

State inspector of coal mines reports

Section 58, Pages 1711 - 1740

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.

Creator: Kansas. Inspector of Coal Mines

Date: Between 1884 and 1956

Callnumber: SP 622 K13

KSHS Identifier: DaRT ID: 210191

Item Identifier: 210191

www.kansasmemory.org/item/210191

KANSAS
HISTORICAL
SOCIETY

State inspector of coal mines reports

BIENNIAL REPORT.

167

at more than one mine in the district, and are entitled to demand, at the very least, that some method of delivering their powder be adopted which will guarantee to them absolute protection against a practice which has never obtained among honest men in the history of the world.

If the plan proposed and now under consideration came, in my judgment, legitimately within the right reserved by the miners, and was not in conflict with the Pittsburg interstate agreement, I would, without hesitation, find in their favor on this issue. That agreement calls for two dollars per keg, the right being reserved to make regulations concerning delivery.

Under said agreement and reservation, the operator could have said to the miner at the district convention: "Here is a keg of powder, for which you have agreed to pay two dollars. How would you like to have it delivered?" The manner of the delivery only was left open to regulation.

Can the miners keep within the reservation, not violate said agreement, and say: "We want it delivered in two kegs of twelve and one-half pounds each"?

A keg of twenty-five pounds of powder, for which the miners agreed to pay two dollars, is an original package, as put up by the manufacturers, who also put up powder in twelve and one-half pound kegs or original packages. It was agreed between the parties hereto that the manufacturers demanded ten cents more for two kegs of twelve and one-half pounds each than for a single keg containing twenty-five pounds. The large part of this additional cost is probably for cooperage alone. At any rate, the difference in cost to the operators would be in the purchase-price of the powder, and not in the expense of delivery. According to statements which passed unchallenged in the argument, this small difference in cost would amount in the aggregate to more than \$30,000 during the life of this agreement.

Let us look at the proposition from the other standpoint. Suppose the operators should claim the right to deliver one fifty-pound keg instead of two twenty-five-pound kegs. They would clearly not have the right to do so under this contract and reservation. I have not been able to find in the books a case which will serve as an exact precedent to this, but the legal principle involved has been often declared.

It was held in *Bugbee v. Haynes*, 43 Vt. 476, that a party to a contract had no more right to change the terms of a contract in respect to the thing to be delivered than he had to change the price to be paid; that he might just as well say he would not pay in money but would pay in grain, and then attempt to justify himself on the ground that the grain would be as good for the other party as the money.

In *Halpin v. Manny*, 33 Mo. App. 388, the court uses this language:

"The plaintiff and defendant agreed with each other that all the pipes of this furnace should be made of 'X bright tin'; and although galvanized iron may have been in fact a better or even more expensive material for the cold-air pipe than 'X bright tin,' and although every other furnace in the city may be supplied with a cold-air pipe of galvanized iron, that would make no difference with defendant's rights under the contract. He is entitled to have it performed according to its terms, and he would have been so entitled if he had agreed that the cold-air pipe should be made of common brown paper. The conception which obtains among many business men that they discharge a contract to do one thing by doing something else equally good is one in which the courts ought not to assist them."

My conclusion from these premises is, that neither party has the right to change the terms of the Pittsburg interstate agreement with respect to the thing to be delivered thereunder or the price to be paid therefor, namely, one keg containing twenty-five pounds of powder at two dollars per keg, and that the de-



mand that the operators deliver instead thereof two kegs of twelve and one-half pounds each does not come within the right reserved to make regulations concerning the delivery of the powder.

Upon all the issues my conclusion is, that the question of paying for room turning inside of horsebacks is covered by the Pittsburg interstate agreement, and that the U. M. W. of A., district 14, are thereby estopped from demanding other pay for said work than is by said agreement provided; and that the question of furnishing powder in twelve and one-half-pound kegs is in conflict with said agreement, and that the parties thereto are thereby estopped from making any change, except by mutual consent, in the terms of said agreement with respect to the size of the keg of powder or price to be paid therefor; and that upon all the issues the award ought to be and is in favor of the Southwestern Interstate Coal Operators' Association.

All the members of the arbitration board concur in the result.

Given at Pittsburg, Kan., this 13th day of February, 1904.

ANDREW F. EVANS.
GEO. RICHARDSON.
RALPH DEACON.
A. B. KIRKWOOD.
JOS. FLETCHER.



AGREEMENTS

BETWEEN THE SOUTHWESTERN INTERSTATE COAL OPERATORS'
ASSOCIATION AND THE UNITED MINE WORKERS OF
AMERICA ADOPTED AUGUST 19, 1904.



JOINT INTERSTATE AGREEMENT OF OPERATORS AND MINERS.

It is hereby agreed between the representatives of the Southwestern Interstate Coal Operators' Association and the representatives of districts 14, 21 and 25 of the United Mine Workers of America that the existing interstate, district and Texas agreements be continued without any change or addition whatever, except as follows:

Day wage, yardage, dead and deficient work to be reduced throughout 5.55 per cent., except the day wage scales in Texas mines, which shall be reduced one-half the above amount.

Interstate and district scales to be signed simultaneously at Pittsburg, and to expire March 31, 1906.

INSIDE DAY WAGE SCALE.

Track-layers.....	\$2 42
Track-layers' helpers.....	2 23
Trappers.....	1 07
Bottom cagers.....	2 42
Drivers.....	2 42
Trip riders.....	2 42
Pushers.....	2 42
Water haulers and machine haulers.....	2 42
Timbermen, where such are employed.....	2 42
Pipe men for compressed-air plants.....	2 36
All other inside day labor.....	2 23
Spragging, coupling and greasing, when done by boys.....	1 65
Shaft sinkers.....	2 64
Shot-firers, under normal conditions.....	2 83

OUTSIDE DAY WAGE SCALE.

First blacksmiths.....	\$2 83
Second blacksmiths.....	2 60
Blacksmiths' helpers.....	2 23
Carpenters.....	2 30

(Provided, that in no case will there be any reduction from the rate of wages now paid to carpenters of more than 5.55 per cent.)

All other outside day labor not enumerated..... \$1 91

Provided, that any class of outside day labor now receiving \$2.02½ or more per day shall be reduced 5.55 per cent. This provision only applies to outside day labor not otherwise enumerated.

SCALE FOR ENGINEERS.

Engineers, first class, 500 tons and over, per month.....	\$74 62
Second class, 300 to 500 tons, per month.....	68 95
Third class, 300 tons or less, per month.....	61 40

Tail-rope and slope engineers shall be reduced 5.55 per cent. below present wages.



State inspector of coal mines reports

172

INSPECTOR OF COAL-MINES.

The minimum rate for tail-rope and slope engineers shall be \$2.25 per day, or \$58.56 per month; provided further, that the maximum rate for tail-rope and slope engineers shall be \$2.55 per day; or \$66.12 per month; twenty-six days to constitute a month's work, and nine hours to constitute a day's work. All overtime in excess of nine hours to be paid for at a proportionate rate per hour.

The tonnage shall be determined by the average for the month of November, 1902, and based upon mine-run coal; but in no case shall any reduction from the present wages be made.

This scale of wages applies only to mines in operation at least one year, and in all new mines the wages of the engineers shall be advanced with the increased tonnage until the maximum rate is reached; provided, that in no case shall engineers employed at new mines receive less than \$2.25 per day; also, that, in no case shall engineers, firemen or pumpers be interfered with or asked to cease work by any local committee or local union official during the life of this contract.

The mining price, inside and outside day wage scale (except engineers) provided for in this contract is based upon an eight-hour work day.

RULES AND REGULATIONS.

EIGHT-HOUR DAY.

All classes of day labor are to work full eight hours, and the going to and coming from the respective working places is to be done on the day hands' own time. All company men shall perform whatever day labor the foreman may direct. An eight-hour day means eight hours' work in the mines at the usual working places, exclusive of noon time—which shall be one-half hour—for all classes of inside day labor. This shall be exclusive of the time required in reaching such working places in the morning and departing from the same at night.

Drivers shall take their mules to and from the stables, and the time required in so doing shall not include any part of the day's labor; their time beginning when they reach the change at which they receive empty cars—that is, the parting drivers at the shaft bottom and the inside drivers at the parting—and ending at the same places; but in no case shall a driver's time be docked while he is waiting for such cars at the points named. The inside drivers, at their option, may either walk to and from their parting or take with them, without compensation, either loaded or empty cars to enable them to ride. This provision, however, shall not prevent the inside drivers from bringing to and taking from the bottom regular trips, if so directed by the operator, provided such work is done within the eight hours.

When the stables are located outside the mine, the companies agree to deliver the mules at the bottom of the shaft in the morning and relieve the drivers of the mules at the bottom of the shaft at night.

When the men go into the mine in the morning they shall be entitled to two hours' pay whether or not the mine works full two hours; but after the first two hours the men shall be paid for every hour thereafter by the hour for each hour's work or fractional part thereof. If, for any reason, the regular work can not be furnished the inside day laborers for a portion of the first two hours, the operator shall furnish other than the regular labor for the unexpired time.

PENALTIES FOR LOADING IMPURITIES.

In order to insure the production of clean, marketable coal, it is herein provided that if any miner shall load, with his coal, sulphur, bone, slate, black-jack, or other impurities, he shall, for the first offense, be notified by the mine foreman; for the second offense he may be suspended for one day; for the third and each subsequent offense occurring in any one month he may be suspended for

State inspector of coal mines reports

BIENNIAL REPORT.

173

three days; provided, that if in any case it is shown that a miner maliciously or knowingly loads impurities, he shall be subject to discharge. It is further agreed, that if any miner has been suspended, and claims that an injustice has been done him, the matter shall be taken up for investigation and adjustment in the manner provided in section 3 of this agreement.

DUTIES OF PIT COMMITTEE.

(a) The duties of the pit committee shall be confined to the adjustment of disputes between the pit boss and any member of the U. M. W. of A. working in and around the mines, arising out of this agreement or any district or subdistrict agreement made in connection therewith, when the pit boss and said miner or mine laborer have failed to agree.

(b) In case of any local trouble arising in any mine through such failure to agree between the pit boss and any miner or mine laborer, the pit committee and the pit boss are empowered to adjust it; and in the case of their disagreement it shall be referred to the superintendent of the company and the district president of the U. M. W. of A., or such person as he may designate to represent him; and should they fail to agree it shall be referred to the commissioner of the Southwestern Interstate Coal Operators' Association and the district president of the U. M. W. of A. for adjustment; and in all cases the mines, miners, mine laborers and parties involved must continue at work pending an investigation and adjustment until a final decision is reached in the manner above set forth.

(c) If any day men refuse to continue at work because of a grievance which has or has not been taken up for adjustment in the manner provided herein, and such action shall seem likely to impede the operation of the mine, the pit committee shall immediately furnish a man or men to take such vacant place or places at the scale rate, in order that the mine may continue at work; and it shall be the duty of any member or members of the United Mine Workers who may be called upon by the pit boss or pit committee to immediately take the place or places assigned to him or them in pursuance hereof.

(d) The pit committee, in the discharge of its duties, shall under no circumstances go around the mine for any cause whatever unless called upon by the pit boss or by a miner or company man who may have a grievance that he cannot settle with the boss. Any pit committeeman who shall attempt to execute any local rule or proceeding in conflict with any provision of this contract, or any other made in pursuance hereof, shall be forthwith deposed as committeeman. The foregoing shall not be construed to prohibit the pit committee from looking after the matter of membership dues and initiations in any proper manner.

(e) Members of the pit committee employed as day men shall not leave their places of duty during working hours except by permission of the operator or in cases involving the stoppage of the mine.

(f) The right to hire and discharge, the management of the mine and the direction of the working force are vested exclusively in the operator, and the United Mine Workers of America shall not abridge this right. It is not the intention of this provision to encourage the discharge of employees or the refusal of employment to applicants because of personal prejudice or activity in matters affecting the United Mine Workers of America. If any employee shall be discharged or suspended by the company, and it is claimed that an injustice has been done him, an investigation, to be conducted by the parties and in the manner set forth in paragraphs "a" and "b" of this section, shall be taken up promptly; and if it is proven that an injustice has been done, the operator shall reinstate said employee and pay him full compensation for the time he has been suspended and out of employment; provided, if no decision shall be rendered within five days



State inspector of coal mines reports

174

INSPECTOR OF COAL-MINES.

the case shall be considered closed, in so far as compensation is concerned, unless said failure to arrive at a decision within five days is owing to delay upon the part of the operator, in which case a maximum of ten days' compensation shall be paid.

LOCAL DEMANDS.

There shall be no demands made locally by either operators or miners which are in conflict with this agreement, or any district or subdistrict agreement made prior to September 1, 1904; and there shall be no provision imposed violating the same. Any local member, official or committee shutting down a mine without orders from the district president or district executive board shall be fined in the manner provided for in the national constitution of the United Mine Workers of America, and such additional penalties may be imposed as are now or may be provided for in the constitutions of the various district organizations. All such fines are to be collected by the companies and paid into the district treasury of the United Mine Workers of America. Should any operator violate this agreement, or any provision hereof, such operator or company shall be fined \$100; said fine to be paid into the treasury of the Southwestern Interstate Coal Operators' Association.

PAYMENT OF WAGES.

The operators agree to pay twice a month, the dates of payment to be determined by the district joint conventions; and these payments are to be made at the office nearest to the mine wherein or at which the employees are employed; provided, however, that this office shall be located not more than two miles from such mine.

CHECK-OFF.

The operators will recognize the pit committee in the discharge of their duties, as provided in this agreement, and agree to check off dues, assessments, fines and initiations from all miners and mine laborers when desired. In order to protect the companies, the United Mine Workers of America agree, when the companies so demand, to furnish a collective and continuous order authorizing the companies to make such deductions. The companies agree to furnish the miners' local representatives a monthly statement showing separately the amount of dues, assessments, fines and initiations collected. In case any fine is imposed the propriety of which is questioned, the amount of such fine shall be withheld by the operator until the case has been taken up for adjustment and a decision reached.

It is agreed that the miners may employ a check weighman to see that coal is properly weighed and a correct record made thereof, and when such check weighman is employed the companies shall furnish him a check number, and he shall credit to his number such portion of each miner's coal as he may be authorized to do by the local union. It is understood that the above provision shall not affect the arrangements now existing at any mine where a check number is issued in the name of the local union, and dues, assessments, fines and initiations collected by this method.

MEASUREMENTS.

It is agreed that measurements of entries, brushing, room-turning and dead-work shall be made semimonthly, and payment in full shall be made for such work in the same manner as that in which other work is paid for.

EQUAL TURN.

The operator shall see that an equal turn is offered each miner and that he be given a fair chance to obtain the same. The check weighman shall keep a turn bulletin for the turnkeeper's guidance. The driver shall be subject to whoever the mine manager shall designate as turnkeeper in pursuance hereof.



BIENNIAL REPORT.

175

DEATHS AND FUNERALS.

In the event of an instantaneous death by accident in the mine, the miners and underground employees shall have the privilege of discontinuing work for the remainder of that day; but work at the option of the operator shall be resumed the day following and continue thereafter. In case the operator elects to operate the mine on the day of the funeral of the deceased, as above, or where death has resulted from an accident in the mine, individual miners and underground employees may, at their option, absent themselves from work for the purpose of attending such funeral, but not otherwise. And whether attending such funeral or not, each member of the United Mine Workers of America employed at the mine at which the deceased member was employed shall contribute fifty cents and the operator twenty-five dollars for the benefit of the family of the deceased or his legal representatives, to be collected through the office of the company. In the event that the mines are thrown idle on account of the miners' or other employees' failure to report for work in the time intervening between the time of the accident and the funeral or on the day of the funeral, then the company shall not be called upon for the payment of the twenty-five dollars above referred to.

Except in cases of fatal accidents, as above, the mine shall in no case be thrown idle because of any death or funeral; but in the case of the death of any employee of the company or member of his family, any individual miner may, at his option, absent himself from work for the purpose of attending such funeral, but not otherwise.

DOCTOR.

No deduction shall be made for doctors unless such deduction is authorized by the individual employee.

CONDITION OF THE MINE.

The company shall keep the mine in as dry condition as practicable, by keeping the water off the road and out of the working places. When a miner has to leave his working place on account of water, through the neglect of the company, they shall employ said miner doing company work, when practicable, and provided that said miner is competent to do such work, or he shall be given another working place until such water is taken out of his place.

PROVISIONS FOR INJURED.

The operators shall keep sufficient blankets, oil, bandages, etc., and provide suitable ambulance or conveyance, readily available at each mine, to properly convey injured persons to their homes after an accident.

POWDER.

The price of powder shall be two dollars per keg during the term of this contract.

1906 JOINT CONVENTION.

It is agreed that the Southwestern Interstate Coal Operators' Association and the representatives of the United Mine Workers of America shall meet in the city of Indianapolis, Ind., on the 25th day of January, 1906, at 10 o'clock A. M.

HARNESSING MULES.

In regard to taking the mules into the mine, where the mules are kept on top of slope opening, the mules are to be taken to and from the tibble to the mouth of the slope. In shaft openings, the mules are to be taken down and up the shaft by the company, either by the drivers on the company's time or by the company employing a man to do so; and it may employ any man or number of men it chooses to do this work.



State inspector of coal mines reports

176

INSPECTOR OF COAL-MINES.

Where mules are kept in the mine, if the mules are harnessed by the company, the driver must be at the pit bottom, or the parting where he commences work, ready to begin at starting time. If the driver harnesses the mules, he does so on the company's time.

PENALTIES FOR LOADING IMPURITIES.

The interpretation of or the construction to be placed upon that paragraph relative to penalties for loading impurities, in the agreement between the United Mine Workers of America and the Southwestern Interstate Coal Operators' Association, entered into at Pittsburg, Kan., July 27, 1903, having been referred to the undersigned, is ruled upon as follows. The paragraph reads:

"In order to insure the production of clean, marketable coal, it is hereby provided that if any miner shall load, with his coal, sulphur, bone, slate, black-jack, or other impurities, he shall, for the first offense, be notified by the mine foreman; for the second offense he may be suspended for one day; for the third and each subsequent offense occurring in any one month he may be suspended for three days; provided, that if in any case it is shown that a miner maliciously or knowingly loads impurities, he shall be subject to discharge."

The question is upon what constitutes "one month," within the meaning and the intent of this contract.

It was clearly intended by the parties to this contract that, if it became necessary to insure the production of clean coal, the penalties provided in this agreement should be and could be inflicted. It is also clear that if the operation of this agreement is to be limited and confined to each calendar month for the period it is in effect, the penalties cannot be inflicted, as contemplated by the parties to the agreement, and the offender must be allowed to go unpunished.

For example, suppose a miner is notified on the 1st or any subsequent day of the calendar month that he has loaded dirty coal, that is the extent of his punishment for that offense; and suppose he is notified on the 1st or any subsequent day of the calendar month following that he has loaded dirty coal, that is the limit of his punishment for the second offense, notwithstanding the second offense may have been committed on consecutive days; that is to say, on the last day of one calendar month and the 1st day of the calendar month following.

Again, the first offense may be committed on any day subsequent to the 1st day of the month, the second offense on any day subsequent to the first offense, and the third offense on the 1st day of the succeeding month, or any subsequent day, and the offender go practically unscathed, because no penalty other than that provided for the second offense could be inflicted. Again, if the second offense occurred on the last day of any calendar month on which the first offense occurred, the offense is condoned, because of the application, as lawyers would say, of the "statute of limitations" interfering to save the offender from the infliction of the punishment provided as just and necessary to the consummation of the intent and purpose of the contract—the "insurance of the production of clean, marketable coal."

Now, in my judgment, that could not have been the intent and purpose of the parties to this agreement, because they clearly intended that the penalty should be inflicted if the offenses were committed within the specified time, "one month," *i. e.*, thirty days. Nor would this impose any hardships on the miner, or give the operator any undue advantage.

The ruling is, therefore, that "one month" in this agreement means thirty days.

If either of the district presidents disagree with this ruling, they will please submit their reasons therefor in writing. BENNETT BROWN, *Commissioner*.

Copies sent to and indorsed by George Colville, district president No. 25; George Richardson, district president No. 14; Pete Hanraty, district president No. 21; Thomas M. King, vice-president district No. 21.

PITTSBURG, KAN., August 19, 1904.

A difference of opinion having arisen in regard to whether or not the brushing question in the northern part of Kansas is to be taken up and adjusted by the president of district 14 and the operators' commissioner, the representatives of the miners and the representatives of the operators agree to refer the matter to



BIENNIAL REPORT.

177

T. L. Lewis, national vice-president of the United Mine Workers of America, and W. C. Perry, vice-president at large for the Southwestern Interstate Coal Operators' Association, for settlement.

Executed at Pittsburg Kan., this 19th day of August, 1904.

In behalf of the Southwestern Interstate Coal Operators' Association:

B. F. BUSH, *President.*

S. W. KNIFFIN, *Secretary.*

In behalf of the miners:

J. G. RICHARDSON, *President District 14.*

PETE HANRATY, *President District 21.*

GEO. COLVILLE, *President District 25.*

ROBERT GILMOUR, *Secretary Joint Convention.*

T. L. LEWIS, *National Vice-president.*



DISTRICT AGREEMENT.

ADOPTED AUGUST, 19, 1904, BY SOUTHWESTERN INTERSTATE COAL OPERATORS' ASSOCIATION AND THE UNITED MINE WORKERS OF AMERICA,
DISTRICT No. 14.

ARTICLE 1. That the following prices per ton of 2000 pounds shall be paid by the parties of the second part and received by the parties of the first part for mine-run coal free from slate, dirt, bone, sulphur, black-jack and other impurities for a period of time beginning September 1, 1904, and ending March 31, 1906.

ART. 2. Cherokee and Crawford counties, Kansas, and Barton county, Missouri: Shooting coal, per ton, for mine run, seventy-two cents.

ART. 3. That the uniform price of dead-work shall be as follows:

Entries twelve feet wide, \$1.06 per yard.

Entries less than twelve feet wide, \$1.59 per yard.

First cross-cut in rooms, \$1.59, or \$1.06 per yard, according to the width of same, based on width and price of entries. That in all cases where miners are unable to secure necessary width in rooms, being prevented by horseback or other unavoidable obstacles, the prices to be paid for such work shall be the same as above stipulated. Where the width obtained in rooms is less than twelve feet and over six feet, price shall be determined proportionately. The price for turning rooms shall be \$2.13 where the room neck is six feet; \$4.25 where they are twelve feet. That brushing shall be paid at the rate of eighty-five cents per yard for five feet above the rails, and \$1.06 for six feet above the rails. Horsebacks, \$1.06 per foot. Stowing dirt, eleven cents per car, fifty-three cents per yard, or to be taken away by the company.

ART. 4. When entries are double-shifted, or when two men work together in entries on same shift, twenty-seven cents per yard additional shall be paid.

ART. 5. The price for making wall for room through gob in entries shall be \$1.59.

ART. 6. Conditions governing shot-firers: Shot-firers shall have but one job in mines employing forty men or more, and no shot-firer shall perform his duties while in the mine alone. Two shot-firers shall not fire shots for more than eighty men without extra compensation at the rate of seven cents per place for each additional man, but when there are 105 men employed there shall be one additional shot-firer, and same conditions to apply when additional shot-firers are needed.

ART. 7. The use of squibs and fuse shall be left to the men of each mine. Where one is voted the use of the other shall be excluded, with this provision: that when the men vote to use fuse, the company shall make no charges for squibs; but in any event, when necessary to use dynamite in brushing or horseback shooting, the use of fuse is permissible; and in no event shall any shot-firer shoot more than one working place at a time.

BATES AND VERNON COUNTIES, MISSOURI.

ARTICLE 1. That the price for digging shall be as follows, for mine-run coal
Coal four feet and over, per ton, sixty-two cents.

Coal three feet six inches and over, per ton, sixty-seven cents.

Coal three feet six inches or less, per ton, seventy-two cents.

ART. 2. That prices for bottom grading be paid the same in rooms as in



entries, and the price for removing bone coal or rock shall be determined by the miner and mine foreman.

ART. 3. That rooms be twenty-four feet wide when roof will permit, and in no case shall two men be required to work in a room less than sixteen feet wide; the mine foreman to be judge of conditions.

ART. 4. That the same rules and customs in regard to first cross-cut in rooms in Cherokee and Crawford counties, Kansas, shall also apply to these counties.

ART. 5. That the prices for entries shall be, for twelve-foot entries, \$1.59; for six-foot entries, \$2.13 per yard.

ART. 6. That prices for top brushing be eighty cents per yard for five feet two inches above the rails, the existing custom. That bottom grading from six inches to one foot in thickness shall be fifty-three cents, and for each additional six inches in thickness the price to be twenty-seven cents. When less than six inches, the price to be determined between the miner and the mine foreman.

ART. 7. Room turning and all other dead-work not enumerated shall be reduced 5.55 per cent.

PLEASANTON DISTRICT.

ARTICLE 1. The price for mining shall be ninety-five cents per ton of 2000 pounds, under the condition now in operation.

ART. 2. Brushing in entries shall be paid for at the rate of \$1.75 for six feet above the rails. All dead-work not enumerated shall be reduced 5.55 per cent.

OSAGE COUNTY.

ARTICLE 1. That the price per ton for mine-run coal shall be as follows:

Osage City, per ton.....	\$1 60
Burlingame, per ton.....	1 55
Scranton, per ton.....	1 55

ART. 2. That room turning be paid \$5 67 as a uniform price for Osage county; miner to put away dirt. That the distance of room turning shall be twelve feet from the corner of the rib of said room, and no room shall be considered turned until such distance is obtained. All yardage beyond the specified distance of twelve feet shall be paid at the rate of \$1.42 per yard.

ART. 3. All gob entries shall be paid at the rate of \$1 59 per yard; said entries to be four and a half feet wide and three and a half feet high, in Osage county. For narrow entries, five feet wide and three and a half feet high, \$1.97 per yard; the miner to have the coal. For entries fourteen feet wide, \$1.86 per yard; the miner to have the coal. For one-sided entries, the price to be \$1.33 per yard; the miner to have the coal.

ART. 4. That rib room turning be paid the same as other room turning.

ART. 5. That all rock brushing shall be paid at the rate of ninety-four cents per yard of one foot in thickness, and forty-seven cents for each additional six inches; help to be furnished by the company when drilling in rock.

ART. 6. Cutting corners in rooms, where rooms are full width, fifty-three cents per yard.

ART. 7. That whenever a mine foreman desires two men to work together in one place, they shall be paid fourteen cents extra per ton above the regular mining price, provided it is not the fault of the miner working in said place or his inability to keep up the working-face.

ART. 8. Where shooting is necessary, the company to be required to furnish drilling-machines and other necessary materials for blasting, and that such necessities shall be delivered at the miner's platform or switch.

ART. 9. That no room be driven over 185 feet without extra pay for pushing,



INSPECTOR OF COAL-MINES.

said extra pay to be determined by mine foreman and pit committee, and that any steep pushing the driver or pusher shall be required to assist in pushing.

ART. 10. That mule brushing shall be contracted when desired; the price to be agreed upon by the mine foreman and the parties doing the work.

ART. 11. All deficient work shall be paid extra, the price to be determined by the mine foreman, miner or miners affected; but should they not agree, then the price shall be determined by the mine foreman and pit committee.

ART. 12. It is hereby understood and agreed that all coal shall be accepted at the miner's switch or platform.

ART. 13. Miners shall at no time load or send out dirt. In case of dispute, without the consent of the pit boss and pit committee.

ART. 14. That whenever a room or entry caves in, or abnormal conditions exist, the operator shall take the dirt at miner's switch or platform and the miner's turn for coal shall not be affected thereby.

ART. 15. Where the blacksmith is hired by the company to sharpen tools for the men, the charges will be one per cent. When men sharpen their own tools, no charge shall be made.

ART. 16. That each operator in Osage county shall furnish their employees domestic coal during the six winter months, commencing September 1 and ending February 28, at the September market quotation for Osage county coal, and during the six summer months at the actual market price at the mines.

INSIDE DAY WAGE SCALE.

(Driver for each additional mule, nine cents extra.)

Machine runner.....	\$2 83
Machine helper.....	2 60
Loading and drilling after machine.....	2 42

Wages of motormen to be reduced 5.55 per cent. below present wages. The company shall have the right to work any part or all of the mine by machines, if they desire.

The men working with the machines shall be subject to the mine foreman's order, and do any work he may direct other than machine work; provided, however, there shall be no reduction made in the rate of wages paid. When either side to the agreement desires to do mining by the ton, the matter shall be taken up and adjusted.

Digging coal by the day.....	\$2 65
------------------------------	--------

GENERAL PROVISIONS.

ARTICLE 1. That the bimonthly pay-days shall fall on the second and fourth Saturdays of each month.

ART. 2. Any miner desiring to leave the service of the company shall give notice to the clerk of the company's local office, and receive his money in full not later than five days after such notice.

ART. 3. That all required timbers and rails shall be delivered, when necessary, at the working-switch of the miner.

ART. 4. That the color line shall not be a bar to employment.

ART. 5. That the erection of head-frames, buildings, scales, machinery, railroad-switches, etc., necessary for the completion of a plant to hoist coal, all being in the nature of construction work, are to be excluded from the jurisdiction of the United Mine Workers of America. Extensive repairs to and rebuilding of the same class of work shall also be included in the same; provided, that any or all members of the United Mine Workers of America who may be employed at such work shall not be asked to work in conflict with the terms of this agreement.

State inspector of coal mines reports

BIENNIAL REPORT.

181

ART. 6. There shall be no unjust discrimination against any day laborers in so far that the work shall be as nearly as possible equally distributed, provided the parties are competent to do the work.

ART. 7. All half turns shall be furnished a check number.

ART. 8. That the check weighman shall have a check number to receive his pay, the same as miners.

ART. 9. That the price of nut coal at the mines for household purposes to the employees shall be \$1.35 per ton for the entire year, where bought by the head of the family. (Except Osage and Pleasanton.)

ART. 10. When entry or horseback dirt is wheeled or pushed, extra compensation shall be paid when it is required to wheel or push same over 126 feet. (This applies to Cherokee and Crawford counties, Kansas, and Barton county, Missouri.)

ART. 11. When rock brushing is necessary to be done, the regular brushing price shall not apply, but the compensation for the same shall be mutually agreed upon between the miner and mine foreman. (This applies to Cherokee and Crawford counties, Kansas, and Barton county, Missouri.)

ART. 12. Faulty coal shall be considered deficient work, and any miner hired to work the same shall be paid by the day, the company to furnish the powder and tools when required, or the man to be given another place; the mine foreman to determine whether the man is to be employed by the day or given another place.

ART. 13. In opening new mines the work shall be done by the cubic yard or by the ton, and the price per cubic yard for the coal shall be the price per ton under the scale for that width of work; this rule to apply after the first parting on each side of bottom of shaft and air connections are made.

ART. 14. That when a miner is prevented from work by reason of his switch not being laid in his turn or through neglect of the company, or in the event of a fall of rock in his place, not otherwise provided for, he shall notify the mine foreman, and if the same is not remedied at the expiration of twenty-four hours he shall proceed as in paragraphs A and B of the interstate agreement; and provided further, that if any miner or mine laborer absents himself from work for more than one day without a justifiable cause, the operator shall have the right to fill such vacancy, but if the miner or mine laborer believes that he is unjustly dealt with, he shall have the right to appeal to the pit committee for investigation.

ART. 15. That the price for blacksmithing for the ensuing year be based on one per cent. of the gross earnings of the miner. Where squibs are used, the price shall be twenty-five cents per month.

ART. 16. That the wage of blacksmiths at mines where construction work is being done shall be \$2.83 per day, and the wage of mine blacksmith at mines where repairs and sharpening of tools only is being done shall be \$2.60 per day, based on an eight-hour day.

ART. 17. The price for draw slate shall be:

Twenty-four cents per lineal yard where draw slate is six inches thick.

Thirty-eight cents per lineal yard where draw slate is nine inches thick.

Fifty-two cents per lineal yard where draw slate is twelve inches thick.

Nine cents increase for each additional three inches in thickness.

These prices are for draw slate when it is necessary for the miner to handle same across full width of room when room is standard width. A proportionate price per yard, based on actual width of room, where room is less than standard width. When draw slate is less than six inches thick the price to be determined by miner and mine foreman. (Except Osage and Pleasanton.)



ART. 18. That the price for bottom brushing shall be \$1.12 per yard in Cherokee and Crawford counties, Kansas, and Barton county, Missouri.

ART. 19. That all road and sump coal be placed on a check number, and when wrecked cars are allowed they are to be deducted from the coal on such check number; at the end of each month the coal to be divided between the local union and the company, two-thirds to the local union and one-third to the company; the company to pay all labor in cleaning and loading such fuel.

ART. 20. When there are not enough cars at the mine to run with in the morning, that no local rule concerning this question be effective until thirty minutes after starting time, giving the company thirty minutes after starting time to get empties in at the mine to run with before the mines shall be thrown idle; but in no event shall the thirty minutes be taken advantage of when the company knows that no empties shall be received that day; and when the company knows that no cars will be received, the men shall be notified either at the office, company store, or at the mine.

ART. 21. It is agreed that on the first Monday in March, 1906, that representatives of the Southwestern Interstate Coal Operators' Association and the representatives of district 14, United Mine Workers of America, parties to this agreement, respectively, shall meet on that day in Pittsburg, and go into session, and continue in session to agree upon and formulate a new contract; and all clauses that cannot be amicably settled between the operators' and miners' representatives shall be settled by a board of arbitration, consisting of two operators chosen by the operators and two miners chosen by the miners, these four to choose the fifth member of this board, and the decision of this board shall be final and binding upon all parties to said arbitration.

We, the undersigned, respective parties to said contract, have read the same, and fully approve of the conditions contained therein, and bind ourselves to the faithful performance of the same.

In behalf of the Southwestern Interstate Coal Operators' Association:

B. F. BUSH, *President*.
S. W. KNIFFIN, *Secretary*.

In behalf of the miners: J. G. RICHARDSON.
JOHN BILLINGS.
JOHN LENON.

APPENDIX.

SHOT-FIRERS.

In regard to shot-firers, the men who fire shots will be paid daily for men actually at work in the mine, or it may be agreed upon between the employer and the shot-firer that the enumeration of the men employed in the mine may be taken on the 1st, 7th, 15th, 20th, and 25th, and an average taken from the numbers so ascertained; the enumeration on the 15th to apply to both the first and last days of the month.

STOWING DIRT AND ONE-SIDED ENTRIES, OSAGE COUNTY.

Miners are required to stow dirt in any gob road in the entry in which they work. Where necessary to move dirt from the entry in which the dirt is made, the miner will go to any gob road within 700 feet and stow the dirt. If there is no gob room within 700 feet, the miners will wheel the dirt to the shaft bottom, provided the distance does not exceed 700 feet, under ordinary conditions.

That one sided entries, mentioned in the contract scale for Osage county, means where rib is cut, and such entries are entitled to \$1.33 per yard; and when all the coal is taken out by room and entry, men working through upon each other is short entry, and shall be paid for at the rate of \$1.15 per yard; the miners to have the coal. Whenever the rib is cut \$1.33 must be paid, as per contract.



PROCEEDINGS
OF THE
SIXTH ANNUAL CONVENTION
OF THE
STATE ASSOCIATION OF MINERS,
HELD AT
TOPEKA, KAN.,
February 1, 2, and 3, 1904.

TOPEKA:
GEO. A. CLARK, STATE PRINTER.
1905.



PROCEEDINGS

OF THE SIXTH ANNUAL CONVENTION OF THE STATE ASSOCIATION OF MINERS, HELD AT THE STATE CAPITOL, AT TOPEKA, KAN., FEBRUARY 1, 2, AND 3, 1904.

FEBRUARY 1, 1904.

Meeting called to order by President Bramlette, when the secretary read the call for the meeting and the roll-call of duly credentialed members of the society.

Motion that the president appoint a Committee on Credentials. Motion carried. Committee: J. J. Hoyer, John Craddock, Henry Wenzel, Robert Jack, John Steel.

By request of the secretary, the chair appointed, as assistant secretary, J. W. Miley, of Fleming.

Moved and seconded that we adjourn until 1:30 P. M. Carried.

AFTERNOON SESSION.

Meeting called to order by President Bramlette.

The Committee on Credentials being ready to report, they reported the following entitled to membership:

Joe Gorski, James Gorski, Chas. Baker, Frank Smith, Jas. Duncan, Harry Demarcus, J. T. Pratt, local union No. 679, Leavenworth; membership, 795.

Hugh Monahan, John Hoderline, Dan Getti Massina, J. J. Hoyer, R. Pergitoni, J. Devore, John Derby, Alf. Anderson, Jas. Harvey, Geo. Heslop, A. Quintetti, local union No. 444, Frontenac; membership, 526.

Elija Harding, John R. Jones, local union No. 1009, Osage City; 433 members.

G. H. Musser, Fred Hough, John Potter, local union No. 569, Mineral; 463 members.

John Collins, Joe P. Ferns, local union No. 597, Scammon; membership, 401.

Lewis Moore, William Davis, John Vansant, Jas. Freil, William Kirkwood, Alex Lindsey, William Lindsey, Joe Longcake, John Steel, local union No. 219, Pittsburg; 405 members.

Geo. T. McGrath, J. T. Coleman, local union No. 1580, Ashley; 400 members.

John Craddock, John Tanner, local union No. 210, Weir City; 301 members.

Harry McMullen, John Gilday, local union No. 54, Chicopee; 330 members.

A. G. Pistot, J. B. Ghilliar, local union No. 127, Chicopee; 330 members.

C. A. Staley, Thos. Baker, John Morris, Frank Morris, John Gore, Henry Lemler, Last Chance; 276 members.

G. W. McVey, G. W. Reid, local union No. 489, Yale; 300 members.

Frank Gilday, Phil Roney, Chas. Hill, local union No. 544, Scranton; 226 members.

Jake Wagner, E. A. Sanderson, D. H. Green, G. W. Banks, Ernest Stillwaugh, local union No. 70; Litchfield; 226 members.



Thos. Banks, Jas. Blanchard, local union No. 533, Midway; 252 members.
Ben Price, E. A. Albin, J. T. Stewart, local union No. 760, Scammon; 300 members.
Gus Murphy, G. J. Thomas, local union No. 445, Nelson; 230 members.
Jas. W. Miley, L. S. Houston, local union No. 469, Yale; 226 members.
F. H. Smith, W. L. Borders, local union No. 1661, Weir City; 200 members.
Thos. Berry, Joseph Oswald, local union No. 1674, Weir City; 230 members.
Robt. Martin, W. T. Wright, Alex Howett, A. W. Jenkins, Dow McLaughlin, local union No. 1822, Cambria; 195 members.
Levi Day, Harry Wenzel, Chas. Althoff, local union No. 1858, Leavenworth; 176 members.
Robt. Jack, Thos. Edwards, local union No. 1074, Burlingame; 178 members.
Patrick Griffin, local union No. 2371, Mineral; 162 members.
Francie McDonald, local union No. 85, Stippville; 150 members.
Geo. Hallams, local union No. 1890, Cornell; 125 members.
W. H. Crain, local union No. 1765, Stone City; 150 members.
Geo. Nicholson, J. Haigh, local union No. 528, Weir City; 127 members.
Jas. Haley, local union No. 1904, Skidmore; 160 members.
Jas. Geddes, Jno. Hunt, local union No. 1088, Cherokee; 153 members.
Wm. Pugh, local union No. 1701, Peterton; 76 members.
Jno. Morgan, local union No. 405, Harvard; 105 members.
N. S. Hadlock, local union No. 499, Scammon; 84 members.
C. W. Cristler, local union No. 960, Fuller; 107 members.
C. F. Swigart, local union No. 1990, Mulberry; 120 members.
Jno. Fleming, Evan Robinson, local union No. 135, Frontenac; 105 members.
G. W. Coulter, Robt. Samona, local union No. 1294, Nelson; 87 members.
C. E. Bramlette, local union No. 2425, Mineral; 80 members.
Jno. Halliday, local union No. 735, Pittsburg; 65 members.
H. L. Bevans, local union No. 1991, Mulberry; 52 members.
Robt. Arkle, local union No. 1835, Frontenac; 35 members.
Henry Washburn, local union No. 2195, Mulberry; 32 members.
Geo. W. Booth, local union No. 2524, Cherokee; 44 members.
Jno. Zucca, local union No. 2377, Peterton; 76 members.
Robt. Filkins, R. M. Brown, local union No. 2600, Pittsburg; 52 members.
Jas. Blanchard, local union No. 447, Coalvale; 47 members.
J. C. Moler, local union No. 2179, Englevale; 40 members.
W. T. Barker, local union No. 2574, Arcadia; 11 members.
Brick Barker, local union No. 1790, Pleasanton; 40 members.
W. G. Blair, local union No. 273, Stippville; 80 members.
Total number represented, 9755.

Referred to convention for consideration.

Moved and seconded that a committee be appointed to ask the attorney-general to come before the convention and explain the matter in regard to the seating of the delegates in dispute. Motion carried. Committee: Alex Howett, Jas. Blanchard, H. Demarcus.

Moved and seconded that a committee be appointed to wait on the secretary of state, to get the Senate chamber to hold the meeting in. Carried. Committee: W. T. Wright, John Halliday, Henry Hecksher.

Moved and seconded that the report of the committee to wait on



the attorney-general be received and the committee discharged. Carried.

Moved and seconded that the report of the Credentials Committee be received, and the delegates be admitted to membership, except those in dispute. Motion carried.

After an explanation by the attorney-general, it was moved and seconded that the delegates whose right to membership is questioned be seated. Carried.

The committee to see about getting the Senate chamber, being ready to report, announced that the Senate chamber had been secured for holding convention in.

Report of committee received and committee discharged.

Moved and seconded that this convention give a vote of thanks to Bro. Thos. McManus for the work he has done in securing the Senate chamber. Motion carried.

Moved and carried that no one but members of the United Mine Workers and delegates to the State Society of Labor and Industry be admitted to this convention. Carried.

Motion to adjourn until nine A. M., February 2. Carried.

TUESDAY, FEBRUARY 2.—MORNING SESSION.

Meeting called to order by President Bramlette.

Minutes of Monday read, and approved as read.

Chair appointed Thos. Herzog sergeant-at-arms.

Moved and seconded that the president appoint all committees. Carried. The president then appointed the following:

Rules and Order of Business: Thos. Edwards, J. T. Coleman, W. T. Wright, Francie McDonald, Henry Demarcus.

Committee on Constitution: Evan Robinson, John Halliday, John Collins, Frank Smith, Frank Gilday.

Committee on Resolutions: James Blanchard, Fred Hough, Elgie Harding, J. T. Pratt, E. A. Sanderson, Ben Price, Thos. Barker.

Moved and seconded that no resolutions be presented after twelve o'clock. Motion to table. Motion carried.

Motion that all resolutions be presented to the Resolutions Committee. Carried.

Committee on Legislation: J. W. Miley, H. L. Bevans, C. E. Bramlette, Levi Day, Wm. Pugh.

Officers' reports being the next order of business, the secretary made the following report:

To the Society of Mine Industry, Greeting:

The year just closed, 1903, has been one of the most prosperous years that the coal industry of Kansas has ever had, both to the miners and operators, there being a good demand for coal almost the whole of the year, making almost steady



State inspector of coal mines reports

190

SIXTH ANNUAL CONVENTION.

employment for the men employed in and around the mines. The demand has been so great part of the year at the mines that the operators have been able to get prices for their output not thought of a few years ago.

There have been a large number of fatal accidents for the year 1903, the number being thirty-five, of which sixteen were caused by the fall of slate, seven were shot-firers, two drowned, three caught by railroad-cars, two killed by the cage, one tamping his shot, one by falling out of bucket while being hoisted when sinking, one drawing pillars, one by hemorrhage, one shot by another miner on top of pit.

There have been about 100 non-fatal accidents, of which the majority have been very slight.

From the number of accidents that are happening, especially from falls of slate, I believe that this committee should recommend a law to be passed by the next legislature that would give more safety to the employees in and around the mines. The sanitary condition of the mines of the state is fair, but if the single-entry system could be abolished, and the use of curtains where doors should be prevented, and a better grade of oil used, the sanitary condition of the mines would be greatly improved.

I would also recommend to this convention that they elect a Committee on Legislation from this body, of three members, apart from the general Legislative Committee, to look after nothing but mine legislation, as the number of men in the organization is such that the cost per member would be very small.

Yours respectfully, D. R. CASSELMAN.

Committee on Rules and Order of Business, being ready to report, reported as follows:

We, your Committee on Rules and Order of Business, recommend as follows:

1. Call to order by the president.
2. Roll-call of delegates.
3. Presentation of credentials.
4. Appointing a Committee on Credentials.
5. Reports of officers.
6. Appointing of committees.
7. Introduction of resolutions.
8. Unfinished business.
9. New business.
10. Miscellaneous business.
11. Good of the Association.
12. Election of officers.
13. Adjournment.

All rules of order shall be governed by Robert's Manual of Rules and Order.

[Signed] THOS. EDWARDS.
J. T. COLEMAN.
F. McDONALD.
H. A. DEMARCUS.
W. J. WRIGHT.

Moved and seconded that the report be adopted as read, and the committee discharged. Motion carried.

The report of the secretary being read, it was accepted and referred to the Legislative Committee.

State inspector of coal mines reports

STATE ASSOCIATION OF MINERS.

191

The Committee on Constitution, being ready to report, reported the following:

MR. PRESIDENT—We, your Committee on Constitution, beg to make the following report:

That article 2, section 2, be amended to read as follows: That no delegate shall represent any local but the local of which he is a member, and shall not be entitled to more than five votes.

That section 2 of article 3 be stricken out.

JOHN COLLINS, *President*.
JOHN HALLIDAY, *Secretary*.
FRANK GILDAY.
FRANK SMITH.
EVAN ROBINSON.

Adjourned until 1:30 P. M.

AFTERNOON SESSION.

Motion that report of committee be adopted. Amendment that section 2 of article 3 be retained in constitution. Amendment lost. Motion carried.

The Legislative Committee, being ready to report, reported as follows.

We, the Committee on Legislation, beg leave to report that we have carefully examined the report of the secretary of mines, and the separate and different resolutions presented to us, and recommend that resolution No. 1 be accepted by this convention, and the same presented to the Legislative Committee to be formulated into a bill, and that they use their best efforts to have the same enacted into a law.

And, further, we recommend that resolution No. 2 be accepted, and presented to the Legislative Committee with same recommendations as resolution No. 1.

And we further recommend that an examining board be created by law, to be composed of five members, consisting of one practical hoisting engineer, of not less than three years' practice; one practical electrician, of not less than three years' practice; three practical and experienced miners, who will have been employed in mining for a period of not less than ten years.

We would further recommend that the Legislative Committee be instructed to carefully examine the present mining laws of the state of Kansas, and draft and present to the next legislature bills that will completely supply any deficiency therein appearing to them.

We would recommend that police power be given to the state mine inspector.

And further recommend that this convention recommend the enactment of laws to comply with the deficiencies recommended by the secretary of mines regulating oil, single entries, etc. [Signed]

J. W. MILEY,
H. L. BEVANS,
C. E. BRAMLETTE,
L. L. DAY,
W. B. PUGH,
Committee.



192

SIXTH ANNUAL CONVENTION.

SUPPLEMENT.

We would further recommend that the recommendations of the present secretary of mines regarding the election of a Legislative Committee separate from regular Legislative Committee be accepted, and a committee elected in accordance therewith.

J. W. MILEY,
H. L. BEVANS,
C. E. BRAMLETTE,
L. L. DAY,
W. B. PUGH,
Committee.

Motion that we concur in committee's report. Carried.

Moved and seconded that the Legislative Committee be allowed five dollars per day and railroad fare while working for mine legislation. Carried.

Moved and seconded that the Legislative Committee be instructed to make an estimate of the cost of the committee on or before September 1, 1904, and be empowered to make an assessment on the miners of Kansas to pay the same. Motion carried.

Moved and seconded that the Legislative Committee be elected from this convention, regardless of the locality.

Amendment that there be one each from the following counties: Crawford, Cherokee, Osage, and Leavenworth.

Substitute that one be elected from Cherokee county, one from Crawford county, one from Osage and Leavenworth together, and one at large, to be the legislative committeeman to the State Society of Labor and Industry. Substitute carried.

Moved and seconded that we adjourn until 8:30 A. M., February 3.

WEDNESDAY, FEBRUARY 3.—MORNING SESSION.

Meeting called to order by the president.

Minutes of February 2 read, and approved as read.

Moved and seconded that the president appoint a committee to ask the State Society of Labor and Industry to stay in session until the State Mine Association is ready to report their resolutions on legislation and elect their legislative committeemen. Motion carried. Committee: Stewart and Bramlette.

The Resolutions Committee, being ready to report, reported the following:

Resolution No. 1, added with recommendations:

WHEREAS, A rumor has been circulated that the mine inspector dare not enforce the existing mine laws, because they are afraid they are illegally elected; and

WHEREAS, If there be any truth in such a report, we, the members of local union No. 735, believe that a test should be made, and the legality of his election disposed of at once, as laws not enforced are no better than no laws at all: therefore, be it



STATE ASSOCIATION OF MINERS.

193

Resolved, That the incoming mine inspector be pledged to enforce the laws, even though the law creating the State Society of Miners be declared invalid.

B. F. MAJOR, *President*.

H. WHITE, *Rec. Sec.*

JNO. LINDSAY, *Fin. Sec.*

Referred to the Legislative Committee.

WHEREAS, The Resolutions Committee assembled believes that the election of one legislative committeeman is not enough to represent the number of miners representing a district:

Resolved, That we recommend the election of a legislative committeeman from each one of the four representative counties, Leavenworth, Osage, Cherokee, and Crawford.

Report of committee concurred in.

Adjourned for dinner.

AFTERNOON SESSION.

Resolution No. 2, by John Craddock, U. M. W. of A. No. 210:

WHEREAS, The health and safety of the miners and the protection of their life and limbs depend on the duties of our mine inspectors, foremen, assistant foreman, and mine hoisting engineers: therefore, be it

Resolved, That a law be enacted requiring mine inspectors, mine foremen, assistant foremen and mine hoisting engineers to pass an examination to better fit them for their duties to protect life and property.

Resolution No. 2 recommended for adoption.

Report of committee concurred in.

Resolution No. 3, by J. T. Stewart, local union No. 760, Scammon, Kan.:

Resolved, That in future no delegate to the State Society of Miners shall be entitled to a seat or voice in the meetings unless he is a member of the local union which elects him.

The State Society of Miners, in calling the convention, shall so notify all local unions of this rule.

Resolution No. 3 recommended for adoption.

Report of committee concurred in.

Resolution No. 4, by John T. Stewart, local No. 760, Scammon, Kan.:

Resolved, That a competent lawyer be consulted with reference to adopting a bill to present to the next legislature defining the law relating to contributory negligence in accident cases.

Resolution No. 4 recommended for adoption.

Report of committee concurred in.

Resolution No. 5, by Chas. Althoff, U. M. W of A. No. 1858:

WHEREAS, We see the lives of our fellow workers being neglected by incompetent men:

Be it resolved, That we, the Association of Miners of the state of Kansas, now assembled in the state capitol of Kansas, urge and demand that all mine



State inspector of coal mines reports

194

SIXTH ANNUAL CONVENTION.

foremen, mine bosses, engineers, mine inspectors, deputy inspectors and firemen stand an examination before the examination board of the state of Kansas; and if there is no such board, the Legislative Committee be instructed to see that one is appointed.

Resolution No. 5 recommended for adoption.

Report of committee concurred in.

Resolution No. 6, adopted by local union No. 2371, U. M. W. of A.:

WHEREAS, It has come to the knowledge of this local that there are several mines in this district where the negro cannot obtain work on account of his color, which is a strict violation of our district constitution, and also a violation of the contract between the operators and the U. M. W. of A.: therefore, be it

Resolved, That this convention take steps to have our district constitution enforced in regard to the color line.

Resolution No. 6 referred to district 14, state convention of U. M. W. of A.

Resolution No. 7, by W. S. Glover and L. Bullock, U. M. W. of A. 2371:

Be it resolved, That this convention favor and recommend to the Legislative Committee the enactment of a law making a universal eight-hour work day; and

Be it further resolved, That this convention favor the anti-injunction law now pending in the United States senate.

Resolution No. 7 recommended for adoption.

Report of committee concurred in.

Resolution No. 8, by Geo. T. McGrath, local union No. 1580:

To the Officers and Members of this Association of Miners:

Be it resolved, Since the officers of the state have stepped over their usual custom in granting the use of the Senate chamber for the use of our body while here, we will refrain from the use of tobacco while in session in the same.

Resolution No. 8 recommended for adoption.

Resolution to concur tabled.

Resolution No. 9, by W. T. Wright, Kirkwood, No. 1822:

For the better protection of the miners of our state in securing payment for their labor,

Be it resolved, by this State Society of Miners, That we demand the enactment of a law forbidding any coal operator from subleasing any or all of his mines to irresponsible parties, unless good and sufficient bonds are furnished securing the wages of the workmen.

Resolution No. 9 recommended for adoption.

Report of committee concurred in.

Resolution No. 10, by W. T. Wright, Kirkwood, No. 1822:

Believing that too much protection cannot be thrown around the men who daily risk their lives in the mines of this state, we, as miners, in conjunction with the Society of Labor and Industry, demand and insist upon the passage of a stringent fellow-servants' bill.

Resolution No. 10 non-concurred in by committee.

Report of committee concurred in.

State inspector of coal mines reports

STATE ASSOCIATION OF MINERS.

195

Resolution No. 11, by W. T. Wright, Kirkwood, No. 1822:

Be it resolved by this Society, That we favor and urge the change in our present law relating to inspectors of coal-mines; that the office of deputy, so far as it relates to Cherokee county, Kansas, shall be abolished, and in its stead shall be created the office of inspector with full powers, and that such inspector be held directly responsible to the state.

Resolution No. 11 non-concurred in by committee.

Report of committee concurred in.

Resolution No. 12, by W. T. Wright, Kirkwood, No. 1822:

Believing that a fuller and fairer share of the wealth we create can best be secured by divorcing the coal industry from the transportation service, and, as the only effective means of accomplishing this end, we, as coal-miners, are heartily in favor of the public ownership of all the railroads of this nation.

Resolution No. 12 non-concurred in.

Report of committee concurred in.

Resolution No. 13, by W. T. Wright, Kirkwood, No. 1822:

Be it resolved, That this Society is unutterably opposed to a third term of office for any of its officers.

Resolution No. 13 non-concurred in by the committee.

Report of committee concurred in. The vote:

Concur: Local union No. 679, 17; No. 1009, 10; No. 569, 6 $\frac{2}{3}$; No. 219, 9; No. 1580, 4 $\frac{1}{2}$; No. 127, 4; No. 434, 7; No. 70, 6; No. 533, 3; No. 760, 7; No. 469, 5; No. 1074, 5; No. 2377, 4; No. 85, 4; No. 1094, 4; No. 1701, 3; No. 489, 3; No. 1990, 3; No. 135, 3; No. 1294, 3; No. 2425, 3; No. 1991, 2; No. 2195, 2; No. 2377, 3; No. 2600, 1; No. 447, 2; No. 2179, 2; No. 2574, 1; No. 2790, 2. Total, 129 $\frac{1}{2}$.

Non-concur: Local union No. 444, 12; No. 569, 3 $\frac{1}{3}$; No. 597, 9; No. 1580, 4 $\frac{1}{2}$; No. 210, 7; No. 501, 8; No. 127, 4; No. 589, 7; No. 544, 6; No. 533, 3; No. 445, 5; No. 1661, 6; No. 1674, 6; No. 1822, 5; No. 1858, 5; No. 1890, 3; No. 1765, 4; No. 528, 4; No. 1088, 4; No. 405, 3; No. 960, 3; No. 735, 2; No. 1835, 2; No. 2600, 1; No. 273, 3. Total, 119 $\frac{5}{6}$.

Resolution No. 14, by W. T. Wright, Kirkwood, No. 1822:

Be it resolved by this Society, That in the electing of candidates for any and all offices at its disposal, we will be governed strictly by the following qualifications: () Competency to fulfil the duties of the office; (2) the candidate's record as a union man; (3) firmness of character.

Resolution No. 14 recommended for adoption.

Report of committee concurred in.

Resolution No. 15, by W. T. Wright, Kirkwood, No. 1822:

Believing it to be our duty to have the earnings of our people purchase in the most advantageous market,

Be it resolved, That we are in favor of a parcel post in connection with the post office department; also, a postal fractional currency for transmission with the mails.



State inspector of coal mines reports

196

SIXTH ANNUAL CONVENTION.

Resolution No. 15 non-concurred in by the committee.

Report of committee concurred in.

Resolution No. 16, by J. T. Stewart, local No. 760, Scammon, Kan.:

Resolved, That the state mine inspector shall have his office in the city of Topeka, and deputies be appointed in the counties of Cherokee, Crawford, Osage, and Leavenworth, according to paragraph 71, section 4179, of the General Statutes of Kansas.

Resolution No. 16 non-concurred in by the committee.

Report of committee concurred in.

Resolution No. 17, submitted by local union No. 444, U. M. W. of A.:

WHEREAS, The labor-unions of the country are to be congratulated upon their grand success in gaining, by contract and persistent efforts, and many and costly sacrifices, a high position of strength and honor in material affairs of our nation; and

WHEREAS, The success of labor has caused an apparent feeling of envy or jealousy to arise in the minds of many professional or business men who self-style themselves the "better classes," and assume the position of counselors and judges of men whose labor and dangers they have never experienced, and whose hardships and privations they would never agree to share; and

WHEREAS, The aforesaid business and professional people have formed a society bitterly antagonistic and hostile to union labor known as the Citizens' Alliance, and organized for the sole and specific purpose of combatting and frustrating labor in its efforts to improve its condition and advance wages: therefore, be it

Resolved by this, the sixth annual convention of the Kansas State Society of Labor and Industry, and the Kansas State Society of Miners, That we deplore the existence of said "Citizens' Alliance, as we believe it will be productive only of class hate and bitter feeling, where otherwise a mutual interest in improved conditions and higher wages would be productive of a better standard of living and a more advanced civilization, thereby redounding to the general welfare of all society, and particularly to the benefit of all business interest. And, be it further

Resolved, That while we have no desire to engage in any conflict or controversy whatever, we will at all hazard and cost defend our rights and preserve our unions as the best security against imposition and oppression, and our only hope for future advancement and industrial emancipation. And be it further

Resolved, That in view of the conditions aforesaid, it is highly imperative to our welfare that we place our known friends only in all places of trust or authority in the future, and demand of all candidates for our favor or support that they prove themselves friendly to our interests before we will extend to them any assistance in obtaining said offices. And be it further

Resolved, That each delegate to these two societies take back a copy of these resolutions and read the same to each local, and that a copy also be given to the daily press.

Resolution No. 17 recommended for adoption.

Report of committee concurred in.



State inspector of coal mines reports

STATE ASSOCIATION OF MINERS.

197

Resolution No. 18, by Chas. Althoff, L. Day, H. H. Wenzel, U. M. W. of A.:

WHEREAS, The state mining laws of Kansas have not provided sufficient protection of the lives of miners in mines 500 feet and over by means of an escapement-shaft; and

WHEREAS, The life and limbs of such miners are in constant danger from fire, wind, and squeezes:

Be it resolved, By the sixth annual convention of the State Society of Labor and Industry, now assembled, that in the interest of the protection of life and limb, and in the interest of the safety of the men who work in mines 500 feet and over, the Legislative Committee be instructed to draw up a bill, and use all possible means for its passage, making the time for the commencement of an escapement-shaft to be within one year after the first coal is reached, and the completion of such escapement-shaft to be within eighteen months or two years and one-half after coal is reached; and that all mines in operation, and that have been in operation for one year or more since coal was reached, shall begin their escapement-shaft within ninety days after this becomes a law; and if such operators refuse to do so shall be subject to a fine of \$1000 or imprisonment one year, or both, for refusal.

J. T. PRATT, Chairman,
BENJ. PRICE, Secretary,
J. A. SANDERS,
THOS. BARKER,
JAS. BLANCHARD,
FRED HAUGH,
E. A. HARDING,

Committee on Resolutions.

Resolution No. 18 recommended for adoption.

Report of committee concurred in.

Moved and seconded we concur in report of committee. Carried.

Moved and seconded that we proceed to elect the legislative committeeman at large. Carried.

Nominations: John Halliday, local union 735; C. E. Bramlette, local union 2425; G. T. McGrath, local union 1580.

The first vote was: Bramlette, 125; Halliday, 111; McGrath, 6. Bramlette, having a majority of all the votes cast, was declared elected.

Motion by Delegate Halliday that the election be made unanimous. Carried.

Moved and seconded that W. L. A. Johnson present the name of C. E. Bramlette to the State Society of Labor and Industry as legislative committeeman. Motion carried.

Moved and seconded that there be two appointed to take resolutions in regard to legislation to the other convention. Carried.

Moved and seconded that we adjourn until the afternoon session.



AFTERNOON SESSION.

Meeting called to order by President Bramlette, when, under the order of business, the election of officers was in order.

For secretary, the names of D. R. Casselman, John Hunt, Jas. A. Orr, George Murphy, Thomas Banks, J. P. Ferns, Ralph Deacon and Geo. T. McGrath were presented.

First ballot: Casselman, $81\frac{1}{4}$; Orr, $57\frac{1}{3}$; Murphy, 47; Banks, 26; Ferns, 15; McGrath, 9; Hunt, 9; Deacon, 6.

Second ballot: Casselman, $86\frac{1}{4}$; Orr, $61\frac{1}{3}$; Murphy, 47; Banks, 26; McGrath, 9; Ferns, 15; Hunt, 9; Deacon, 6.

Third ballot: Casselman, $86\frac{1}{4}$; Orr, $61\frac{1}{3}$; Murphy, 47; Banks, 26; McGrath, 9; Ferns, 16.

Fourth ballot: Casselman, $95\frac{1}{4}$; Orr, $64\frac{1}{3}$; Murphy, 47; Banks, 26; Ferns, 13.

Fifth ballot: Casselman $97\frac{1}{4}$; Orr, $81\frac{1}{3}$; Murphy, 47; Banks, 20.

Sixth ballot: Casselman, $107\frac{1}{4}$; Orr, $88\frac{1}{3}$; Murphy, 50.

Seventh ballot: Casselman, $111\frac{7}{8}$; Orr, $137\frac{8}{15}$.

Orr, receiving the majority of all votes cast, was declared elected for the ensuing year.

Nominations for president being called, the following were nominated: Sim Bramlette, John Gore, Henry Hecksher.

First ballot: Hecksher, 142; Bramlette, 64; Gore, 41. Hecksher, receiving the majority of all votes cast, was declared elected.

Nominations for vice-president being in order, the following names were presented: Jno. R. Jones and Philip Roney.

Roney, receiving a majority of all votes cast, was declared elected.

The election of a Legislative Committee being in order, the following names were placed before the convention and unanimously elected: Hugh Monahan, Crawford county; John Stewart, Cherokee county; Henry Demarcus, Leavenworth county.

The following resolution was presented by Delegate H. Monahan and adopted by the convention:

Resolved, That we tender a hearty vote of thanks to the Executive Council and all the state officers who have contributed to the convenience and comfort of the delegates of this convention, and fully appreciate the courtesy and good will shown to us by the chief executive and officers of his administration.

The following resolution was presented by Delegate Stewart, and adopted by the convention:

Resolved, That the mine inspector be instructed to proceed and have the mining law enforced, and, if necessary, invoke the aid of the county and state courts, as we wish to know before the 1st day of September, 1904, whether we have a mining law or not, and whether it is deficient.



STATE ASSOCIATION OF MINERS.

199

Following is the financial report read to the convention :

On hand.....	\$1 90	Local union 2371.....	\$0 81
Local union 679	3 95	“ 85.....	75
“ 1009.....	2 16	“ 1890.....	1 00
“ 569.....	2 25	“ 1765.....	75
“ 597.....	2 00	“ 528.....	65
“ 219.....	2 00	“ 1904.....	1 00
“ 1580.....	1 62	“ 1088.....	50
“ 210.....	1 51	“ 170.1.....	60
“ 501.....	1 65	“ 405.....	50
“ 127.....	1 55	“ 498.....	42
“ 434.....	1 40	“ 1990.....	60
“ 544.....	1 25	“ 135.....	53
“ 533.....	1 25	“ 2425.....	40
“ 760.....	1 50	“ 735.....	33
“ 445.....	1 10	“ 1991.....	26
“ 469.....	1 25	“ 1835.....	18
“ 1661.....	1 00	“ 2377.....	26
“ 1674.....	1 15	“ 447.....	20
“ 1822.....	1 00	“ 2179.....	20
“ 1858.....	90	“ 1790.....	26
“ 1074.....	88	Total.....	\$43 47

Moved and seconded we adjourn *sine die*. Carried.

D. R. CASSELMAN, *Secretary*.

REPORT
OF THE
INSPECTOR OF COAL-MINES,
STATE OF KANSAS,
FROM
JULY 1, 1904, TO JUNE 30, 1906.

FRANK GILDAY, INSPECTOR.



STATE PRINTING OFFICE,
TOPEKA, 1906.

2716