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Mines and mining in the Indian Territory

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MINES AND MINING IN THE INDIAN TERRITORY.

FEBRUARY 5, 1892.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. MANSUR, from the Committee on the Territories, submitted the following

REPORT:

[To accompany H. R. 249.]

Your Committee on the Territories to whom was referred H. R. 249, a bill to regulate mines and mining in the Indian Territory, state that they have had the same under careful consideration, and now report said bill with an amendatory section back to the House with the recommendation that it do pass, as amended.

The bill as introduced was that—

The general laws of the State of Missouri in force at the close of the thirty-fifth general assembly of the State of Missouri, as published anno Domini eighteen hundred and eighty-nine in the volume known as the "Revised Statutes of Missouri," which are not locally inapplicable, or in conflict with any law of Congress, entitled "Mines and mining; safety and inspection of mines," chapter one hundred and fifteen, are hereby extended over and put in force in the Indian Territory until Congress shall otherwise provide.

The amendment is by an added section, which reads as follows:

SEC. 2. That wherever in said laws of Missouri the word "State" or the words "State of Missouri" are used, the word "Territory" or the words "Indian Territory" may be substituted therefor; and where the word "governor" or the words "court" or "circuit court" are used, the words "Secretary of the Interior" or "the court of the United States of the judicial district having jurisdiction," may be respectively substituted. Where the word "county" is used it shall be construed to embrace the territory within the limits of a judicial division in said Indian Territory. The inspector of mines shall have his office with the clerk of the United States court at South McAlistar, and shall make his annual report to the Secretary of the Interior. All prosecutions and actions of a public nature shall run in the name of the United States.

Your committee find that this form of drawing a bill has among other precedents for it as follows, to wit: In the law creating the Territory of Oklahoma this was the exact form in which the laws of Nebraska, as found in their revised code, was made law and operative in the Territory of Oklahoma. It is also the language employed to make the laws of the State of Arkansas operative in the Indian Territory.

There are no adequate laws in force in regard to coal mines and mining, their safety and inspection, in the Indian Territory. In the interest of life and limb, as well as humanity in general, there is imperative need of a code of laws upon this subject.

The petitions of 1,213 miners of the Indian Territory, asking that the mining code of Missouri be made operative in that Territory, have been received and referred to your Committee on the Territories for their consideration.

With the advent of railroads in the Indian Territory came a great

necessity for coal. It was discovered of fine quality and immense quantities in the Territory; notably in the Choctaw Nation at and around McAlister, Krebs, and other points on the line of the Missouri, Kansas and Texas Railway. In the mines at the places named the coal is superior and easily worked. The veins or strata are of such thickness that a cube of 6 feet was taken from these mines, and placed on exhibit at the great Exposition at Denison, Tex., in 1889.

The presence of coal in such quantities, and of such quality, has invoked large capital, and much labor for their development, until now there are over 3,000 miners at work in the coal mines of the Territory. Under such conditions, and wholly without adequate laws for their protection and safety, the lot of the miner has been dangerous indeed. Failing to secure such attention and safeguards as their life and safety demanded from their employers, the miners of the Territory in October last met at the various mines, selected delegates to meet in convention, which, when assembled, represented, as your committee are informed, full 3,000 miners. The convention, after discussion, many of them being from the coal mines of the State of Missouri, and familiar with the mining code of that State, voted to adopt them, and to ask Congress to put them in force in the Indian Territory, and a petition to that effect, containing the names of — miners, has been sent to Congress and is now in its possession.

The result of their action was the introduction of this bill into Congress, which, besides having the sanction of the miners of the territory, has the indorsement of Hon. T. V. Powderly, master workman of the Knights of Labor, whose influence the miners invoked to aid in securing the passage of these desired laws. The attention of the House is called to an account clipped from the columns of the Republic, of a very recent mine horror at Krebs in the Choctaw Nation, occurring last month and since the introduction of this bill into the House, where over 50 miners were killed outright, 67 more or less injured, and 14 are missing. Your committee believe this disaster was wholly the result of carelessness arising from the want of rigid laws, compelling the inspection and regulation of coal mines, after the manner provided for in the Missouri code.

In the newspaper report of the disaster printed as an appendix to this report, it is stated—

Thomas Fleming, a mining expert, and for eight years a superintendent of the mine, but now general superintendent of the Southwestern Coal and Improvement Company, was interviewed this morning in regard to this explosion. He said that the whole blame should be placed upon the shot firers, who fired the blast too soon. A windy shot caused the catastrophe. The blast was overcharged. It should have been fired at 5:30 o'clock, after the miners had left the mines, in which case the explosion would have occurred, but only 5 or 6 men would have been killed. As it was the shot was fired at 5:07 o'clock, before the men had ascended from the mine.

In the code sought to be made a law in the Indian Territory, that an inspector shall be appointed, etc., it is commanded "in all dry and dusty coal mines, or mines discharging light carbonated hydrogen gas, shot firers must be employed to fire all shots after the employés and other persons have retired from the mines."

Here the shot fire was discharged from want of proper care, before the employés and others in the mines had retired, hence the great calamity. The Missouri mining code consists of forty-four sections, covering thirteen large pages of the Missouri printed statutes, and is the outgrowth of all the experience of fifty years of mining in that State. This bill is wholly nonpolitical, and has the unanimous indorsement of your committee.

The total cost of it to the Federal Government is one inspector, to be appointed by the Secretary of the Interior, who shall be a practical miner, with an annual salary of \$1,500 and his actual traveling expenses, to office with the clerk of the United States court at South McAllister.

To indicate the topics treated of in this mining code and to give the House a skeleton view of their reach and extent, your committee, without attempting to set out the bill in its extent, contents itself with quoting the headnotes to each of the forty-four sections embraced in the code, viz:

1. Rights of miners and owners of mineral lands; condition of permits.
2. Forfeitures.
3. Tender of payment for ores dug.
4. Notice to owner or lessee.
5. Sale of ore.
6. Injunction or restraining orders; notice of application to dissolve.
7. Affidavit of course of drift and order to be made.
8. Order to be read by surveyor.
9. Refusal to obey order a misdemeanor.
10. Owner of mine or lessee shall drain mine, etc.
11. Scrapping for ore prohibited, etc.; penalty.
12. Indemnity bond; when required to mine in certain localities, etc.; violation a misdemeanor; penalty.
13. Notice of intention to mine, publication required.
14. Petition to circuit court; court to fix and approve bond.
15. Testimony on application; bond, etc.; time granted.
16. Bond required.
17. Written permission of property owner; violation a misdemeanor; penalty, fines, etc.
18. Costs attending notice.
19. Diagram of mines.
20. Application of article to mining companies.
21. Screening coal before weighing prohibited.
22. Weighman shall take an oath; penalty.
23. Penalty for using false scales.
24. Shall apply to loaders in certain mines.
25. Checks redeemable in money or goods; when.
26. Employés to be paid monthly.
27. Refusal to redeem orders; penalty.
28. Maps of mines to be prepared by owners, etc.
29. Inspector to make map when owner fails; cost.
30. Escapement shafts; when and how constructed.
31. Ventilation; fire damp.
32. Bore holes.
33. Signaling, hoisting; certain miners not to work, etc.
34. Regulations for hoisting.
35. Boilers, fencing entrances, signals, etc.
36. Accidents; duty and power of inspector, etc.
37. Fines; how recovered.
38. Secretary of Interior to appoint inspector, etc.
39. Duties of inspector; reports.
40. Inspector may enter mines at any time, etc.
41. In case of injury or death; right of action, etc.
42. Rules of working mines; penalty.
43. Prop timbers.
44. Explosives to be kept in strong box, etc.

The Superintendent of the Census, in Bulletin No. 43, dated March 21, 1891, writing of the coal fields of this Territory, says:

INDIAN TERRITORY.

The western or fourth field, which comprises the only deposits of the carboniferous measures west of the Mississippi River, extends across the boundaries of Kansas, Missouri, and Arkansas, into the Indian Territory, underlying almost the entire eastern half of that Territory. The present developments of importance are along the line of the Missouri, Kansas and Texas Railway, in the Choctaw Nation reserva-

tion, and are conducted by the Osage Coal and Mining Company at McAlester and the Atoka Mining Company at Lehigh.

The Choctaw Coal and Mining Company is constructing a line of railroad from the Arkansas State line, passing through Oklahoma, to the western boundary of the Territory, and southward to Denison, Tex., intersected by the St. Louis and Kansas Pacific, the Missouri, Kansas and Texas, the Atchison, Topeka and Santa Fé, and the Chicago, Rock Island and Pacific railroads. This company is engaged in developing a large area of excellent coal territory, lying along the route of the projected railroad, secured by lease from the Choctaw Nation. This enterprise will constitute one of the most important in the Southwest.

The quality of the coal now being mined in this Territory is excellent for steam and heating purposes, and is well suited for gas and coking. The beds from which the product is obtained range from 3 to 5 feet in thickness, and comprise the two lower veins, which are here found to be of much greater thickness and freer from bone and other impurities than in any part of the field. Competent authorities assert that the coals now being mined in the Indian Territory are superior to any found west of the Appalachian field.

The total product in the Territory during the calendar year 1889 was 752,832 short tons, valued \$1,323,806. The average number of persons employed during the year was 1,867; the total wages paid, \$927,267. No report of mining operations in this Territory was made for the Tenth Census.

In view of the imperious necessity for laws regulating mining industries of such value and extent, where none now exist, your committee recommend that the bill as amended do pass.

APPENDIX.

HALF A HUNDRED DEAD.

Mourning at the McAlester, Ind. T., mines—Sixty-seven wounded and fourteen missing—Sixty-five coffins ordered—Edward Morgan's heroism—The cause of the explosion.

McALESTER, IND. T., January 9.

The sister cities of South McAlester, McAlester, and Krebs to-day presented the appearance of deepest mourning. The court, which has been in session at South McAlester, was adjourned by Judge Shackelford yesterday morning and was not reconvened to-day. All business places are closed and are draped in mourning. The sole topic is the terrible mine explosion which has befallen the community.

The list of the dead, as far as can be ascertained, numbers fifty-one, with fourteen missing, and sixty-seven injured. The scenes at Krebs to-day were awful. The explosion has rendered hundreds of homes desolate. Your correspondent visited as many of them as possible and can only say that one line will describe the misery of all. The same heartrending scenes may be witnessed in each successive house. Every hovel is an improvised hospital, with beds and floors strewn with the injured.

"For God's sake, give me a mattress," wailed one unfortunate wretch who had lain upon the hard floor for forty-eight hours.

"We are doing our utmost to relieve their sufferings," said General Surgeon E. N. Allen, of the Choctaw Railroad, "but the medical force has been inadequate. Why, last night at 5 o'clock I personally attended injured men who had been brought to the surface twenty hours before and had lain all that time without medical attention, all simply because all the available physicians and surgeons, though working to their utmost capacity, could not reach them before." The injured present a most pitiable sight. All were burned and many mangled by flying rocks and timbers.

STORIES OF THE RESCUED.

"I have experienced all the tortures of hell," said Peter Christie, who escaped by climbing through a tunnel to shaft 7, which adjoined the doomed No. 11. "I was thrown 20 feet through the air over two cars. I jumped up and started through the air tunnel, seeking to escape. My injuries soon exhausted me, and I fell and was quickly trampled over by the fleeing miners, all bruising my body as you can see. I gained strength enough to raise a pick, and threatened the others who would have stepped upon me. Then, gaining additional strength, I got up and groped my way to the entrance and climbed out. On my way I encountered scores of dead

and dying comrades. Some of the latter were undergoing every agonizing contortion imaginable. One man whose clothes were burning from his body appeared so lifelike in posture that I went to his assistance only to discover that he was dead. The dying wails and shrieks of pain of the injured were frightful. Even Dante could not picture an inferno such as I have witnessed during the last night. One man was kicked to death in my sight by the frightened mules, whose heels he was unable to escape. I can not half tell the terrors of last night."

Another victim said: "I have been a fool. I have known of the threatened danger in shaft 11, but remained at work thinking that the danger was at least not immediate. Now, in consequence, I am a physical wreck, perhaps permanently incapable of work, while in the past year I have made three hundred and sixty-five resolutions not to enter that shaft again."

The neighborhood of the disaster was comparatively quiet to-day. Sorrowing friends and relatives seemed to have exhausted themselves and sought much-needed rest in their homes. Many tales of both horror and valor are brought to light. One corpse was brought to the surface to-day clasping tightly in its stiffened arms the detached arm of a comrade, and throughout the entire day that once vigorous member of a swarthy human laid upon the slab unrecognized and adding additional terror to the hearts of the sorrowing throng, who seemed to hope that they would find familiar faces amongst the dead. One widowed mother lost both sons who were her only means of support. A blind father lost one son, while his remaining son is fatally injured, depriving him of his only means of support. A bride of two weeks mourns the loss of her idol. It seems utterly impossible to describe properly any of the horrible experiences which are presented on all sides. Wives distracted by seeking absent husbands, mothers seeking sons who are their only means of support, and sweethearts seeking those who soon were to have been their all in this world, it can easily be understood that columns should be devoted to an accurate description of such pathetic scenes.

EDWARD MORGAN'S HEROISM.

Even deeds of heroism, which are numerous, can not be recounted in detail, though they certainly deserve it. Conspicuous, however, is the act of Edward Morgan, who was the first man to enter the yawning maw of the death hole. Other miners volunteered to accompany him, but were urged back by him.

"It is useless to expose an unnecessary number of lives to sacrifice," said he. "I will go down and ascertain the danger, and you can follow if it is safe." Fortunately it was safe, and the volunteers have worked nobly in the rescue of their imprisoned brothers. The different secret organizations have assumed charge of the funeral arrangements. Special engines were dispatched by the Choctaw and M. K. and T. railways last night for an extra supply of coffins, but many corpses remain unprepared for burial because the supply of caskets and shrouds were early exhausted. Sixty-five coffins have been ordered by the company alone, while local undertakers have sent for another carload.

NEGROES CREATE TROUBLE.

Men of all nationalities are aiding in the work of rescue. Americans, Irishmen, Scotchmen, Polanders, Welshmen, Italians, Swedes; all but negroes are at the work. Some time since the white miners refused to work with the negroes. This morning a number of the negroes went to Krebs and assisted in the work in only a half-hearted way, and one of their number was heard to say that it served the miners right to have been killed. The word was passed from mouth to mouth, and the indignation and fury of the miners knew no bounds. It seemed as though another horror would be added to the scene, but the United States deputy marshal, anticipating some such trouble, was on hand with a posse, and they drove the colored men from the place at the point of Winchester.

It was almost impossible to recognize any resemblance to the human form in the bodies of many of those rescued. Heads, arms, legs, hands, and feet were in many instances torn from the trunks. The pit clothes were either partially or entirely burned away, and in several cases the flames had roasted almost all the flesh on the body. The dead were taken to a blacksmith shop near the main shaft, where a morgue had been improvised, and the living to their homes. The crowd vacillated between the shaft and the blacksmith shop all day. The latter place was constantly crowded with people searching to find those whom they knew must be either dead or badly hurt.

Each article of clothing and the contents of the pockets were closely scrutinized, and any distinguishable mark of nature whereby the body could be identified was eagerly searched for. A number of dismembered limbs are lying in the morgue waiting

identification. They were fitted to many bodies with the arms and legs missing, but no identification could be made. Yesterday afternoon when the work of relief began carload after carload of earth was removed from the mine, loosened by the explosion, and quantities of rock and slate were also taken out. There are probably ten more bodies under the earth and rock remaining.

A HORRIBLE SIGHT.

A most horrible sight met the rescuing parties as the bottom of the shaft was reached. Here a head, there a hand or leg protruded from the mass of fallen rock. A number of burned lamps, caps, and dinner buckets completed the desolation of the scene. The bodies were removed with all possible care, but this did not prevent an arm or a leg, almost severed from the body, from being completely torn off when taken from under the wreckage.

The force of the explosion tore the mine all to pieces. It closed up the galleries, tore down the barricades, which kept the air from circulating freely through the unused portion of the mine, thus cutting off all air from the galleries in use and left them, as was supposed, wholly untenable. None escaped except those brought up from the entrance or by shaft No. 7.

This morning the relief party of the Krebs miners was compelled, after forty-eight hours' steady labor, to stop work. The party was completely exhausted. The relief party is headed by Young Cameron, boss of the mine at Lehigh. The men are doing excellent work under his direction. Three carloads of mules were in the mine when the explosion occurred, and strange to say only two of the animals were hurt. The boss driver, Tom Kane, was killed.

The frenzied brutes committed great damage to the mine in their efforts to find an outlet.

THE SHOT-FIRERS TO BLAME.

Thomas Fleming, a mining expert and for eight years superintendent of the mine, but now general manager of the Southwestern Coal and Improvement Company, was interviewed this morning in regard to the explosion. He said that the whole blame should be placed upon the shot-firers, who fired the blast too soon. A windy shot caused the catastrophe. The blast was overcharged. It should have been fired at 5:30 o'clock, after the miners had left the mine, in which case the explosion would have occurred, but only 5 or 6 men would have been killed. As it was the shot was fired at 5:07 o'clock, before the men had ascended from the mine.

LIST OF THE DEAD.

The dead are:

Harley McShane.
 Alex Carente.
 Blue Horseo.
 William Mitchell.
 Tom Billuter.
 Ted Kibbets.
 Fiocio Angelo.
 Pete Collins.
 John Harley.
 Pete Gregory.

Henry Johns.
 James Pestot.
 George Lindsay.
 William Walton.
 Pat Powers.
 Mike McShane.
 Robert McConal.
 William Malton.
 Mike Kinnicle.
 Jack Williams.

Larry Hunt.
 Garidi Gaccamo.
 Jim Farmer.
 Mike Pallen.
 John Fabrizio.
 James Gandy.
 Joe Osland.
 Joe Landsy.
 Billy Russell.
 Bob McConnell.

The missing are:

Lorenzo Sardino.
 Antonio Genzod.
 Joe Coranto.
 Angelo Fiocio.
 Tom Villato.

Joe Clark.
 Bob McConnell.
 Gon Dejocamo.
 Lesis Coranto.
 John Gregory.

Salvet Sperro.
 Alinezo Gregor.
 Mike Kennedy.
 Pat Powers.

THE INJURED.

The injured are: George Mooney, badly burned; Jack Carrey, foot crushed; Pete Christie, burned; Joe Jaccamo, face and hands burned; Nickles Rich, burned; J. E. Nicholson, sr., burned; J. E. Nicholson, jr., burned; Joe Mullen, head cut and body badly burned; Louis Blue, hands and face burned; Louis Carento, hands and face burned; Joe Malone, burned, rib broken; Joe McCaulley, head bruised; Tom McCaulley, mangled; Sherrito Berti, head bruised; GERALANEO, badly burned; Peter Vercillo, badly burned; Bertisto Vercillo, foot crushed; Bertiste Pomello, burned; Marquette Francisco, burned; Dom Jacco, burned; John McColletto, burned;

Mike Bettigo, badly burned and cut about the head; Tom Binona, burned and back broken; Antonio Sferro, face burned; Lolos Sferro, hands and face burned; one unknown, can not live; Nicolo Pasqualo, hands and face burned; Aerie Nicholas, burned; Dadauca Powell, arm broken and head burned; Serppine Jocomo, hands and face burned; Antone Mangur, burned; Sarbello Nicolo, burned; Peter Mangur, burned; Louis Gregory, burned; Tedar Colly, burned; Josepho Belduce, head cut; Aureco Bonie, head burned; Tom Flynn, head cut; Ed Flynn, badly burned and mangled; Angelo Belzierene, burned and mangled; Steve Perry, hands and face burned; Frank Charle, body burned; Guellitto Defrangieo, head burned and cut; Wm. Hopkins, burned and bruised; Dan Hopkins, burned; Jim Clark, burned and bruised; Fred Hutchinson, burned; Horse McClelland, two ribs broken and two ankles sprained; Charles Martur, head burned and cut; John O'Brien, hands and face burned; Jim Stark, badly burned; Ed Bochan, burned and mangled; Pat Wynn, burned and cut; Mike Wynn, burned and leg broken; Pete Egan, face and head cut; Miles Jones, face and head cut; Jim Campbell, burned and mangled; Andy Campbell, burned; Eph Green, badly burned and mangled; W. S. Edwards, burned and bruised; Dan McAlpin, badly burned; Jose Elseland, burned, can not live; John McGirk, burned; Jim Doyle, head cut; Promesick, head burned and cut; Terren Jones, leg broken in two places, badly cut and mutilated; Reed Fullerton, burned; Pat Donney, burned; Jack Adley, burned.

THE MISSING.

Perhaps it will never be known just how many lives were lost in the accident. Some of the galleries and their approaches are so blocked with debris that it is nearly impossible to open them. The mine officials now claim that only one man is missing. This is an Italian named Antonio Genesztel, who seems to have no family and no friends except those who were killed. His body is supposed to be near the main entry under a mass of rocks, which has nearly all been moved. The men claim that there are others dead or imprisoned in the mines. There were 335 men working in the mine on Thursday, according to the pay roll and the tally reports of every man who goes down the shaft. Of these 51 dead bodies have been recovered, 137 men escaped by way of shaft No. 7, now used as a ventilating shaft, and 108 were rescued from the main shaft in a critical condition. This leaves 39 still unaccounted for. The list of those who escaped by shaft No. 1 and of those who were rescued from the main shaft is known to be incomplete, and it is believed that about 20 escaped, who have not been listed. This will leave about 19 bodies still in the mine.

The work of recovering the bodies is very slow and is impeded by the caving in of galleries. It is believed all who escaped death have been rescued. No signs of live miners entombed within the mine were detected to-day and the rescuers now expect to find nothing but the remains of the dead. It is claimed now that the undue haste of the entry men to get away from the mine caused the death of many miners. The entry men fire their own shots. John Hurley and John Williams are blamed as the authors of the accident, but death has already called them to a higher court. The mine committee and the mine owners will hold an investigation into the cause of the accident. Missouri, Kansas, Pennsylvania, Ohio, and other great mining States have State inspectors of mines, but there is no such an officer appointed by the Government in the Indian Territory.

JAY GOULD THE OWNER.

The McAlister mines, of which shaft No. 11 is a member, are owned by Jay Gould. The coal companies of the Missouri Pacific comprise the Atoka Coal and Mining Company, Osage Coal and Mining Company, Rich Hill Coal and Mining Company, and Walnut Land and Coal Company, with combined capital of \$3,600,000.

The corporation has in operation over 30 mines in Missouri, Kansas, Arkansas, and the Indian Territory, with an output of 12,000 tons, employing 5,000 people during the years 1888 to 1890. The shipments were 7,611,545 tons, selling for over \$12,000,000. The year 1891 will aggregate about 2,000,000 tons. Their trade extends from the City of Mexico in the South to the northern border of Nebraska in the North; from the Mississippi River in the East to the Rocky Mountains in the West. Over 20 railroad systems are supplied from their mines.

The celebrated McAlister coal, of which these corporations are the only miners and shippers, for the last twenty years has been the standard in the Southwest. The headquarters of the company are in St. Louis. Mr. Edwin Gould, of New York, is president of the company. Maj. R. M. McDowell, vice-president and general manager, is an eminent and well-known mining engineer of over thirty years' experience in the coal regions of Pennsylvania and with the Union Pacific Coal Company. Capt. S. W. Kniffen, general sales agent, enjoys a larger acquaintance

with the coal trade than any man in his position west of the Mississippi. Mr. W. Farnham, engineer and purchasing agent, was many years connected with the Erie Railway. Mr. Fisher, with headquarters at Dallas, has charge south of the Indian Territory. The loss to the mining company is estimated by its local representative to reach \$100,000.

The Mound Coffin Company of this city prepared, ready for use within three hours' notice, thirty caskets. They expressed them to the Territory on a special car.

