the original map or plan of the said coal-mine, and the inspector shall correct his map or plan of said workings in accordance with the above plan or map thus furnished. And when any coal-mine is worked out or abandoned the fact shall be reported to the inspector, and the map or plan of such coal-mine in his office shall be carefully corrected and verified; provided, if the owner, agent or operator of any coal-mine shall neglect or refuse or for any cause fail for the period of two months after the time prescribed to furnish the said map or plan as hereby required, or if the inspector shall find or have reason to believe that any map or plan of any coal-mine furnished in pursuance of this act is materially inaccurate or imperfect, he is hereby authorized to cause a correct map or plan of the actual workings of said coal-mine to be made at the expense of the owner, agent or operator thereof, the cost of which shall be recovered from said owner, agent or operator as other debts are recoverable by law; provided, that if the map or plan which the inspector claimed to be incorrect shall prove to have been correct then the said expense shall be paid by the inspector.

#### DUTIES OF INSPECTOR OF MINES.

SEC. 18. The inspector of mines shall devote the whole of his time to the duties of his office. It shall be his duty to examine each mine in the state as often as possible, and at least twice each year, to see that all provisions of this act are observed and strictly carried out; and he shall make a record of all examinations





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of mines, showing the condition in which he finds them, the number of persons employed in and about each mine, the extent to which the law is obeyed, the progress made in the improvements sought to be secured by the passage of this act, the number of accidents and deaths resulting from injuries received in the mines, and all other facts of public interest concerning the condition and progress of mining in this state. In order to facilitate the inspector in his duties, it shall be the duty of all coal operators to make quarterly statements to the inspector of the amount of coal mined, and the number of miners and other persons employed around the mines each quarter. The inspector's record and all matters concerning the coal-mining business of public interest shall be embodied in the inspector's annual report made to the governor on the 1st day of February each year.

SEC. 19. That the inspector may be enabled to perform the duties here imposed on him, he shall have the right at all times to enter any coal-mine to make examination or obtain information. He shall notify the owners, lessees or agents immediately of the discovery of any violations of this act, and of the penalty imposed thereby for such violation; and in case of such notice being disregarded for the space of ten days he shall institute a prosecution against the owner, owners, lessee or agent of the mine, under the provisions of section 16 of this act [§ 21 of this chapter]. In any case, however, where in the judgment of the inspector delay may jeopardize life or limb, he shall at once proceed to the mine where the danger exists, and examine into the matter, and if after full investigation thereof he shall be of the opinion that there is immediate danger he shall apply in the name of the state to the district court of the county in which the mine may be located, or to the district judge in vacation, for an injunction to suspend all work in and about such mine; whereupon said court or judge in vacation, if the cause appears to be sufficient, after hearing the parties and their evidence as in like cases, shall issue a writ to restrain the working until all cause of danger is removed. And the costs of said proceedings, including the charges of attorney prosecuting said application, shall be borne by the owner of the coal-mine; provided, that no fee exceeding the sum of twenty-five dollars shall be taxed in any one case for the attorney prosecuting such case; provided further, that if said court (or judge in vacation) shall find the cause not sufficient, then the case shall be dismissed, and the costs shall be borne by the state or county, in the discretion of the court or judge.

### PROMPT NOTICE OF INJURY OR DEATH TO BE GIVEN.

SEC. 20. Whenever by reason of any explosion or other accident in any coal-mine, or the machinery connected therewith, loss of life or serious personal injury shall occur, it shall be the duty of the person having charge of such coal-mine to give notice thereof forthwith to the inspector, and if any person is killed thereby, to the coroner of the county, who shall give due notice of the inquest to be held. It shall be the duty of the inspector upon being notified as herein provided to immediately repair to the scene of the accident, and make such suggestions as may appear necessary to secure the future safety of the men; and if the results of the explosion do not require an investigation by the coroner he shall proceed to investigate and ascertain the cause of the explosion or accident, and make a record thereof, which he shall file as provided for; and to enable him to make the investigation he shall have power to compel the attendance of persons to testify, and to administer oaths or affirmations. The cost of such investigation shall be paid by the county in which the accident occurred, in the same manner as costs of inquests held by the coroner or justices of the peace are paid.

SEC. 21. Any owner or owners, lessee, agent or operator of any coal-mine who shall neglect or refuse to comply with sections 1, 2, 3, 4, 5, 6 and 8 of this act



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[secs. 11, 12, 13, 15, 16 and 17 of this chapter] shall be deemed guilty of a misdemeanor, and subject to a fine of not less than \$100 nor more than \$1000, or by imprisonment in the county jail not more than three months, or by both such fine and imprisonment. All penalties recovered under this act shall be applied, in the county in which the fine is collected, to the support of common schools.

SEC. 22. No person under twelve years of age shall be allowed to work in any coal-mine, nor any minor between the ages of twelve and sixteen years, unless he can read and write, and furnish a certificate from a school-teacher, which shall be kept on file, showing that he has attended school at least three months during the year; and in case of minors applying for work, the agent of such coal-mine shall see that the provisions of this section are not violated; and upon conviction of a wilful violation of this section of this act, the agent of such coal-mine shall be fined in any sum not to exceed fifty dollars for each and every offense.

SEC. 23. The terms "owner," "owners," "lessee," "agent," or "operator," as used in this act, shall include the immediate proprietor, lessee or occupier of any coal-mine, or any person having on behalf of any owner or owners or lessee, as aforesaid, the care and management of any coal-mine, or any part thereof.

#### OWNER AND OPERATOR OF MINES—LIABLE FOR INJURY.

SEC. 24. For any injury to person or property occasioned by any violation of this act, or any wilful failure to comply with its provisions by any owner, lessee or operator of any coal-mine or opening, a right of action against the party at fault shall accrue to the party injured for the direct damage sustained thereby; and in case of loss of life by reason of such violation or wilful failure, a right of action against the party at fault shall accrue to the widow and lineal heirs of the person whose life shall be lost, for like recovery of damages for the injury they shall have sustained.

No duty devolving upon the owner or operator of a coal-mine, or other work of a dangerous character, can be delegated to an agent or employee so as to relieve the owner or proprietor from his personal responsibility.—Coal Co. v. Britton, 3 Kan. App. 293.

While it is the duty of the owner or operator of a coal-mine to provide his employees with a reasonably safe place to perform their labor, he is only bound to exercise ordinary care in providing for the safety of the men engaged in the mine so far as it could reasonably be expected.—Coal Co. v. Britton, 3 Kan. App. 293.

#### POWDER IN MINE—QUANTITY.

SEC. 25. It shall be unlawful for any miner or other person to take into or have in his possession in any coal-mine shaft, slope or pit in this state, more than 12½ pounds of powder or any other explosive substance at any one time; and all such powder or other explosive substance shall be kept in a tight box securely locked, and such boxes shall be kept at least twenty yards from the working face in all such coal-mine slopes, drifts or pits; and it shall be the duty of all pit bosses or other persons who shall be in charge and control of any coal-mine slope, drift or pit in this state to keep watch over and see that the provisions of this act are complied with; and any person violating or neglecting to comply with the provisions of this act shall be deemed guilty of a misdemeanor, and shall on conviction before any court having jurisdiction thereof be fined in any sum not less than ten dollars nor more than fifty dollars, or by imprisonment in the county jail not more than thirty days, for each and every such offense; and the possession of more than 12½ pounds of powder or any other explosive substance in such coal-mine slope or drift shall be *prima facie* evidence of the person taking said powder or other explosive substance into such mine, slope or drift.

SEC. 26. Any miner, workman, or other person who shall intentionally injure any safety-lamp, instrument, airway, brattice, or obstruct or throw open airways, or carry lighted lamps, pipes or matches into places worked by the light of safety-





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lamps, or shall move or disturb any part of the machinery, or who shall open a door and not close it again, or enter any place of the mine against caution, or disobey any order given in carrying out the provisions of this act, or who shall do any wilful act whereby the lives or health of persons or the security of the mine or the machinery is endangered, shall be guilty of a misdemeanor, and on conviction shall be punished by fine or imprisonment, at the discretion of the court.

#### FENCES AND PASSAGEWAYS—SAFETY.

SEC. 27. All machinery about mines and the entrance of every abandoned shaft or slope shall be properly fenced off, and the top of each shaft and each landing of the same shall be fenced around with a fence not less than three feet high on every side, except the side or sides used for loading and unloading the cages, and this side or sides shall have gates or bars which shall be kept closed at all times except during the active use of the cages at these places; and there shall be cut in the side of every hoisting shaft at the bottom thereof a traveling way sufficiently high and wide to enable persons to pass the shaft in going from one side of the mine to the other without passing over or under the cages or other hoisting apparatus.

#### SHOT-FIRING REGULATIONS.

SEC. 28. All owners, lessees, operators of or any other person having the control or management of any coal-shaft, slope, drift or pit in this state employing miners to work therein shall employ shot-firers to fire the shots therein. Said shots shall be fired once a day on each day when any such shaft, slope, drift or pit is in operation, but shall not be fired until after all miners and other employees working therein shall have been hoisted out of said mine.

SEC. 29. It shall be unlawful for any miner or any person other than the shot-firers provided for in section 1 of this act [the next preceding section] to fire any shot in any coal-shaft, slope, drift or pit in this state. Any miner or other person engaged in mining coal in this state who shall drill any hole or fire any shot in the coal vein at the working face of any room or entry until so much of said coal vein at said working face as the said shot or shots are intended to throw down shall have been undermined to the depth of not less than two feet, or sheared or cut to the full depth of the drill or shot-hole and of the full thickness of the coal vein in rooms, or shall have been sheared to the full depth of the drill or shot-hole and the full thickness of vein in entries, or who shall so direct the drilling of such holes as to include between such shearing or mining and the back or rear end of the hole a greater width of coal than is contained between such shearing or mining and the mouth of the hole, shall be deemed guilty of a misdemeanor, and fined as hereinafter provided.

SEC. 30. Any owner, lessee, operator or other person having the control or management of any coal-shaft, slope, drift or pit who shall refuse to furnish the shot-firers as provided for in section 1 of this act [section 28 of this chapter] shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not less than fifty dollars nor more than \$200 for each offense, or imprisonment in the county jail in the county where such offense is committed for a period not to exceed thirty days, or by both such fine and imprisonment; proceedings to be instituted in any court having competent jurisdiction.

SEC. 31. Any miner or other person who shall fire any shot in violation of section 2 of this act [section 29 of this chapter] shall be deemed guilty of a misdemeanor, and on conviction therefor shall be fined in any sum not less than fifty dollars nor more than \$200, or imprisonment in the county jail in the county where such offense is committed not to exceed thirty days, or by both such fine and imprisonment; proceedings to be instituted in any court having competent jurisdiction.



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### Duties and Liabilities of Operators of Mines.

SEC. 32. It shall be unlawful for any mine owner, agent, lessee or operator of any coal-mine, or any other underground workings where any kind of material is mined or excavated, in either shaft mine, slope mine, or drift mine, by system of room and pillar, to mine or cause to be mined by any employee therein, in any of said mines, any minerals mined by bushel, ton or other rates, to excavate coal or other minerals in an advance space of forty feet, unless break-throughs are made ranging in distance as follows: Forty feet shall constitute the distance between break-throughs, which shall be made through the pillar which divides either rooms, air-courses or entries, where any of said rooms, air-courses or entries are in operation, and in no case shall the distance exceed the aforesaid distance, namely, forty feet, irrespective of thickness or distance of the pillar or pillars which divide such rooms, air-courses or entries.

SEC. 33. Said break-throughs shall be at least six feet wide and the full height of coal strata or other minerals mined which do not exceed six feet in height, and in no case shall the air-courses have less than twenty-one feet of an area where mines are operated on room-and-pillar system; and the compensation for making such break-throughs shall be regulated by or between the employer and employee; and any room, air-course or entry or any other working places where miners or others are employed shall cease operations at the working faces until said break-throughs are perfected, as herein specified in section 1 of this act [the next preceding section]. And said break-throughs shall be filled with either slate rock, or closed by brattice, to make the same air-tight, as soon as the second or succeeding break-throughs are made. And in case any of such break-throughs are partly opened or torn down by the concussion of shots or blasts, or by premature explosion or otherwise, the foreman or superintendent or agent in each or any of the said mines shall immediately cause any of such break-throughs to be properly closed and made air-tight as soon as notified by any employee.

SEC. 34. Every mine owner, agent, lessee or operator of coal-mines or underground workings of the character mentioned in section 1 of this act [section 32 of this chapter] shall provide and hereafter maintain for every mine ample means of ventilation, affording not less than 100 cubic feet of air in every such mine per man per minute. Said volume of air shall be directed or circulated where any person or persons may be working in any of said mines.

SEC. 35. The inspector of mines shall cause the volume of air to be increased when necessary to such an extent as will dilute, carry off and render harmless the noxious gases generated therein. And mines generating fire-damp shall be kept free from standing gas, and every working place shall be carefully examined every morning with a safety-lamp by an examiner or fire-boss before miners or other employees enter their respective working places. Said examiner or fire-boss shall register the day of the month at the place of the workings, and also on top, in a book which shall be kept in the weighmaster's office for such special purpose, and as proof of inspection he shall duly record all places examined in said book, and in case of danger where fire-damp may have accumulated during the absence of any person or persons employed therein, said examiner or fire-boss must notify the miners or those employed therein, or those who may have occasion to enter such places. And the hydrogen or fire-damp generated therein must be diluted and rendered harmless before any person or persons enter such working or abandoned part of the mine with a naked light.

SEC. 36. It shall be the duty of the owner, lessee or operator of any mine where the natural strata are not safe in or around all workings, pumping and





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escaping shafts, to securely case-line or otherwise make said places secure, and all escapement shafts shall be provided with stairways securely fastened, so as to bear the combined weight of not less than fifteen men ascending or descending the same. Said stairways shall be so constructed as not to exceed forty-five degrees of elevation by each section of said stair, and each section shall have substantial guard rails securely fastened, and the stairways shall be separately partitioned from the parts of such shafts used as upcasts or downcasts, and the traveling ways between the bottom of the main shaft and the escaping shaft or stairways shall be at least five feet in height. Said traveling ways shall be kept clear of all obstructions, and standing or stagnant water shall not be allowed to accumulate in any traveling way between the upcast and downcast shafts. And in case of mine shafts which are over 150 feet in depth, where stairways cannot be conveniently constructed, other safe means of hoisting the persons employed in any such mine must be kept ready at all times, so as to be available in case of accident to the regular hoisting shaft or machinery in use at the same.

SEC. 37. It shall be the duty of the foreman, cager, or whosoever may have charge of the bottom of any shaft, to give the proper signal to the top man and engineer whenever any six employees who work therein are ready to ascend, by day or night, and for the making of such ascent it shall be the duty of the bottom cager to give them an empty cage by which they can ascend. And every road on which persons travel underground when the coal is drawn by mules or other power shall be provided at intervals of not more than thirty feet with sufficient manholes for places of refuge.

SEC. 38. It shall be the duty of the owner, lessee or operator of every mine to provide and maintain airways of sufficient dimensions, and in no case shall the area of the air-course be less than twenty-one feet in mines operated on room-and-pillar system.

SEC. 39. Standing or stagnant water shall not be allowed to remain in air-courses, entries, traveling ways or rooms. Obstructions of any kind must not be placed in cross-cuts, rooms or entries used as airways. And in case of a fall of roof, or where the sides of such airways cave in, it shall be the duty of the mine boss or agent in any such mines to cause such falls or obstruction to be removed immediately and the roof and sides made secure.

SEC. 40. All main airways in any of the underground workings shall be examined at least twice a week by the mine boss or agent, or some other competent person so directed by said mine boss or agent, and a report of such inspection shall be forwarded to the office of the state inspector of mines at least once a month.

SEC. 41. It shall be the duty of the mine boss or agent in charge of any mine where coal-dust or any other inflammable ingredients may accumulate to cause the same to be properly sprinkled or saturated once a day, and oftener if necessary, in either air-courses, entries, rooms or cross-cuts.

SEC. 42. No employee or other person in mines is allowed to leave trap-doors or air-gates open any longer than while passing through said gates or doors. And any person who accidentally or otherwise tears down any brattice cloth must immediately notify the mine boss or the individual having supervision of the air in such mine, and the same must be replaced as soon as notice thereof is given to the mine boss or person in charge of the air.

SEC. 43. In order to facilitate the inspector of mines in his duties, it shall be the duty of all coal operators and coal companies or lessees or other persons engaged in mining or producing coal to make a quarterly statement to the mine inspector of the amount of coal mined, the number of miners employed, number





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of day men, number of boys, and all other persons employed in or around said mine or mines, not later than ten days after the end of each quarter, and they shall also state the price paid miner per ton or bushel; the price paid to day hands per day, the number of days worked by miners and by day men, the number of accidents, and deaths resulting from injuries in and around the said mine or mines. It shall also be the duty of the mine inspector to furnish all coal operators and all coal companies or lessees or other persons engaged in mining or producing coal with printed blank forms every quarter, for the purpose of making out said report as this act herein provides for.

SEC. 44. No person employed in any mine shall use any kind of oil other than lard oil for lighting purposes, except when repairing downcast or upcast shafts.

SEC. 45. The inspector of mines is duly authorized to enforce the provisions of this and all other acts relating to mines or mining; and he is hereby empowered to institute proceedings in the name of the state of Kansas against any miner, owner, agent, lessee or operator of any mine, or any employee employed therein, who refuses to comply with the provisions of this act, after ten days' notice. The inspector is hereby empowered in all cases where mines are not worked or operated in strict accordance with this act to order the employees employed in such mine to suspend operations, and if in his judgment there is immediate danger, he can order such mine to suspend operation until the matter of which he complains in relation to this act is complied with.

SEC. 46. The inspector is hereby authorized to furnish every mine owner, agent, lessee or operator of every mine which he knows to be in operation with a printed copy of this act, which shall be kept conspicuously posted at or near the top of any of said mines, and it shall be the duty of the mine boss or agent in charge to call the attention of the miners or others employed to the provisions of this act.

SEC. 47. In case of non-compliance with sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 of this act [sections 32 to 46 of this chapter], by any owner, operator, agent or lessee of any mine, or any miner or other employee working therein, upon whom any duty is cast by any of said sections, he shall be deemed guilty of a misdemeanor, and shall upon conviction of the same, for each offense, be punished by a fine of not less than \$100 and not to exceed \$300, or by imprisonment in the county jail for a period of not less than thirty days and not to exceed ninety days, or by both such fine and imprisonment, in any court having competent jurisdiction; provided, that this act shall be construed as to affect or apply only to coal-mines of this state, or any person or persons operating or owning such coal-mines.

### Weighing Coal at the Mine.

SEC. 48. It shall be unlawful for any mine owner, lessee or operator of coal-mines in this state, employing miners at bushel or ton rates or other quantity, to pass the output of coal mined by said miners over any screen or other device which shall take any part from the value thereof before the same shall have been weighed and duly credited to the employees and accounted for at the legal rate of weights as fixed by the laws of Kansas.

SEC. 49. The weighman employed at any mine shall subscribe an oath or affirmation before a justice of the peace or other officer authorized to administer oaths to do justice between employer and employee, and to weigh the output of coal from mines in accordance with the provisions of section 1 of this act [the next preceding section]. Said oath or affirmation shall be kept conspicuously posted in the weigh office, and any weigher of coal or person so employed who shall knowingly violate any of the provisions of this act shall be deemed guilty of a





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misdemeanor, and upon conviction shall be punished by a fine of not less than \$25 nor more than \$100 for each offense, or by imprisonment in the county jail for a period not to exceed thirty days, or by both such fine and imprisonment.

SEC. 50. The miners employed by or engaged in working for any mine owner, operator or lessee in this state shall have the privilege, if they so desire, of employing at their own expense a check weighman, who shall have like rights and privileges in the weighing of coal as the regular weighman, and be subject to the same oath and penalties as the regular weighman.

SEC. 51. Any person or persons having or using any scale or scales for the purpose of weighing the output of coal at mines so arranged or constructed that fraudulent weighing may be done thereby, or who shall knowingly resort to or employ any means whatever by reason of which such coal is not correctly weighed and reported in accordance with the provisions of this act, shall be deemed guilty of a misdemeanor, and shall upon conviction for each offense be punished by a fine of not less than \$200 nor more than \$500, or by imprisonment in the county jail for a period not to exceed sixty days, or by both such fine and imprisonment.

SEC. 52. Any provision, contract or agreement between mine owners or operators thereof and the miners employed therein whereby the provisions of section 1 of this act [section 48 of this chapter] are waived, modified or annulled shall be void and of no effect; and the coal sent to the surface shall be accepted or rejected, and if accepted shall be weighed in accordance with the provisions of this act; and a right of action shall not be invalidated by reason of any contract or agreement.

SEC. 53. The provisions of this act shall also apply to the class of workers in mines known as loaders, engaged in mines wherein mining is done by machinery. Whenever the workmen are under contract to load coal by the bushel, ton, or any quantity the settlement of which is had by weight, the output shall be weighed in accordance with the provisions of this act.

#### Mining under Cities—Contract by Ordinance.

SEC. 54. Any city of the first or second class in which an organized coal company shall exist may by ordinance contract with such company for the exclusive and perpetual right to mine beneath the streets, alleys and public grounds thereof, upon the agreement to pay one fourth a cent per bushel upon each and every bushel raised by said company, one-half of which amount shall be paid into the general fund of said city, and the other half shall be paid to the treasurer of the state in aid of the school fund.

SEC. 55. Any coal company which shall have heretofore obtained by ordinance from any city of the first class a contract for the exclusive right to mine under the streets, alleys and public grounds thereof shall be entitled to the priority, exclusion and perpetuity of such ordinance, which is hereby validated and confirmed; provided, that within thirty days after the passage of this act such company shall file with the secretary of state their consent thereto and stipulate to pay the amount specified in the first section hereof, and to comply with the conditions named in the ordinance.

SEC. 56. Nothing in this act shall be construed to relieve such company from making compensation to the owners of private property for any injury done in mining operations.

#### Enjoining Trespasses and Trespassers.

SEC. 57. Whenever an affidavit properly verified by the person aggrieved, or his agent or attorney, shall be presented to the district court of the proper county during term time, or to the judge thereof in vacation, in which it shall be made





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to appear that such person shall have good reason to believe that any other person or persons, corporation or corporations, are without authority encroaching upon the land of the person aggrieved, whether the same be held by lease or otherwise, and are mining or taking coal therefrom, it shall be the duty of the said court or judge to order and direct the county surveyor to survey the mine or mines of the person or persons, corporation or corporations accused thereof, for the purpose of ascertaining the truth thereof; the party applying for such survey to first give bond in such sum as may be deemed sufficient by said court or judge, and the same to be at the time approved by said court or judge, conditioned for the payment of the costs of said survey.

SEC. 58. Upon the making of such order and approval of said bond, it shall be the duty of the county surveyor to forthwith make such survey, and to file his written report thereof with the clerk of such district court.

SEC. 59. When it shall be made to appear by petition verified by the oath of the plaintiff, his agent or attorney, and by the survey of the county surveyor, that any person or persons, corporation or corporations, is or are without authority mining or taking coal from the land of the plaintiff, whether held by lease or otherwise, it shall be the duty of the proper district court in term time, or the judge thereof in vacation, to grant a temporary injunction restraining such person or persons, corporation or corporations, from mining or taking coal from such land until the further order of the court or judge.

SEC. 60. The proceedings in such cases shall be in all respects similar to the course of procedure in actions for injunction.

SEC. 61. It shall be the duty of every person or corporation owning coal-mines, and every person in charge of the same, to provide the county surveyor with all the ordinary means of ingress and egress, to make any survey thereof he may be ordered to make; and any person or persons in any way interfering, molesting or hindering such county surveyor in making any survey he may be ordered to make under the provisions of this act shall be guilty of a misdemeanor, and shall be liable on each offense to a fine of not less than \$10 and not more than \$100, to be prosecuted and recovered as in other cases of misdemeanor.

SEC. 62. When any owner, tenant or subtenant of a lot or lots or tract of land shall file with any justice of the peace within the county in which said lot or lots or tract of land may be situated his or her affidavit, or the affidavit of any other credible person for them, stating that from knowledge, information or belief the party or parties owning, controlling or working the adjoining lot or lots or tract of land, and upon which said party or parties are sinking shafts, mining, excavating and running drifts, and that said drifts in which said parties are digging, mining and excavating any mineral ore or veins of coal extend beyond the lines and boundaries of said lot or lots or tract of land owned, controlled or worked by them, and have entered into and upon the premises of the party or parties making said affidavit or for whom said affidavit is made, the justice of the peace, after first being tendered his lawful fees, shall issue his written order, and deliver or cause the same to be delivered to the county surveyor or his deputy, commanding him after his reasonable fees have been tendered, to proceed without delay to survey said drift, by entering any and all shafts upon said lot or lots or tract of land that he (the surveyor) may see fit, for the purpose of ascertaining the course and distance of said drift or drifts, and to locate the same upon the surface.

SEC. 63. The surveyor shall, before entering upon said duties, read said order to the party or parties owning, controlling or working any shaft or shafts on said lot or lots or tract of land.

SEC. 64. If any person shall refuse, hinder or prevent said county surveyor or



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his deputy and his assistants from entering said shaft or shafts or drifts to make the survey so ordered by the justice of the peace, said person or persons so offending shall on conviction be adjudged guilty of a misdemeanor, and punished by imprisonment in the county jail for a term of not exceeding one year, or by fine not exceeding \$300, or by both such fine and imprisonment.

#### Miners' Association, How Organized.

Laws of 1898, ch. 33.

SECTION 1. Whenever five or more miners actually engaged in mining coal, zinc or other minerals for wages shall now be organized or shall hereafter organize as a miners' association in any county, city or mining camp in the state, and shall choose a delegate to the State Association of Miners, such delegate shall, being duly certified by the presiding officer of such association, be admitted to and become a member of the State Association of Miners until the first Monday in February next following, and until his successor shall have been chosen and admitted; provided, that at any time any such association may recall its delegate by choosing and certifying his successor. [Amended in 1901.]

SEC. 2. On the first Monday in February, 1899, and every year thereafter, the delegates elected to said State Association of Miners shall assemble at the state capitol, at an hour and place to be fixed by the secretary in his annual call therefor, to be mailed to each association at least ten days before such assembling; provided, that the call for the first Monday in February, 1899, shall be issued by the commissioner of labor statistics. When such delegates shall have assembled on the first Monday in February, 1899, the commissioner of labor statistics shall preside until the State Association of Miners shall have organized. The delegates present at the time and place fixed for the said first assembly, or any subsequent assembly, shall be deemed a quorum competent to transact all business to be done. The delegates shall elect a president, vice-president, and secretary, and said secretary shall be known officially as state secretary of mine industries, and shall be *ex officio* state mine inspector, and shall collect and publish statistics of mine industries of the state. Said officials shall constitute the executive board of said association and shall hold their offices until the next annual meeting and the election of their successors; but upon demand of the presiding officers of five associations, at any time, the president shall immediately convene the delegates, by special call issued in like manner as the annual call, for the purpose of electing a successor to said secretary, and if, at said election, another person shall receive a majority of the votes cast, he shall immediately be entitled to succeed said secretary. One so elected may be removed in like manner. [Amended in 1901.]

SEC. 3. When said delegates shall have assembled on the first Monday in February, 1899, and shall have elected officers, the State Association of Miners shall be deemed constituted, and the commissioner of labor statistics shall so declare, and the president elected shall thereupon assume his functions, and said society shall thereafter continue and shall be known by said designation of the State Association of Miners.

SEC. 4. The term of office of the state mine inspector shall cease at noon on the 1st day of July, 1899, and said secretary shall thereupon be vested with all the powers given to and charged with all the duties cast upon the state mine inspector by any law of this state, and shall become and be in all respects the successor of said state mine inspector.

SEC. 5. The annual report of said secretary shall be published as those of other state officers, and he shall receive a salary of \$1500 per annum, payable as





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other state salaries are paid, and not to exceed \$1000 for expenses. He may, by permission of the executive council, appoint one deputy mine inspector, to hold at his pleasure, and to receive a salary of seventy-five dollars a month, and necessary expenses, to be audited by said secretary and certified to the state auditor for payment monthly. [Amended in 1901.]

SEC. 6. All laws now in force referring to the state mine inspector, not inconsistent with the provisions of this act, shall, after the 1st day of July, 1899, be construed to refer instead to the said secretary of mining industries.

SEC. 7. Every association desiring to be represented in said meeting on the first Monday of February, 1899, shall, at least five days before said meeting, certify to the commissioner of labor statistics the appointment of its delegates.

### Relating to Shafts in Coal-mines.

Laws of 1899, ch. 165.

SECTION 1. In all coal-mines that are now or have been in operation or which may hereafter be put in operation in the state of Kansas prior to the 1st day of March, 1899, and which are worked by or through a shaft, slope, or drift, and in which more than ten miners are employed in each twenty-four hours, if there is not already an escapement shaft to each and every said mine, or communication between each and every mine and some other contiguous mine, then there shall be an escape shaft or some other communication such as shall be approved by the secretary of mine industries or mine inspector, making at least two distinct means of ingress or egress for all persons employed or permitted to work in such mine. Such escape shaft or other communication with a contiguous mine aforesaid shall be constructed in connection with every vein or stratum of coal worked in any mine, and the time to be allowed for such construction shall be four months when such mine is under 100 feet in depth, and eight months when said mine is over 100 feet and not over 200 feet in depth, and one year for all mines over 200 and not over 300 feet in depth, two years for all mines over 300 feet and not over 400 feet in depth, three years for all mines over 400 feet and not over 500 feet in depth, and five years for all mines over 500 feet in depth.

SEC. 2. Said escape shaft shall be constructed at least 300 feet from main or hoisting shaft or any buildings connected therewith, and said escape shaft shall be provided with stairways securely fastened so as to bear the combined weight of not less than fifteen men ascending or descending the same. Said stairways shall be so constructed as not to exceed forty-five degrees of elevation by each section of said stairway, and each section shall have substantial guard-rails securely fastened, and the stairways shall be separately partitioned from the parts of such shafts used as upcasts or downcasts, and the traveling ways between the bottom of main shaft and the escape shaft or stairway shall be at least five feet in height; said traveling ways shall be kept clear of all obstructions, and stagnant or standing water shall not be allowed to accumulate in any traveling way between the upcast and downcast shafts.

SEC. 3. Whenever the owner, agent or operator of any mine shall neglect, fail or refuse to comply with sections 1 and 2 of this act, it shall be the duty of the secretary of mine industries or state mine inspector, when apprised of this fact, to enter complaint with the county attorney of the county in which such mine or mines are located, and such county attorney shall immediately prosecute said owner, agent or operator of said mine the same as in other cases; and in all prosecutions under this act, it shall be conclusive evidence against the party charged if it shall be conclusively proved that said escape shaft was not constructed according to the provisions of this act and within the time heretofore stated. Any



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owner, operator, agent or lessee who fails to comply with sections 1 and 2 of this act shall be deemed guilty of a misdemeanor, and shall on conviction be fined in a sum not less than \$500 nor more than \$2000, or by imprisonment not less than six months nor more than two years, or by both such fine and imprisonment.

SEC. 4. All acts or parts of acts in conflict with this act are hereby repealed.

### State Association of Miners.

Session Laws 1901, ch. 256.

SECTION 1. That section 1 of the act entitled "An act creating a state association of miners, with power to elect a secretary of mining industries, who shall succeed to the powers and duties of the state mine inspector," being chapter 33 of the Session Laws of the special session of 1898, be and it is hereby amended so as to read as follows: Section 1. Whenever seven or more miners whose usual occupation is to mine coal for wages shall now be organized or shall hereafter organize as a miners' union in any county, city or mining camp in the state, and shall choose a delegate or delegates to the state association of miners, as such union may be under this act entitled, such delegate or delegates shall, being duly certified to the secretary of said state association by the presiding officer and secretary of such union, be admitted to and become a member or members of the state association of miners until the first Monday in February next following, and until the successor or successors of such delegate or delegates shall have been chosen and admitted; provided, that at any time any such union may recall its delegate or any or all of its delegates by choosing and certifying a successor or successors. Each union shall be entitled to one delegate, and to one additional delegate for every fifty, or major fraction of fifty, members of such union; provided, such union shall have been organized three months preceding the then next annual meeting of said state association, and shall have certified said organization, by its presiding officer and secretary, to the secretary of said state association three months preceding said annual meeting, and during the preceding year, or during such portion thereof as it shall have existed, shall have complied with the requests of the secretary of said state association for statistics and information. Any union may, at its option, authorize a single delegate to cast all the votes to which such union may be entitled; provided, that no delegate shall cast more than five votes.

SEC. 2. That section 2 of said act be and it is hereby amended so as to read as follows: Sec. 2. On the first Monday in February every year the delegates elected to said state association of miners shall assemble at the state capitol, at an hour and place to be fixed by the secretary in his annual call therefor, to be mailed to each union at least ten days before such assembling. The delegates present at the time and place fixed for said assembly shall be deemed a quorum, competent to transact all business to be done. The delegates shall elect a president, vice-president, and secretary, and said secretary shall be known officially as state secretary of mine industries, and shall be *ex officio* state mine inspector, and shall collect and publish statistics of mine industries of the state. Said officials shall constitute the executive board of said association, and shall hold their offices until the next annual meeting and the election of their successors; but upon the demand of the presiding officers of five unions at any time, the president shall immediately convene the delegates by special call, issued in like manner as the annual call, for the purpose of electing a successor to said secretary; and if at the said election another person shall receive a majority of the votes cast, he shall immediately be entitled to succeed said secretary in all his functions. One so elected may be removed in like manner.





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SEC. 3. That section 5 of said act be and it is hereby amended so as to read as follows: Sec. 5. The officers of every union shall promptly and fully answer all requests for statistics or other information which the state secretary of mine industries shall make. Said secretary shall have a discretion to treat any information called for by him as confidential, and to so state his request therefor; and no information so obtained shall be subject to inspection by any person not an officer or delegate of the said state association. No union failing to answer requests for statistics or information shall be entitled to representation in the then next annual meeting. The annual report of said secretary of mine industries shall be published as the reports of other state officers. He shall receive a salary of \$1500 per annum, payable as other state salaries are paid, and not exceeding \$1000 for expenses. By permission of the executive council, he may appoint one deputy mine inspector in each of the following counties: Crawford, Cherokee, Osage, and Leavenworth; provided, no deputy mine inspector shall be appointed in the county in which the state mine inspector resides. Said deputy mine inspectors shall be under the supervision and control of the state mine inspector and hold their positions at his pleasure. They shall each receive as compensation for their services three dollars per day for each day actually employed; and actual necessary traveling expenses, account and time to be audited by the secretary and certified to the state auditor for payment monthly.

SEC. 4. Original sections 1, 2, and 5, hereby amended, are hereby repealed.

### Providing for Health and Safety of Persons Employed in Mines.

Session Laws 1901, ch. 257.

SECTION 1. That section 3 of the act entitled "An act to provide for the health and safety of persons employed in mines, and supplementary to and amendatory of chapter 66a, General Statutes of 1889, and repealing chapter 171, Session Laws of 1895, and providing penalty for violation of the same," approved March 13, 1897, being chapter 159 of the Session Laws of 1897, be and it is hereby amended so as to read as follows: Sec. 3. Every mine owner, agent, superintendent, lessee or operator of coal-mines or underground workings of the character mentioned in section 1 of this act shall provide and maintain, for every mine under his direction, management, or control, ample means of ventilation, providing a constant and adequate supply of pure air to every person working in such mine. On and after October 1, 1901, as to every mine already in operation, and from and after the expiration of six months next after the opening of any new mine hereafter for operation, said air shall be split into at least four separate currents, so as to give a full and separate current of air to each quarter section of the mine, and so as to supply to every person working in the mine at his working place at least 100 cubic feet of pure air per minute. All openings to worked-out or abandoned portions of every operated mine shall be securely gobbled and blocked off from the operated portions thereof, so as to protect every person working in such mine from all danger that can be caused or produced by such worked-out or abandoned portions of said mines. It shall not be lawful to use a furnace for the purpose of ventilating any mine in which explosive gases are germinated.

SEC. 2. That section 14 of said act be and it is hereby amended so as to read as follows: Sec. 14. If, in any coal-mine or underground workings of the character mentioned in section 1 of this act, or in any portion of any such mine or workings, because of improper or inadequate ventilation, the presence of stagnant water or noxious or explosive gases, inadequate or improper airways or air-gates, or the use or presence, with the knowledge, connivance or consent of the operator or person in active charge of said mine, for illuminating purposes, of oil





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other than lard or other equally safe first-class oil, lack of adequate and lawful stairways, break-throughs, or manholes, or for any other reasons within the power of the operator, owner, or lessee, by the exercise of ordinary care, to remove or guard against, or cause to be removed or guarded against, be or becomes injurious to the health or dangerous to the lives or limbs of persons working in such mine or part of mine, the state mine inspector may maintain action in the name of the state to enjoin the working of such mine or such part of such mine until the court shall be satisfied by proper showing that said mine has been made and will be kept safe for persons to work in or be present in without injury to health or danger to life or limb. Fifteen days' written notice of the application for such injunction shall be served by the state mine inspector upon the agent, superintendent or other person in active charge of said mine. Such application may be heard, and granted or denied, at any place where the district judge may be or where the district court may be in session within the judicial district in which said mine is situated, at the time fixed in said notice; and if the district judge be absent from the district at the time fixed in said notice for the hearing, said application may be heard, and granted or denied, by the district judge of the judicial district wherever he may be found. If satisfied that the danger alleged is imminent and that delay might endanger life or limb, the judge or court may at any time during said period of fifteen days issue a restraining order to prevent the working of said mine or such part of said mine in the meantime. The injunction need not be served, but shall be in force from and after the order allowing it against the defendants served with the original notice. If a restraining order is granted, it shall be in force from and after notice thereof reaches the defendant in the case, and such restraining order herein provided for shall be served on the agent, superintendent or other person in active charge of said mine, and such service shall bind the owner or owners, operator or operators, and lessee or lessees, as if personally served. No bond shall be required where such injunction is allowed. Any person violating such injunction or restraining order shall be punished as for direct contempt of the court issuing it by a fine of not less than \$100 nor more than \$500, or by imprisonment in the county jail for not less than thirty days nor more than six months, or by both such fine and imprisonment, in the discretion of the court or the judge thereof. It shall be and is hereby made the duty of every county attorney and every deputy county attorney, on application of the state mine inspector, to prosecute actions under this act, and in that manner to diligently enforce the provisions hereof. If any county attorney or deputy county attorney shall refuse or fail to bring such action for an injunction for ten days after written request by the state mine inspector, or shall neglect or fail to diligently prosecute such action or any proceeding to enforce such an injunction or restraining order, such county attorney shall forfeit his office for neglect of official duty; and upon written request by the state mine inspector, showing the facts as to such failure, refusal, or neglect, it shall be the duty of the attorney general to at once bring and diligently prosecute *quo warranto* proceedings for the removal of such county attorney. If the plaintiff in any action or proceeding brought under this act shall be defeated, the county in which the mine is located shall pay the costs therein, but if the plaintiff prevails in any such action or proceeding, the county attorney or deputy county attorney who prosecutes such action or proceeding shall receive an attorney's fee of twenty dollars, to be taxed and collected as a part of the costs.

SEC. 3. Original sections 3 and 14 of said act are hereby repealed.





### PROCEEDINGS

OF THE THIRD ANNUAL CONVENTION OF THE STATE ASSOCIATION OF MINERS, HELD AT TOPEKA, KAN., FEBRUARY 4, 5, AND 6, 1901.

Pursuant to chapter 33, Session Laws of 1898, the following official call was issued :

*To All Miners' Associations in the State of Kansas, greeting :*

Pursuant to an act passed by the special session of the legislature of 1898, entitled "An act creating a State Association of Miners," etc., it is made the duty of the state secretary of mine industries to issue a call to all miners' associations to assemble in a delegate convention to be held at the state capitol on the first Monday in February, 1901.

Therefore, the third annual convention of the State Association of Miners is hereby called to convene at the state capitol, in the city of Topeka, Kan., at nine o'clock A. M., on Monday, February 4, 1901.

Printed credentials will be forwarded to secretaries not receiving them upon application to the state secretary of mine industries. All credentials must be certified by the presiding officer and secretary and the original returned to this office at least five days before the annual meeting.

Among the most important work of this convention will be the election of a president, vice-president and secretary of the State Association of Miners, and the discussion of matters pertaining to the interest of the miners of the state.

EDWARD KEEGAN,

*State Secretary of Mine Industries.*

In response to the above call, the third annual convention of the State Association of Miners convened in the office of the labor commissioner, in the state capitol building, at Topeka, on February 4, at nine A. M., 1901, and the following business was transacted :

The convention was called to order by Pres. J. T. Pratt, and after reading the call under the law he announced that the third annual convention of the State Association of Miners was now in session.

The president then appointed Assistant Secretary Francis Keegan as a committee of one to collect the duplicate credentials.

On motion, the chair then appointed the following Committee on Credentials: Delegates D. A. Evans, Weir City; Dewey Reese, Burlingame; James Gallagher, Chicopee.

On motion of Delegate R. V. Higgins, of Pittsburg, the convention then took a recess until eleven A. M., pending a report of the Committee on Credentials.





The convention reconvened at eleven A. M., and the Committee on Credentials reported as follows :

MR. PRESIDENT: We, your Committee on Credentials, beg leave to report that the following delegates are entitled to seats in the third annual convention of the State Association of Miners:

James Ryan, local union No. 569, U. M. W. of A., Mineral.  
 Dominic Gagliardo, local union No. 127, U. M. W. of A., Chicopee.  
 R. V. Higgins, local union No. 219, U. M. W. of A., Pittsburg.  
 Dewey Reese, local union No. 1074, U. M. W. of A., Burlingame.  
 Thomas Barry, local union No. 1674, U. M. W. of A., Weir City (Daisy Hill).  
 Thomas Hibbs, local union No. 1009, U. M. W. of A., Osage City.  
 W. H. Burton, local union No. 679, U. M. W. of A., Leavenworth.  
 James Gallagher, local union No. 501, U. M. W. of A., Chicopee.  
 John Wells, local union No. 469, U. M. W. of A., Fleming.  
 Frank Gilday, local union No. 544, U. M. W. of A., Scranton.  
 George Young, local union No. 40, U. M. W. of A., Kirkwood.  
 James Titus, local union No. 597, U. M. W. of A., Scammon.  
 James Bolling, local union No. 1580, U. M. W. of A., Ashley.  
 John Harvey, local union No. 1701, U. M. W. of A., Peterton.  
 James Allister, local union No. 533, U. M. W. of A., Midway.  
 D. A. Evans, local union No. 210, U. M. W. of A., Weir City.  
 Mordecai Jones, local union No. 85, U. M. W. of A., Stippville.  
 George Ridley, local union No. 528, U. M. W. of A., Coal Valley.  
 W. P. Gillen, local union No. 444, U. M. W. of A., Frontenac.  
 Frank Thomas, local union No. 445, U. M. W. of A., Nelson.  
 Richard Russell, local union No. 1088, U. M. W. of A., Cherokee.  
 William Pepworth, labor exchange branch No. 223, Osage City.

D. A. EVANS,  
 JAMES GALLAGHER,  
 DEWEY REESE,  
*Committee.*

On motion of Delegate Bolling, the report of the Committee on Credentials was adopted as read.

On motion, a committee of three on Order of Business was appointed by the president, as follows: James Allister, Midway; Dewey Reese, Burlingame; W. H. Burton, Leavenworth.

On motion, the chair appointed a committee of five on Resolutions, as follows: R. V. Higgins, Pittsburg; W. P. Gillen, Frontenac; D. A. Evans, Weir City; James Gallagher, Chicopee; Frank Gilday, Scranton.

Motion that a committee of three be appointed as Press Committee. Carried. The chair appointed the following committee: James Ryan, Mineral; James Bolling, Ashley; George Ridley, Coal Valley.

Motion by Delegate Evans that this convention select one member whom they shall ask the State Society of Labor and Industry convention to place on the resolutions committee of that body. Carried. Delegate Frank Thomas was selected to serve on that committee.

Delegate W. P. Gillen was chosen to notify the Society of Labor and Industry of our wishes, and to inform them that we had elected





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Delegate Frank Thomas to serve as one of their committee on resolutions.

A motion now prevailed that we adjourn to three P. M.

#### AFTERNOON SESSION, FEBRUARY 4, 1901.

The convention reassembled at three P. M. The reports of committees being called for, the Committee on Order of Business made the following report:

First, call to order by president; second, roll-call of delegates; third, report of Committee on Credentials; fourth, reading of minutes of previous meeting; fifth, appointment of committees; sixth, general remarks for the good of the order; seventh, reports of officers and committees; eighth, unfinished business; ninth, new business; tenth, nomination and election of officers, as follows: First, secretary and *ex officio* mine inspector; second, president; third, vice-president; eleventh, miscellaneous business; twelfth, election of Legislative Committee; thirteenth, adjournment.

On motion, the chair appointed a committee to find Mr. Francis Fern and invite him to come before the convention and address the delegates.

While this committee was gone on their mission, Pres. J. T. Pratt, Vice-pres. James Orr, Delegates William Pepworth, Thomas Hibbs and others made short speeches, under the head of "General Remarks for the Good of the Order," which met with marked approbation.

Francis Fern, on being introduced to the convention by Dewey Reese, spoke of the work of the Legislative Committee before both branches of the legislature, of the bill that had been passed which amended the law creating the State Association of Miners, and of the ventilation bill which was then ready to present to the legislature, and incidentally paid a glowing compliment to the State Mine Inspector for the assistance he had rendered to the Legislative Committee by outlining the legislation most needed by the miners of the state. He also praised his colleagues on the Legislative Committee, Messrs. W. J. Blain and W. O. Van Pelt, for their energetic work and valuable assistance in pushing mining legislation. His address met the hearty approval of the delegates.

On motion, the convention then adjourned till nine o'clock the following morning.

#### TUESDAY MORNING SESSION, FEBRUARY 5, 1901.

The convention was called to order at nine A. M.; Pres. J. T. Pratt in the chair.

The Committee on Resolutions, being called for, made the following report:

By Delegate D. A. Evans, of Weir City:

WHEREAS, The State Mine Inspector will, according to senate bill No. 9, have the appointing of four deputy mine inspectors in the following counties, Craw-





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### INSPECTOR OF COAL-MINES.

ford, Cherokee, Leavenworth, and Osage, we, your committee, recommend that the above appointees be the recommendee of the miners of the counties from where appointed.

On motion of Delegate Evans, the resolution was adopted as read.  
By Delegate James Gallagher, of Chicopee :

WHEREAS, Senate bill No. 9, that has passed both branches of the legislature and only awaits the governor's approval to become a law, provides that the secretary of the State Association of Miners shall have power to collect statistics from the different local unions in the state of Kansas in order to be able to produce facts and figures in case of differences arising between employers and employees :

*Resolved*, That this body recommend that each local union shall establish the office of statistician, whose duty it shall be to collect statistics and report each month to said secretary of the State Association of Miners.

On motion of Delegate Gallagher, the resolution was adopted as read.

By Delegate James Ryan, of Mineral :

*Resolved*, That we, the State Association of Miners, commend the action of the Legislative Committee for their energetic work before the senate and house of representatives, and heartily appreciate the passage of the amendment to the law creating the State Association of Miners, which gives three additional assistants to the Mine Inspector, thereby increasing the value of the department to the miners of the state ; and

*Resolved*, That we favor the bill presented by the Legislative Committee amending the ventilation laws now on the statute-books, and urge that said committee continue their efforts to have the bill become a law ; and be it further

*Resolved*, That as a mark of our appreciation we retain the committee for another term.

On motion of Delegate James Bolling, of Ashley, the resolution was adopted as read, and referred to the State Society of Labor and Industry for their indorsement. The resolution was then given to Delegate Frank Thomas, with instructions to immediately carry it to the convention of the State Society of Labor and Industry for its action.

By Resolutions Committee :

WHEREAS, We, the members of the State Association of Miners of the state of Kansas, believe that the time has come that all parties undertaking the responsibilities of superintending, pit bossing or assistant pit bossing, fire bossing or assistant fire bossing, should by all means, for the safety of life and limb of the miners and those working underground, be required to stand an examination and be approved of by a state board of examiners ; said board to be composed of three experienced theoretical and practical miners and two mining engineers.

Motion by Delegate James Gallagher that the resolution be adopted as read. Motion lost.

A resolution by Delegate James Allister, of Midway, was not concurred in, and was ordered not printed.





By Delegate D. A. Evans:

WHEREAS, No provision has been made to cover the expense of the president and vice-president of the State Association of Miners:

*Resolved*, That their expense be audited by the Secretary of the State Association of Miners and the bill be paid out of the fund of the Legislative Committee.

On motion, the resolution was adopted as read, and referred to the convention of the State Society of Labor and Industry.

On motion of Delegate James Titus, of Scammon, the convention then went into executive session, and proceeded to the election of officers in the following order: First, secretary and *ex officio* State Mine Inspector; second, president; third, vice-president.

On motion of Delegate W. P. Gillen, nominations were made by informal ballot.

On motion, the chair then appointed Delegates James Ryan, James Bolling and D. A. Evans as tellers.

The informal ballot for State Secretary of Mine Industries and *ex officio* State Mine Inspector resulted as follows: Edward Keegan, 18; James Orr, 4.

Motion by Delegate R. V. Higgins, seconded by Delegate D. A. Evans and Vice-pres. James Orr, that the informal ballot be made formal, and the secretary be instructed to cast the entire vote of the convention for Edward Keegan. Motion carried unanimously.

The next order of business was the election of a president. An informal ballot was taken, resulting as follows: Dewey Reese, 9; James Orr, 9; W. P. Gillen, 2; John T. Pratt, 1; William Pepworth, 1.

One after another of the candidates withdrew their names until only Dewey Reese was left.

On motion of D. A. Evans, the secretary was instructed to cast the unanimous vote of the convention for Dewey Reese for president, which he did.

The election of a vice-president was next in order. An informal ballot was taken, and resulted as follows: R. V. Higgins, 14; Mordecai Jones, 5; James Orr, 1; Frank Gilday, 1.

The three last-named candidates then withdrew in favor of R. V. Higgins.

On motion of Delegate Frank Gilday, the rules were suspended, and the secretary was instructed to cast the entire vote of the convention for R. V. Higgins for vice-president, which he did.

A motion then prevailed that the delegates attend the afternoon session of the convention of the State Society of Labor and Industry, to take part in the election of officers of that body.

On motion, the convention then adjourned until 4:30 P. M.



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#### AFTERNOON SESSION, FEBRUARY 5, 1901.

The convention reconvened at 4:30, with Pres. Dewey Reese in the chair.

The delegates to the State Association of Miners, while in attendance at the afternoon session of the convention of the State Society of Labor and Industry, learned that an amendment had been added to the constitution of that body which placed the Legislative Committee under the supervision of the officers of said society. This brought forth a storm of protests from the delegates of the State Association of Miners when they reassembled, as they were heartily pleased with the work of the Legislative Committee whilst acting without any supervision. Finally a delegate moved: "That it is the sense of this convention of the State Association of Miners that we do not favor our member of the Legislative Committee, Francis Fern, being under the supervision of the officers of the labor bureau."

Delegate Frank Gilday moved to table the motion until 9:30, Wednesday morning. The motion to table was lost.

The question being called for on previous motion, it was carried unanimously.

On motion, adjourned until 9:15 o'clock Wednesday morning.

#### MORNING SESSION, FEBRUARY 6, 1901.

The convention reassembled on Wednesday morning, with Dewey Reese in the chair.

The chair ordered the roll called, which was responded to by every delegate except James Allister, of Midway, who had gone home.

The minutes of the previous session were read and approved.

Motion by Delegate Gillen, that we make a demand on the State Society of Labor and Industry to have resolution No. 3 read before that body. Carried unanimously.

Motion by Delegate Gillen that we retain Francis Fern regardless of any action of the convention of the State Society of Labor and Industry. This motion caused Mr. Fern, who was present at the time, to advise the delegates not to be too hasty. He said that they might fight for their rights, but that they must abide by the will of the majority, if they wanted to make their association and the State Society of Labor accomplish the good they were intended to do. Finally a motion to table the former motion carried.

Motion by Delegate D. A. Evans, that we tender a vote of thanks to the retiring president and vice-president of the State Association of Miners for the services rendered during their term of office. Motion carried.

Motion by Delegate R. V. Higgins, that the members of the State





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Association of Miners, as a committee of the whole, go before the convention of the State Society of Labor and Industry and ask to have the clause which amends the constitution of said society, and which places the Legislative Committee under the supervision of the officers of the labor bureau, reconsidered; and also, that said amendment be stricken out. Motion carried unanimously.

Motion that W. P. Gillen be selected to present our grievance to the convention of the Society of Labor and Industry.

On motion, the convention adjourned to 4:30 P. M.

The members of the State Association of Miners attended the afternoon session of the convention of the State Society of Labor and Industry, and Delegate W. P. Gillen called the attention of the convention to the amendment of the constitution, and stated as briefly as possible the objection of the members of the State Association of Miners to said amendment.

President Whitlock replied: "The State Society of Labor and Industry has nothing to do with any action taken in the miners' convention."

Considerable discussion followed, but a pleasant and agreeable ending was put to the discussion when the assistant secretary of the labor bureau offered an amendment to the amendment, viz.: To strike out the words "under the supervision of the officers of the labor bureau," and substitute the words "to work in conjunction with the officers of the labor bureau." This amendment was adopted by unanimous consent of both conventions.

The election of the Legislative Committee took place at the afternoon session of the Society of Labor and Industry while the members of the State Association of Miners were in attendance. Francis Fern, of Scammon, was reelected to represent the miners; W. O. Van Pelt, of Pittsburg, was reelected from the railroad organizations, and Ross Perkins, of Leavenworth, was elected to represent the trades-unions.

#### AFTERNOON SESSION, FEBRUARY 6, 1901.

The convention was called to order at 4:30 by Pres. Dewey Reese.

On motion of Delegate James Ryan, Sec. Edward Keegan and Legislative Committeeman Francis Fern were appointed as a committee to invite Hon. G. C. Clemens to address the convention.

The committee returned with Mr. Clemens, and introduced him to the convention. After a few preliminary remarks, in which he asserted he had always been a steadfast friend of the laboring man, and would always be found ready to champion their cause, notwithstanding the opprobrium heaped upon him by some parties whom he did not name, Mr. Clemens then read the bill which amends the present ventilation laws. After reading the bill and drawing the attention of the dele-





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gates to the salient features of it, Mr. Clemens continued his address, which was received with frequent bursts of applause. At the conclusion of his address every member of the State Association of Miners shook hands with Mr. Clemens.

When quiet was again restored, Delegate W. P. Gillen read the following resolution, which was unanimously adopted :

*Resolved*, That the members of the State Association of Miners, on behalf of the miners of the state, whom they represent, tender a vote of gratitude and thanks to Hon. G. C. Clemens for his earnest efforts in behalf of organized labor.

Motion by Delegate R. V. Higgins, that we, the State Association of Miners, heartily indorse for passage the ventilation bill, as amended, which has been read to the convention by Hon. G. C. Clemens. This motion was unanimously adopted by a rising vote.

Motion by Delegate Frank Gilday, that we tender a vote of thanks to Senator Porter, of Crawford county, and Senator Miller, of Osage county, for the stand they have taken in forwarding legislation in behalf of the miners. Motion carried unanimously.

On motion of Delegate Higgins, the convention adjourned, to meet the first Monday in February, 1902, unless sooner called in special session in accordance with the provisions of the law.

EDWARD KEEGAN, *Secretary*.





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BIENNIAL REPORT  
OF THE  
INSPECTOR OF COAL-MINES,  
STATE OF KANSAS,  
FOR THE  
TWO YEARS ENDING DECEMBER 31, 1902.



TOPEKA, KAN.  
W. Y. MORGAN, STATE PRINTER.  
1903.





## LETTER OF TRANSMITTAL.

*Hon. W. J. Bailey, Governor:*

SIR—In compliance with the law relating to mines and mining, I tender you the Biennial Report of the State Coal-mine Inspector, for the two years ending December 31, 1902.

Respectfully,           D. R. CASSELMAN,  
*Inspector.*





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### CONDITION OF COAL-MINES.

#### CHEROKEE COUNTY.

General report of condition of the mines in Cherokee county, December 31, 1902:

Central Coal and Coke Company, mine No. 11, is worked by the double-entry system, and is ventilated by a fan, and the mine is in a very fair condition at present; but for some time prior, and up to my first visit to this mine, they had been troubled with black damp on the angle entry going northeast on the north, and they put in an undercast across the angle entry to carry it back to the return-air course, preventing it from reaching the working-face, thereby improving the air in that section of the mine. They also had a connection from this mine to mine No. 2 of the J. R. Crowe Coal Company, but had it bratticed up so that it would be a difficult matter for men to escape from either mine in case it was necessary. They have also cleaned a traveling way through there, and put a door with a very good lock, which will prevent men from going to and fro on any occasion. The mine is in very fair condition now, but it will be only a few months until it will be a mine of the past, as there are no entries being driven at present, and the rooms will soon be all worked out; hence a finished mine.

Central Coal and Coke Company, mine No. 18, is worked by both the single- and double-entry systems at present, and is ventilated by an exhaust fan, and the entries worked by the double-entry system are in good condition, but the entries worked on the single-entry system are in poor condition, as the men at the head of the entry are never in the fresh air, as they are from twenty to sixty feet inside of the last cross-cut at all times. This mine is a very faulty one, and this is the reason they give for working the mine on such a system. On the north side of the mine they drove down into a dip which dipped about thirty-five or forty feet in a distance of about 250 feet, and it also has taken the same rise from the bottom of the dip, and gave off considerable gas in some places, which resulted in one man being burned with it, in a place which had never shown gas until that morning. At that time, I requested the pit boss to have all the working places on the rise examined every morning before allowing the men





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to go to work in them, and he agreed that as there were but a few men in the mine that he would make that his business to examine all those places himself, to prevent a recurrence of the accident.

Central Coal and Coke Company, mine No. 7, is worked by the double-entry system and is ventilated by a fan, and is in very fair condition, with the exception of two entries on the north side, which are on the last of the air, and they have agreed now to put in an additional overcast which will give the air a better course to travel, as it is a very old mine and the workings are a long ways from the bottom, which makes it difficult to ventilate.

Central Coal and Coke Company, mine No. 16, is worked by the double-entry system, with the exceptions of four entries, which are single entries, and those single entries are in such a position that they are in better condition than in a complete single-entry system. It is ventilated by a fan and is in good condition generally.

Southwestern Development Company, No. 6, is located at Mineral City. This mine is worked by the double-entry system and ventilated by a blower fan. On my first visits to this mine it was in very poor condition as regards to ventilation, due to the lack of sufficient doors and no connections from a number of the entries. A number of doors have been put in and connections made, and air-courses made and others cleaned up, which have improved the ventilation greatly. This has all been done in accordance with the constant suggestions and advice given at the time of the visits to this mine. At this mine during the summer they made a large pond, which lies directly over the old works, and it has created considerable excitement amongst the miners working in the mine, for fear it would break in. I went and examined the pond, also the old works underneath it, and ordered them to sink an escape shaft to the inside workings somewhere, so that the men could have some chance of escape should the water break in. The superintendent of the mine took the matter up with the state secretary of mining industries, and presented the argument that they were figuring on putting in an electric haulage which would take them a few weeks to decide on, and should they decide to put in a motor haulage, they would immediately put in an escape shaft, but should they decide not to put in a motor haulage, they would sink a new shaft and abandon this entirely, and it will be a matter of only a short time until we will know what to do about the matter.

Number 7 operated by the same company is worked on the double-entry system and is ventilated by fan. On the south side of the mine the air has been very fair, but on the north side from the second east back to the fourth west the air was very slack for a time, owing to the