

No. 55.

I N D E X .

ARGUMENT OF:	PAGE.
Simon P. Wolverton, Esq.,.....	9765
George F. Baer, Esq.,.....	9781
Clarence S. Darrow, Esq.,.....	9841

1-B-1

PROCEEDINGS OF THE
ANTHRACITE COAL STRIKE COMMISSION.

Federal Building,

Philadelphia, Pennsylvania,

Wednesday, February 12th, 1903.

The Commission met at 10 o'clock, A. M., pursuant to adjournment.

ARGUMENT OF HON. SIMON E. WOLVERTON,--Continued.

MR. WOLVERTON: Mr. Chairman: I am sure that the recital of statistics and figures which I was obliged to make to you yesterday was as wearisome to this Commission as it was to the reader. Therefore I will omit some of what I had prepared for use this morning. The tendency of all of the figures is to show, and they do inform us, that the claim made by Mr. Mitchell that the miner and laborer in the mines and about the mines were not paid as well as other laborers in other employments requiring equal skill is not well founded. In point of fact, they show that the miner and the laborer in and about the mines are paid away beyond and far an excess of labor requiring equal skill in any of the other branches of

1-B-2

business in the State of Pennsylvania.

In the County of Columbia, which was one of the coal counties, the average wages of all workers are \$422, and, in eliminating boys, \$478. In Dauphan it is \$448; in Lackawanna, \$504; in Luzerne, \$493; in Northumberland, \$408; in Schuylkill, \$452, and in Sullivan \$376. That is, excluding all boy laborers; showing that the average earnings of all men in all of these counties is \$384 per annum, and all of the males over sixteen years of age, \$466.

We have, then, statistics showing that in Scranton the average earnings of men (that is, excluding boys) is \$514; women \$184; children \$150. In Shenandoah, it is \$440 for men, excluding boys; women \$240, and children \$119. In Wilkesbarre, \$496 for men, \$213 for women, and \$127 for boys.

The average earning of the miner ^{at} the Reading's 37 collieries, as per statement filed, is \$652.82 per annum.

We filed another statement, made out on blanks furnished by this Commission of nine collieries of the 37, which showed the amount of miner's wages at nine collieries of the company, six of which were selected by this Commission, that where the men worked 300 days or more he earned at the Potts colliery, \$903.07; at Turkey Run colliery, \$1148.82. That where the miner worked from 275 to 300 days he earned, at the Draper colliery, \$1378; at Good Springs colliery \$1051; at Turkey Run colliery \$732.50. That where the miner worked from 250 to 275 days, he earned, at the Bear Ridge colliery, \$759.97; at the Draper colliery, \$806.07; at the

9766

1-B-3

Good Springs colliery, \$809.40; at the Indian Ridge colliery, \$797.21; at the Koh-i-noor colliery, \$798.81; at the Preston, No. 3, colliery, \$996.81; at the Potts colliery, \$802.77; at the Richardson colliery, \$791.62, and at the Turkey Run colliery, \$763.45. That where the miner only worked from 225 to 250 days he earned, at Bear Ridge colliery, \$778.47; Draper, \$622.16; Good Springs, \$569.36; Indian Ridge, \$514.25; Koh-i-noor, \$531.40; Preston, No. 3, \$666.73; Potts, \$587.51; Richardson, \$647.84; and Turkey Run, \$511.64. That where the men worked from 175 to 200 days, which was 100 days less than the manufacturing men who were employed in manufacturing establishments throughout Pennsylvania worked (they all worked over 300 days), they earned, at Bear Ridge colliery, \$511.44; Draper, ~~\$471.79~~ \$471.79; Good Springs, \$543.45; Indian Ridge, \$422.57; Koh-i-noor, \$440.67; Preston, No. 3, \$601.36; Potts colliery, \$530.74; Richardson, \$522.13; Turkey Run, \$431.43.

By taking this last table of these six collieries, and bearing in mind that the miner only worked from 175 to 200 days, and that the average earnings are as above stated, you will see that the wages of the miner are far above the wages of equally skilled men, or the average wage-earner at rolling-mills and foundries, in the coal regions, and throughout the State; and that the miner earned more in less than 200 days than other skilled workmen in other industries earned in 300 days. In other words, he makes more money in two-thirds of the time, and has the remaining 100 days to employ as he sees fit.

9767

1-B-4

The following comparison, among others, will show this more plainly.

Take, for instance, a manufacturing of pig-iron. The average annual earnings in that business (not including boys) are \$576.72; the average number of days worked, 337, the average daily wages \$1.71. Now, if the employe in this district had worked only 175 days he would have earned but \$298.25; if he had worked 200 days he would have made but \$342.00; while the miner who worked from 175 to 200 days made an average of over \$500 per annum, and at one colliery over \$600. At the rolling mills the average yearly earnings are \$692.10, the average number of days worked 316, and the average daily wages \$2.19. Now, if the rolling mill employe had worked but 175 days he would have earned but \$383.25, and if he had worked 200 days he would have earned but \$438, more than \$100 less than the miner would have earned in the same time.

So in the industries of iron and steel sheets and plates, where the average yearly earnings are \$577.28 the average number of days employed 278, and the average daily wages \$2.08.

In 175 days he would only have earned \$364 and in 200 days he would only have earned \$416.

Compare employes in foundries and machine shops. Their average yearly earnings are \$567.43; their average number of days operated are 303, and the average daily wages \$1.87. In

9768

1-B-5

175 days these employes would have made but \$327.24, and in 200 days \$374.

The employe in the manufacture of engines and boilers has an annual earning of \$530.96; the average number of days operated are 301. In 175 days he would have earned but \$308, and in 200 days he would have earned \$352.

Special attention is requested to the examination of this table No. 42, where these comparisons are made more at length. It will be seen from that table that the average earnings of miners at the above collieries is much higher, when compared with the time worked than in any of the industries in Pennsylvania requiring even greater skill than is required of the miner. An examination of these statistics will also show that the other employees around the collieries of the Philadelphia & Reading Coal and Iron Company receive wages equal to and greater than persons engaged in other employment in these regions requiring equal skill. There is no more skill required of a laborer on the outside of the mine upon the roadway, sawing logs for props inside the mines, and driving mules, and attending the breakers, than there is in the ordinary labor in other employment, yet you find from a statement offered in evidence that the wages paid outside and inside laborers are equal to, and many of them greater than are paid to laborers doing the same kind of work throughout the coal regions. It shows that the average laborer received \$1.36-2/3 a day or \$402.37 per annum, and in this average is included 2821 slate picker boys,

9769

1-H-1

and oilers.

The average earnings of slate picker boys is .83-6/10 per day, or \$188.77, which is in excess of the wages paid by telegraph companies and by large department stores, of Philadelphia.

Another demand is the shortening of hours of work without reduction of pay. If this demand were granted according to the testimony of many witnesses, the miner's wages would be reduced and necessarily the ~~output of the~~ output of the collieries. Nothing could be more injurious to a vigorous and ambitious young man to whom God had given muscle of body and muscle of mind than a limit placed upon his opportunities of success. It is one of the socialistic theories of some of the leaders of the United Mine Workers that the opportunities of all must be limited to the weakest --- that the industrious man shall be held back for the benefit of his indolent neighbor. Who demands the shortening of the hours of labor? Is it the strong, industrious, ambitious young man who desires to succeed in the race of life, or is it the indolent theorist? The young man who has his own fortune to make has no time for theory. One who inherits a fortune or has it thrust upon him by some kind testator, has time to theorize upon ~~socialological~~ socialological questions, but to the young man who has his fortune to make for himself, life is real.

A successful man was recently asked by a young man to what he most attributed his success, to which he replied: "Work, work, work, and then more work." Who has a right to

9770

1-H-2

say you shall only work a limited number of hours for a day; that you shall only earn a certain amount; you shall not work on days the breaker is idle because you will thereby injure the idler.

It is said that the miner and laborer needs the time for social improvement. He now works only about two-thirds as many days as are required in other employments. Are not 100 days in one year sufficient for social improvement?.

At the recent convention of Mine Workers at Indianapolis, the Indianapolis Journal, in reporting the proceedings of the convention of January 24th, 1903, says:

"Among the resolutions were several from Locals which demanded a reduction of the working day to six hours without a reduction of pay." These must have emanated from Locals where the votes of boys predominated.

The strongest evidence that the Philadelphia & Reading Coal and Iron Company has dealt liberally and fairly with its employees is found in the fact that although a large number of its men have not yet been furnished employment owing to the crippled condition of the mines by water during the strike, not more than ten men have been brought before this Commission to complain, out of its 2700 employees, and the only complaint these men had was that they had not been re-employed.

The Reading Company has always paid its employees in cash. It never has had a company store. It has adopted every device known to modern methods of mining for the purpose of improving its mines and promoting the health and safety of its employees.

9771

1-H-3

It has dealt humanely with its employes. It has met and adjusted all grievances that they complained of up to 1900 justly and satisfactorily to all parties.

While I am sure that no one would be better pleased than myself to see the wages of all persons increased, yet there are limits beyond which wages can not be increased in any business without injury to the laborers themselves. Wages are limited by the market price of the product. It is easy to say that the wages can be added to the price of coal, yet it must be borne in mind that anthracite coal has a strong competitor in bituminous coal; that competition is stronger now than ever. The abnormal conditions caused by the strike, the coal famine caused by it and consequent higher prices of coal have developed many new bituminous mines. The prices which have prevailed for the last 90 days are about over. Normal prices will soon prevail. The bituminous competition must be met. The anthracite problem is a serious one. No one who has had a few year's experience believes that present abnormal business conditions will continue much longer. We dislike to believe that such change will come, but come it will.

One of the principal witnesses for the Mine Workers, Doctor Roberts, has warned the mine workers of the dangers of making extravagant demands for increased wages. I can not do better than to repeat his warning. Doctor Roberts says:

"Under the capitalistic system, the laborer can never

1-H-4

expect to get the total product of his labor. No capitalist will employ labor save on the condition that he can make something out of the operation which he undertakes, that is, he will never pay to the laborer all that he gets out of the operation. If, then, the capitalist has a voice in determining the rate of wages; if he will pay to labor a price on which he thinks he can make some profit; then it stands to reason that the laborer cannot fix the rate of wages to please himself; or, in other words, there is a somewhat narrow limit to the supply of wealth upon which combinations of labor can draw.

*but no
producer*

Another fallacy closely akin to the above is expressed in the words 'wages ought to determine prices.' This is unsound doctrine for unionis, to stand upon, for the reason that it takes no thought of the consumer. Social utility sets its stamp on all production and determines what the producer is to get. The miners get food, clothing, shelter and a thousand other enjoyable things as their wages for cutting coal, simply because society says, 'The fuel you furnish us is worth it,' But suppose labor were to say, 'We want twice as much of these comforts of life as we now enjoy, and you must give it to us if you want anthracite coal;' the consumer may, as Mr. Nicolls suggests, go back to 'young hick-o ry' or bituminous coal, and give the anthracite miner nothing. If the laborer insists on a rate of wages while he does not render to society a service which the consumer could obtain otherwise for less, then no amount of combination will enable

1-H-5

the producer to enforce his demand. Labor has the right to refuse to work, and the consumer has an equal right to refuse to buy. No doctrine can be taught labor that is more dangerously fallacious than that wages can be paid without an equivalent efficiency in production, which society approves. Unionism will render good service to society if it couples with the demand for higher wages, increased efficiency in production. In that way it will make good its claim and attain its object, and the demand will be salutary in its influence upon industrial life. If, on the other hand, labor tries to drive a bargain with capital on the principle 'get as much as possible and give as little as possible', it antagonizes both capital and consumer, and must necessarily fail in its purpose."

The danger of an organization such as this, a combination to control all the coal in the United States, can not be treated lightly. Who has contemplated what might be the results of such a combination? A few days of a national strike would stop all the wheels of industry and means of travel. The public would be compelled to submit to any demand made. The public would be the sufferer as is always the case when the cost of an article is increased by either cost of production or taxation. Is there no danger that such a strike would ever be ordered? They say it is in their power, but not probable. A convention was called during the last anthracite strike for the very purpose of voting on the proposition of calling out the bituminous miners, and why was this not done? Because

1-E-c

there existed contracts with some of the bituminous operators which was wisely determined should not be destroyed or disturbed

The last convention held at Indianapolis showed that the leaders still contemplate the exercise of this enormous power.

Mr. Lewis, Vice President of the United Mine Workers of America is reported to have said, in addressing the convention:

"It is said that the market price regulates the wages and condition of employment. Who is it that makes the market price now, it is the operator. We want to change that. We want to make ourselves so strong that we can control the market price of our product. We will then fix a standard and we can then take a vacation until the price comes up to that standard."

1-R-1.

There is not only an allegation of power, but the intention to fix the price of the product to the consumer and wait until the consumer pays it.

THE CHAIRMAN: When was that utterance made?

MR. WOLVERTON: January 28, 1903, it is reported.

Mr. Fahey in the same convention said:

"You now have the anthracite men with you to reach out and bring into the fold all others. I hope that it may not be long until every miner in the United States is a member of the United Mine Workers of America. When that time comes we can then all be lifted until we are on that high plain where, as free American citizens, we properly belong. It would be criminal if this organization did not conduct its business with that end in view. We are not conducting our business in the interest of the operators and we should not care what they think of us."

That is reported on the 28th of January, 1903. Mr. Mitchell says, in his testimony, they have the power to regulate the price of coal and to order a general strike for that purpose. In his examination before the Industrial Commission he was asked this question: "Q. Your association has followed the arbitrary theory to the fullest extent in all cases before resorting to a strike, has it not? A. Not in all cases. It is my opinion that at times when the market has become so demoralized and so chaotic that it has been necessary to engage in a general suspension of work in order to restore prices in

1-R-2.

the market, to make it possible for employers to pay living wages, in that case arbitration, I understand, has not been offered by the miners for the reason that it could not have any good result. Prices have been so demoralized at certain seasons, and run along for a year at a time, that it would be impossible for employers to pay higher rates of wages unless a suspension took effect, to take out of the market the coal that was stocked there, as was the case in 1897."

In my judgment the question of the increase of wages is one of the most serious problems before this Commission.

They say it has been done in the bituminous regions and why cannot it be done in the anthracite field. The answer is that the conditions in the bituminous field are very different. The veins are flat; no breaker is required to prepare the coal. It is mined shipped and sold by the run of the mine. The workings are generally above water level and the water drains from the mines. If a financial crash comes and coal cannot be shipped at a profit, the operator can close up his mine and allow it to stand without expense. A horizontal rise in wages can easily be applied as the conditions are uniform, but in the anthracite regions, when the pitch of the veins is steep and the conditions constantly varying so that the proof is that there can be no uniform rate of wages which could even be adopted in the same vein or mine, but the wages are regulated by constant changing agreements between the employer and those in charge. How can any horizontal increase

L-R-3.

be applied?

In the next place, how could a contract be safely made on an arbitrary horizontal increase of wages for three years? Does anyone seriously believe that the speculative business conditions will continue three years? Such periods have frequently come and gone at more or less regular intervals, wrecking fortunes and paralyzing business. And when the change does come the immutable laws of supply and demand will regulate the price of coal and every other product. Great care should be taken in making any raise of wages that the laborer himself is not injured.

The only safe course, it seems, would be to adopt some equitable scale by which the miners wages could be adapted to changing conditions. Such agreements could be made to protect the miner so that he should honestly receive his portion of the price of the product at a given point. Such a scale worked satisfactorily without a strike for over 25 years.

It is hoped that this Commission will make such a disposition of this subject that the anthracite coal fields will enjoy another period of peace equally long.

the
Among other questions submitted it is hoped that this Commission will announce the legal rights of workmen, whether they belong to a union or not, in terms that cannot be misunderstood.

That it will say that every man has a right to work for

1-R-4.

whom he pleases at such wages as are satisfactory, and to go where he pleases and do what he pleases provided in doing so he does not trespass on the rights of others.

That the owner of property may work it as he will, by whom he pleases, at such wages and upon such terms as he can make.

That workmen have a right to form organizations for the protection of their interests and benefiting their conditions, but have no right to interfere with, or molest those who do not join such organizations, or prevent them from working for whom they please, and at such wages as they deem satisfactory.

That the members of labor unions have no right to picket the works of an employer or the roads going to and from his employees' homes for the purpose of intimidating them and preventing them from continuing their employment.

That a display of force by strikers against laborers who wish to work, such as surrounding them in large numbers, applying opprobrious epithets to them, such as scab or black-leg, to compel them to quit work, is unlawful.

That no laborer has a lien upon a job which he has abandoned.

Whatever conclusions this Commission may come to on the questions submitted, the patient and exhaustive hearing in which every interest has been given the fullest latitude of

1-R-5.

expression must be productive of good to all parties interested. The public has become better informed as to the true relations existing between employer and employee. No question has ever received a more thorough investigation, and it is to be hoped that it has been productive of great good and will result in restoring friendly relations between the employer and employee and a long period of peace between them.

1-R-6.

ARGUMENT OF GEORGE F. BAER, ESQ.

On Behalf of

THE OPERATORS.

Mr. Chairman and gentlemen of the Commission, whatever can be well said I think has been said in the arguments of the distinguished counsel who have represented the operators through this long hearing and who have so ably discharged their duty to them. My brethren of the bar persist in disregarding my new vocation and, while treating me as one of their guild, they have, contrary to my own inclinations, persisted in asking me to join them in making an argument in this case.

After all I can only be a gleaner in the field which has been already widely covered, in the hope that in the few straws that remain I may find a grain or two of wheat.

I think it is generally conceded that the marvelous progress of the past century is due to the general acceptance of the theory that under the action of individual liberty maximum efficiency and justice have been secured.

Political and industrial freedom have marched side by side. The individual was given free scope within the sound rules of law to exercise all the powers he possessed to improve his condition and advance himself in life. He is a pessimist who will not say that the masses of men have advanced and are continuing to advance under the powerful stimulus which individual liberty gives to individual initiative.

You may marshal before you any battalion of successful men, mobilized at random in any locality, and to the summons, "How did you attain your present position?" the answer will come, in nine cases out of ten: "Promoted from the ranks." But we are told that whilst this may have been true as to the past, new conditions and forces have been developed which require new lords and new laws.

In the development of the natural resources of the earth it is necessary for men to combine both their capital and their energy. Railroad and steamship lines, great steel plants and workshops of every kind can only be created by a combination of capital and energy. Through an adaptation and enlargement of Roman laws, we have developed the modern business corporation. We are apt to overlook the part these

2-H-2

business corporations play in the distribution of wealth. Their stockholders are many, scattered far and wide and the business is not owned as many people suppose by a few very rich men . The profit made in any large business carried on by a firm consisting of one family, or a very few persons, are distributed among these few; but a successful business carried on in corporate form ~~distributed~~ distributes its profits among the many, and therefore necessarily tends to a greater distribution of wealth.

I think there is, from lack of thought, much confusion in the minds of many people as to the rights, powers and duties which properly belong to industrial organizations including both capital and labor organizations. In general, no one denies the right of man to organize for any lawful purpose; but the right to organize, and the power of the organization, when organized must still be governed and controlled by the general law of the land under which our individual and property rights are ~~protected~~ protected.

We constantly hear the phrase: "Capital organizes. Why may not labor organize?" As if this settled the problem. But capital can not organize for an illegal purpose. Organized capital is subjected to sharper scrutiny than any other kind of organization. As possible violation of individual rights is at once seized upon by the public as requiring some new and drastic law, ~~is~~ existing laws are not sufficient to meet public expectations. For example, may capital organize in such a way that one manufacturer may employ pickets to surround the establishment of another competing manufacturer to prevent

9783

2-H-3

ingress and egress to the works, or interfere with the sale of its commodities by intercepting its customers or interfere with the transportation of its products and the orderly conduct of the rival business? We concede to organize labor the same rights that we claim for organized capital. Each must keep within the law. There can not be one law for citizens and corporations and another law for labor organizations.

I have been criticized because in an interview before the President of the United States I charged the lawlessness in the anthracite regions to the Mine Workers' organization, and I shall, with your permission, proceed to give the reasons why I did so.

The lawlessness in the coal regions was the direct result of mistaken theories of the rights of the Mine Workers. It will not do to say that the leaders have not encouraged violence and crime. It is true, no doubt, that they did not directly advise it. They at times counselled against it and issued paper proclamations calling for peace; and at other times, as they did on the witness stand, they have expressed regrets for it. Nevertheless, they are legally and morally responsible for the situation they created, and from which this violence and crime resulted.

Here is the record. Resolution No. 35 of the Shamokin convention approves the action of district No. 1, which decided to insist upon forcing all who work in and around the mines to become members of the Union, and that they be authorized to refuse to work with non-union men. Regularly moved and

9734

2-II-4

seconded "That it becomes compulsory on the part of any man employed in and around the mines to become a member of the United Mine Workers of America. "

Resolution No. 9 at the Shamokin convention: "Resolved, That at any colliery where employes refuse to become members of our organization and wear the working button, the local governing such colliery after using all persuasive measures to get such employes to join and failing in such, shall have full power to suspend operations at such colliery until such employes become members of our organization." The power to quit work when persuasion ceases; the power by force, by any means within their power, to suspend the operation of a colliery. That means to prevent anybody from working there.

These are but the samples of the general doctrines that they have proclaimed in their organized meetings. Then comes the President of the United Mine Workers and in his testimony he declares that the man who works during a strike is a scab. He is a Benedict Arnold. It would ostracize such a man. A man has no moral right to pursue a lawful occupation in a lawful manner, if his work destroys the hopes and aspirations of his fellow men. These are extracts from Mr. Mitchell's testimony.

Then again, the leaders denounced the police employed solely for the purpose of defending life and property. I know it is a humiliating thing that in the great, rich State of Pennsylvania, law and order are so lightly regarded that the owners of manufactories of all kinds, and collieries must at their own expense guard their properties, and that they are denied the reasonable protection for which taxation

9785

is levied.

They complain bit terly of the decisions of the legally constituted courts, whereby riotous conduct, unlawful destruction of property and interference with legal rights of citizens are simply restrained. They even demand of their political supporters now the passage of laws which will place trades unions above and beyond the customary and the ordinary jurisdiction of the courts. They blindly refuse to see that peace and prosperity of the community and the rights of the citizen can be maintained only through the supremacy of the law and its just and equal administration. The overthrow of the civil power, whereby whole communities are at the mercy of the mob so delights them that they cry out lustily against the soldiers who are sent there to protect life and property. It is in evidence that they complained to the Governor ~~of this Commonwealth~~ that American citizens on their way to work were guarded by soldiers; and the Governor of this great Commonwealth, in tender regard for their feelings, orders the commanding general to report and practically to apologize for guarding workmen from the fury of the riots that this organization incites. Why this denunciation of courts, of police and of soldiers, if the measures to support a strike are to be only peaceable and persuasive. The law is only a terror to evil-doers. In the exercise of lawful acts we need fear neither courts, police nor soldiers.

With such official teachings, let us look at the natural

2-H-6

results which must flow from them, which did flow from them. We have been told time and again how boys to the number of over twenty or thirty thousand in the coal regions have been admitted to membership in this organization, how foreigners, without reference to the fact as to whether they are or are not American citizens, foreigners of many nationalities and speaking diverse tongues, with the boys, compose a majority of this organization. These boys, like most boys, have not been disciplined to reverence law and order, and we do not expect boys to behave very well unless they are under strong restraint. The foreigners, many of them, have been governed in their old homes by stringent police regulations. The law in the presence of gendarme confronted them everywhere. They have come to this country with confused ideas with what free government means. The distinction between liberty regulated by law, and license, is practically unknown to them. Therefore, when a powerful organization of which they are members, led by men who are upheld and encouraged in a respectable community tells them that force may be used to compel men to join their Union, that scabs should be ostracized, that they are given power to suspend operations at a colliery where the employes do not join the Union, is it not a direct invitation --- nay, more --- a command to commit the violence and crime that characterized the reign of terror in the mining regions.

9787

2-B-1

Men who teach these false doctrines, post as they may, are inciting to riot. Every day they saw the results of their work in outrages against persons and property. They made no reasonable effort to restrain the violence. They even ease their conscience with the fallacy that until a man is convicted in the courts he is guilty of no crime, and therefore they can shut their eyes to what is going on around them.

The legal responsibility they incur gives them little concern. They assume that juries selected from among their own members or sympathizers will not find them guilty. They will not become incorporated for fear of civil suits resulting in heavy damages. Still, the moral and legal responsibility exists, even though there is at times no adequate remedy for its enforcement.

An English judge in a recent charge has stated a case which, although referred to yesterday, is so apt that I will cite it again. He said:

"It was childish to say that the leaders (of the union) were not responsible for the acts of the men under their orders, because they did not order the particular act. Frankenstein created a monster which went about doing damage. If Frankenstein had been sued for that damage in an English court of law, could he have escaped liability on the plea that he was not responsible? No doubt Bell and Holmes approved of the violence committed and damage done no more than Frankenstein did, but that did not afford an escape from legal liability. 'Blackleg' was among workingmen a word of terror; and as a word of terror it was used in these circulars. 'Intimidation' has been confined by judicial decision to that which raised a reasonable apprehension of personal violence. Did not this reference to being known as a blackleg amount to a threat? And these acts of violence were, in some cases, reported to the committee rooms as triumphs. What evidence was there, except for the cases in which Holmes was said to have interfered to prevent violence in the committee room itself, of any specific condemnation of these acts, or any refusal to go on paying strike or picket pay to their authors?"

2-B-2.

Of course I am not unmindful here that witnesses were produced to show that there was no real violence in the coal regions; and in reading over the testimony, which I did thoroughly each day, I found that even priests had come to bear testimony to the peace and quiet that reigned throughout the anthracite regions. I recall that between Jericho and Jerusalem a man lay in agony, brutally treated, and that even there, it is said, the priest and the Levite passed by on the other side. History in our day seems to repeat itself.

Now, take the pump order. The leaders attempted to enforce their demands by a threatened destruction of the mines. They knew that if the pumping ceased the mines would be destroyed. They thought the operators would yield rather than see the ruin of the mines. The operators did not yield. Every attempt to supply men to work the pumps was met by mobs, by pickets, and all the devices of labor organizations used to prevent men from working. The mines had to be guarded by armed police. The energy of the operators was taxed to its utmost to obtain workmen from all over the United States to prevent the destruction of the mines. Bad as is the reputation of Chicago, I really think we found a few men in Chicago willing to come here and help to preserve the mines. (Laughter).

They say, in excuse of this monstrous conduct, that they committed no wrong because we could have saved our property by acceding to their demands for eight hours. When they gave this answer the fact was already clearly proven that at

9710

2-B-3.

mines where men had been working on the eight-hour shift they were not permitted to work.

MR. DARROW: Not one case, Mr. Baer.

MR. BAER: I will not stop to dispute what is in the record.

MR. DARROW: There is not one case.

MR. BAER: But I say it is in the record; and the excuse that was given was that they would have to work with "scab" workmen.

MR. DARROW: Scab steam men.

MR. BAER: Well, I do not care whether he is a steam man or anything else. I say that the record shows a number of cases where men had been working on eight-hour shifts, and they were not permitted to work; that they were advised to quit work, and they did quit work, because it involved an association with what they call "scab" labor.

MR. DARROW: But it was in manning the pumps only.

MR. BAER: In manning the pumps? There is no division between engineering and pumping and firing in that respect. The men work together as a unit. If you cannot raise the steam you do not need engineers, and if you do not have engineers and steam you do not require pumps or pump men.

MR. DARROW: That is just what our men claimed recently.

MR. BAER: Now, can anyone be deceived for a moment by such a weak attempt at justification? It has been suggested here (and the figure is so apt that I repeat it) that if a

2-E-4

highwayman meets me on the road and demands my purse, and I refuse to give it to him, and he shoots me down, he is not guilty of murder; because, forsooth, had I given him the purse he would have been content and gone on his way!

No more wicked act was ever perpetrated by bold men than the issuing of the pump order. If we had not been able to protect most of our collieries, the injury to the public would have been unparalleled.

With the cessation of mining for five months, and the destruction for the time being of a number of collieries, the public is now suffering, or was until within a week, for want of an adequate supply of fuel. Think what the results would have been had the efforts of the Mine Workers' Union to drown out all our collieries been successful! Five of our collieries are still drowned out. Our production, as shown in January, is 140,000 tons short. We are only a little ahead of the larger companies in the upper region, because they have not lost many of their mines; and whilst they have been able during the last few months to increase their production, the product of the companies I represent -- the Philadelphia & Reading Coal and Iron Company, with five collieries still drowned out through the wickedness of this pump order, and with the Stanton colliery and the Lehigh and Wilkesbarre still drowned out, although we are making an effort day and night to remove the water --- has been reduced. Two or three thousand men, their own men, many of them United Mine Workers, have been deprived of work; and they have even complained that we

9791

2-B-5

have not carried out honestly our offer to employ all the men, when through their folly and their wickedness they destroyed the means which we had for giving them employment.

Words may obscure the evil of almost any plea, however tainted and corrupt. The ingenuity of man cannot invent a plausible excuse for this order, other than the wantonness of power.

Herbert Spencer, in his last book, says:

"Those who, joining a trade union, surrender their freedom to make engagements on their own terms, and allow themselves to be told by their leaders when to work and when not to work, have no adequate sense of that fundamental right which every man possesses to make the best of himself, and to dispose of his abilities in any way he pleases."

I wonder what Herbert Spencer would say to Mr. Mitchell's and Mr. Gompers' new limitation of human freedom. Here it is:

"A man who works during a strike has no moral right to work if his work destroys the hope and aspirations of his fellow men."

This is, in substance, the new principle announced by Messrs. Mitchell and Gompers. You observe that they both -- Mr. Mitchell having read law for six months --- evade the legal aspect. They do not undertake to say that under the present organization of society and under the constitution and laws as they now exist a man has no legal right to work; but they insist upon an undefined law of their own, a higher law, which is based upon that intangible thing called a moral right

34-B-6

in contradistinction from a legal right.

I had supposed that in this Christian era the laws were formed to protect the moral as well as the legal rights of men; that they were based upon the common morality embodied in the Ten Commandments and the teachings of Christ. I did not know that there was reserved to individuals a moral right to do a thing which the law prohibited.

9750

2-R-1.

I do not know where to draw the line between the moral and the legal rights of men when we are called to pass on such questions as are now before this Commission. How am I to determine the momentous question as to whether my work will destroy the hopes and aspirations of my fellow men? Is it to be done by some town meeting, or by some crude democracy whereby a majority vote my rights and privileges are to be fixed?

Are not constitutions and laws framed to protect the weak against the ~~many~~ strong and the few against the tyranny of the many? If a mob in convention assembled declares that only the Protestant religion shall prevail in a community, am I to be debarred from the right of going to the Catholic Church because it would destroy the hopes and aspirations of the Protestant clergy, all of them workers worthy of all honor?

Socialism, as taught by some of its most brilliant exponents, has never, in its wildest dreams, undertaken to reorganize society on such a basis. There is, of course, a mixture of socialism and anarchy which fascinates the minds of many men which may excuse this, or other doctrines. But it is an humiliation to every American citizen who is proud of the success ^{that} of our free government has attained and who looks hopefully to the future, to hear men who are mighty leaders of good people and have the years of thousands of workmen teach such civil and religious heresy.

We have been found fault with for not making an agreement

2-R-2.

with the United Mine Workers of America. It is only just to those men to say that most of them have no knowledge of the facts and have had no experience in business and look upon the subject from either a sentimental or a theoretic standpoint. I shall always expect that in any controversy between capital and labor what we call the general public will sympathize with labor. And I find no fault with it. It is not pleasant and it is not convenient to be the target at which all public denunciation is aimed, but nevertheless it is human and humane to sympathize with the weak and the struggling. And bad as the tendency is at times, it is a thing which in the end corrects itself and whatever inconvenience and annoyance may arise from it, I really think that it is better for the race that that human and humane instinct, crude though it be, should continue to be one of the best traits of human nature. I have, therefore, I repeat, no fault to find with criticisms, gentle or harsh, that have been made upon us, because it is natural that in any such struggle men who are not interested in it and only see from afar should put upon what they call the strong all the blame.

You will recall that the demand made upon us was for a uniform scale of wages covering the whole anthracite field. That was the first and only written demand. All of the operators were asked to meet in convention with a view to adopting a uniform scale. Now, herein lies one of the difficulties

9795

2-R-3.

in dealing with subjects of this kind. I think that most labor leaders may justly be criticised for striving too eagerly for uniformity in wages and conditions. Perhaps this is owing to the fact that the best types of labor organizations we have in this country have been in trades where the work has been single and not diverse. Take the locomotive engineers. There practically the same skill is required by each engineer. It is one . The engineer who can run a locomotive on one railroad can accommodate himself immediately to the work of running a locomotive on another road. The service is practically alike, whether it is located in Pennsylvania or in California. The conditions of employment are not the same and therefore a uniform scale of wages applicable to the whole United States would not be just and has never been attempted, so far as I know. But I think that the best type of labor organization has been that of the locomotive engineer, and the reasons for it are plain. You must remember that the locomotive engineers represent the picked men of the United States. There is, perhaps, no other large body of men selected with such care and where the conditions of service are so high. The engineer must be a perfect man physically. He must have a good strong body and clear vision. He must have the nerve and coolness of a great commander, because he is ever on the danger line. His habits must be good. He dare not use intoxicating liquors, nor commit any of the vices which tend to weaken his intellect or nerve, or destroy him physically. The nature of his employment requires this and the railroads of

9780

2-R-4.

the country exacted. They must be exacting and rigid in the enforcement of all these requirements, because it is the engineer who is responsible for the safety of the thousands of people carried at great speed through the country. Indeed, there is no ~~rank~~ class of workmen who so thoroughly deserve the sympathy and the respect of the American people.

The same thing may be said of the conductors organization. There again the duties are practically the same and the men are picked men, possessed of high character, intelligence and integrity.

I can readily see how some measure of uniformity can be made to apply to isolated cases like these. But they are isolated. It is, perhaps, owing to the narrow experience of some of the labor leaders that this doctrine of uniformity is so strongly insisted upon. Gompers, as I understand it, was a cigar maker; making cigars is a single process and a simple one. So too, printers, by reason of their intelligence are always active in proclaiming this doctrine of uniform wages. Well, their own vocation involves a simple and a single process. But when you come to take up the diversity of work in a great manufacturing industry, where the process begins with the raw material and proceeds to its ultimate manufacture into the most complicated delicate machinery, you see it is not single any longer. It requires men of different skill, of different capacity physical and mental. The whole

2-R-5.

theory of uniformity becomes impracticable. In general, diversity, not uniformity is the law. Diversity is the complement of unity everywhere.

It would be idle to speculate why the Lord did not make the earth alike. Why he gave us mountains and plains and seas and rivers and forrests and mines, and why he should give us some portions of it to be burned by a tropical sun and others to be frozen by cold. Why he should have stored the fuel deep down in the bosom of the earth and compelled men to bore through solid adamant to reach the hidden treasure, ^{and} dig it in darkness and danger. Why he should have made men of different races, different strength and different capacity. But this is the way he did create the world and it is in this world we live. We can with patience reconcile ourselves to this diversity and discover in it some wise purpose.

The perplexing question why one man should be strong, happy and prosperous, and another weak, afflicted and distressed may be answered by Seneca's suggestion that the purpose was to teach the power of human endurance and the nobility of a life of struggle.

No doubt Mr. Mitchell's knowledge of bituminous coal conditions and his absolutely confessed ignorance of anthracite conditions are primarily responsible for the attempt to join the two in one organization. If every fact can be established by testimony we have established the radical dissimilarity between bituminous and anthracite mining. We made every effort to

2-R- 6.

convince Mr. Mitchell and his friends of the utter impracticability of his scheme. Our chief objection to his organization was that it was a foreign organization interested in a rival and competitive business. We never could see the wisdom of permitting the bituminous coal miners to inject themselves into the anthracite situation. It has proved to be just as mischievous as in the beginning we believed it would be.

In addition to the fact that the miners union was controlled by a hostile interest, we objected to it because we cannot delegate to the miners union, or any other labor union, the right to determine who shall be our employees. The law of Pennsylvania and the charter Coal and Iron Company in express terms gives to the President and directors the power of appointing all officers, agents and employees as they may deem necessary. We have the right under the law to employ any honest man without distinct discrimination as to religion, nationality, or membership in labor organizations. This is a right so sacred that come what will it will never be surrendered.

We do not object to our employees joining labor organizations. This is their privilege. But we will not agree to turn over the management of our business to a labor organization because some of our employees belong to it. Our employees, union and non-union, must respect our discipline. It is essential to the successful conduct of our business and is peculiarly necessary in mining operations to prevent accidents.

9799

2-R-7.

We must be left free to employ and discharge men as we please. If any of our officers abuse this privilege, then it is our duty to hear the case and review the action so that substantial justice may be reached. But we do not admit the right of an organization the moment we exercise the power of discipline to coerce us, before inquiry, by strike, or interference with our management. The employer ought, I think, to meet his employees personally, or a representative of such employees, provided, such representative acts only for the particular employees and does not act in the interests of persons who are not employees of the particular colliery. To illustrate. In a controversy as to conditions existing at one colliery, the employees of that colliery must limit their demands to the particular conditions affecting that colliery and if they see fit to be represented by some one acting as their attorney, we do not care what name they give him, he may be president, or a vice president, or anything else, he must be limited in the same way, he must not inject the theory as to what would be fair towards employees of another company a hundred or a thousand miles away.

MR. DARROW: You mean he must work for the company?

MR. BAER: No, I say not, I do not care who he is.

MR. DARROW: Have you not changed your position on that?

MR. BAER: I have not. I would not ~~hesitate~~ hesitate to change it if I found I was wrong.

It is on this account that we have objected to Mr. Mitchell's

2-R-8.

interference in our business. If he simply represented our own employees and was acting exclusively for them, there could be no objection to dealing with him. But he represents an organization having for its object some Utopian scheme of uniformity in wages and conditions in the mining of coal all over the United States. And instead, therefore, of considering only the questions at issue between our employees and ourselves, he is considering a general proposition which relates to all the coal miners dwelling under the sun.

The fact that the miners organization does restrict the quantity of coal a man may mine is clearly proven. It is not only proven, but it is defended as a right.

3-H-1

Restriction on production, limiting the quantity a man may produce seems to be based on the theory that this is essential to give employment to the many. The illustration given by one of the miners' attorneys was this, that if there is only a loaf to divide, you must divide it equally and give no one man more than his just proportion. The illustration is fallacious in this, that it is not germane to the subject. Labor is not a division of an existing thing. It is a power which produces things. Labor is not the loaf, but that by which in various forms the loaf is produced. Any restriction, therefore, on labor must necessarily reduce the number of loaves which are essential to feed the hungry. To limit the right of exertion, of work, is to limit production. It is not only a wrong done to the individual, but it is a violation of sound economic principles and therefore an injury to society. The ultimate effect of restricting production so as to divide employment and increase wages, must be to keep on dividing the wage fund as often as new men seek employment. There must be a limit to an increase of wages, but there can be no limit to the increase of workmen. The process must inevitably lead to the destruction of the industry or the reduction of the wages of every man to a sum barely sufficient to sustain life. Wages can only increase when each individual is left free to exert himself to his fullest capacity, thereby creating wealth which in turn gives new employment --- creates demand for commodities and demand for workmen to produce them. Only in this way can the wage fund be increased.

9802

The country is agitated over the possible dangers to ~~minimize~~ the Commonwealth there by combinations of capital.

These combinations or rather consolidations of many interests into one common company are all based on the theory that they will result in greater economy, that the cost of production will be decreased, and that the public will be benefitted in many ways, especially by regularity of production, stability of employment and reduction in cost to the consumer.

The criticisms as to over-valuation and capitalization are financial questions and only indirectly affect the public economic questions. If men see fit to invest their money in watered securities, that is their business, and the public is not responsible for ultimate losses. Economic laws will in the final wind-up work out the financial problem. But the public are rightly anxious as to the effect on the consumer

All free men oppose monopoly. It is instinctive, and the possibilities of it alarm us. The mere fear of it suggests all manner of devices to prevent it. It is unquestionably true that if the recent combinations of capital instead of proving a benefit to the public as their organizers honestly believe shall prove detrimental and result in creating monopolies guilty of extortion and oppression, legal and peaceful remedies will surely be found to curb their rapacity and oppression. But these large industrial combinations produce only things which are desirable, not absolutely necessary to sustain life. If the price of steel

3-H-3

or any other like commodity is too high, or its production is stopped by striking workmen, for the time being, because of low wages, or by owners because of low profits, the public will be put to temporary inconvenience, but it can cause no general suffering.

Now, sirs, if we are over-anxious about the effect of these mere possibilities of monopoly (I say possibilities, because it is not probable that in a rich, energetic country like ours, any such industrial monopolies can be either created or maintained) what must be the measure of anxiety as to placing the control of the fuel of the country in one organization, and that, too, an organization without capital or responsibility.

Fuel is the life's blood of our age . It is as essential as food. Food production can never be monopolized. However low the wages and small the reward of the tillers of the soil, the labor-reformer has not succeeded in controlling farming. The farmers know no restriction in hours of labor.

But what of fuel? Without a dollar invested in property, the fuel of the country has been absolutely monopolized. Not a ton of coal could be mined in the United States without the consent of the United Mine Workers of America unless it was mined protected by guns and at the risk of destruction of life and property. Is this a serious situation? The dangers from combinations of capital are mere possibilities, but the

results of the fuel monopoly are actual.

We are not left to conjecture. The facts are before us. The United Mine Workers have created a monster monopoly. They did shut up the anthracite mines for more than five months. They taxed the bituminous laborers and all laborers over whom all organized labor had control to support the strike. The owners of bituminous mines, some in self-defense others in the hope of gain, contributed freely to the strike fund. The public, especially in the west contributed freely. More than three million dollars were raised to carry on what they called the industrial war. With what result? The price of both anthracite and bituminous coal more than doubled. The supply was inadequate. The public was suffering, not only from the high price but from the scarcity of coal. Industrial operations closed down and men were thrown out of employment. All over the land, except in the districts that could be supplied by the great anthracite coal companies, the poor, the honest workman and the well-to-do, suffered for want of fuel. In the middle of winter, in a land of plenty, this gigantic monopoly had the power to create a scarcity of fuel and bring distress upon a whole nation.

Who has been benefitted by it? Primarily, the bituminous operators of the west. There was no strike in the bituminous coal fields. It was necessary for the Mine Workers' Association to keep them at work, so that their hard earnings might be taxed to support the strike in the anthracite coal fields, and

3-H-5

yet the price of bituminous coal was higher than that of anthracite. Chicago, that with such consideration sent a Bishop to meet a number of us to warn us that Chicago was contributing to the support of the strike, and that the christian people of Chicago demanded that we should surrender to the Mine Workers --- telling us, too, in solemn accents as though we were pronouncing the final judgment on man, that Chicago would continue to contribute -- wound up by issuing pathetic appeals to the anthracite operators to send them coal, although it is in a bituminous district. You look in vain for any benefits except those that have inured to the bituminous operators, and certain of the individual anthracite operators. The public suffered. The workmen all over the land suffered, and the Mine Workers themselves gained no advantage, except that which is claimed by the distinguished literary gentleman who read an interesting paper here on Monday, that they had become masters of the situation. (Laughter.) Worse than all this riot, bloodshed and destruction of property with personal injury to thousand of persecuted fellow-workmen, marked the monopoly's efforts. Then, too, it must be ^{peculiarly} ~~particularly~~ gratifying to the distinguished protectionist statesmen and politicians, who have smiled so sweetly and so tenderly on this labor coal-monopoly, that the United Mine Workers of America have accomplished but the propaganda of revenue reformers in a generation of activity failed to accomplish. The duty on coal has been repealed.

9806

3 B 1

It is seldom that the violation of sound economic business rules so quickly brings with it such a series of disasters. How far the public will take to heart the lesson that has been taught is, of course, as it always is, an unknown problem. But this Commission represents the dignity which ever must uphold law and order, the justice that is inherent in righteous judgment, and the wisdom that can respect the progress and mighty achievements of our social and business conditions which have produced such marvellous prosperity. And, holding fast to that which is good, it will be slow to recommend a new order of things that may lead to the dire results which a six months' trial have already produced.

But someone will say, "Oh, all these direful results might have been averted by you operators." How? By a surrender to unjust demands. Yes; the evil day could have been postponed. But is cowardly surrender a characteristic of American citizenship? The Civil War could have been averted had we surrendered to the Southern confederacy.

Let us not deceive ourselves. Men charged with the management of property, conscious of no wrong-doing, believing they are dealing justly with their employes, ought not to surrender at the dictation of labor leaders whose reputation and subsistence depend upon their success in formulating impractical demands, and thereby stirring up strife.

The record shows that an honest effort was made to convince the United Mine Workers that their demands were unjust. Who now will say, in the light of the testimony, that the de-

3-B-2

mand for a uniform rate of wages extending over all the anthracite regions was reasonable? The differences in conditions between the anthracite operations and the bituminous operations were clearly pointed out to these labor leaders.

You ask the question whether I ~~had~~ ^{had} changed in this, that I was willing to meet representatives. Listen to my story.

We met them, as they requested, before the National Civic Federation, and discussed the whole situation. At the request of the chairman of the Civic Federation we were invited to meet Mr. John Mitchell and Mr. Fahey and Mr. Duffy and Mr. Nichols before the Civic Federation in New York; and, as humble petitioners, we disregarded every feeling of pride, and we met them --- not on equal terms, because they had every advantage. The Civic Federation had been called in by them as their ally, and we were cited to appear before this industrial branch of the Civic Federation and meet these gentlemen. We appeared there in answer to the summons. We met in the rooms of a church. There were gathered around us many distinguished gentlemen --- some bishops, and others dressed like bishops, and many that we did not know. We heard their complaints, and we listened with patience, and answered as best we could. A whole day was taken up in free discussion with all these gentlemen, in which each one was treated with the utmost civility. Every phase of the situation that could occur to us was fairly presented and discussed

9808

3-B-3.

And Mr. Mitchell exercised the cool patience and the excellent judgment that he always exercises in discussing these problems.

At the end of the day the Civic Federation, on their own motion, asked for an adjournment to take time to consider the problem, on condition that we would ^{not} store coal during the month of April; that we only mine normally, the dread being that if they did not force the issue at once we would continue to mine coal and store it, so that the public would not be forced into forcing us. And the condition was finally made that "If you are good, and do not take advantage of this interregnum," of what we call "cessation of hostilities", "for one month; if you will only mine normally, then we will come back together here at the end of one month, and we will see whether conditions are such as to enable us to bring about a settlement."

We all pledged ourselves not to mine excessively --- to mine normally, and not to store coal. At the end of thirty days we met in that same place again. We found that these labor leaders had surrounded themselves with a committee of 24 miners, representatives of the miners in the region; and a whole day was again consumed in free and familiar discussion, and with the utmost good temper throughout. During all that time the very distinguished gentlemen who constitute the Civic Federation sat there, wisely looking on; ~~and~~ not one of them, with the exception of Senator Hanna and a few of the labor leaders (two of them, I believe) offering any advice; but, puffing good cigars, they seemed to enjoy the discussion which

3-B-4.

was carried on principally between Mr. Mitchell and myself.

Then what followed? Why, one of the learned Thebans (Laughter) thought it would be a good thing to have a sub-committee appointed; and the suggestion was made that a committee of our employees be appointed and a committee of operators be appointed with a view of considering the whole subject and reporting to the Civic Federation. We agreed to this. Then Mr. Mitchell got up and ~~said~~ said it would not be fair to their side to have only employees, and he asked me personally whether I would object to the presidents of the Mine Workers Association being on that committee. I promptly said I did not object, that they might represent our employees; and then three coal presidents were appointed, and the three district presidents. Then came Mr. Mitchell's second appeal, so gracious and so suggestive that I yielded at once. Said he: "Why not let me be on that committee?" And we said: "Yes; you shall be on that committee." So the committee was four on their side, not one of them are employees. But we treated them as representatives of our employees, and we met.

Now, mark you, one thing about that. With a great deal of caution the resolution was passed that the meetings of this committee should remain a profound secret, and nobody should divulge the result except before the Civic Federation, which was to be reconvened at the call of the Chairman to hear the report of this Committee. The Committee met, and they met in my office in New York; and I do not know how many hours each day we were there, but

we spent the whole of the day there. One day we did not go out of the building; we took our lunch there. We spent the next day there, eating our lunches quietly, and we had a pleasant conversation, and we discussed these questions as fully as we could.

We showed how we could not increase the price of coal, by exhibiting our accounts. We gave the schedules of employment that afterwards I handed to Mr. Commissioner Wright. We offered to put all our books at their disposal, to see whether it was true that we were dealing fairly with them. We told them fairly that however beneficial they believed organized labor might prove to us, they had not succeeded in demonstrating, in the past two years, since they had entered the field, their ability either to insure discipline or to work harmoniously with us. And we begged of them to be patient, to perfect their organization, to correct the abuses which we pointed out existed there; and we told them that whenever they did show that they could be of real, substantial benefit to the coal operators we would meet them.

We parted on the best of terms. ^{had no idea,} We ~~remembered~~, when we parted, that either of those men had it in mind to strike; and the conduct of Mr. John Mitchell afterwards proved that at that time he did not contemplate advising a strike. What happened when we left?

Mr. DARROW. When was that, Mr. Baer; do you recall?

Mr. BAER. Mr. Nichols can give you the dates. I

3-B-6

have not the diaries here.

And then what happened? The office was full of reporters --- those modest people who never ask you questions that you do not want to answer. (Laughter.) We held a little consultation as to what should be given out to the public; and it was agreed that the common answer should be given that our lips were sealed, that our report could only be made to the Civic Federation. And Mr. Mitchell was instructed to represent us, and notify the chairman, who was to fix the time for meeting.

Strange to say, the Civic Federation never convened to hear that report. At a crucial time, when they had heard our discussions before them, and we had met the committee which they had appointed, they did not even have the small courtesy to hear the report that that committee was willing to make, even though it would be a report of no ability to agree. Nor did they have the manly purpose to meet again and render to each side the services which they proclaimed to the public they wanted to render, namely, the power of conciliation, and the effort, by honest talk, to bring men together. But for the mere purpose of saving their faces, for fear no advantage for the time being could come to the particular interests they represented, they never convened.

One of the distinguished gentlemen connected with that Civic Federation, whose vocation almost prohibits me from criticising him, has contented himself with saying that if Mr.

9812

3-B-7

Mitchell and Mr. Baer could have been eliminated from the situation, the Civic Federation might have accomplished results. (Laughter.) Not unless the Civic Federation is born again. . (Laughter.)

Now, I have mentioned that because it was necessary to say so much in order to repel the imputation that we have been arbitrary and unreasonable and punctilious in refusing to meet these distinguished representatives of organized labor. Why, I never refused one an audience in my life. No one ever can say that he applied to me on any subject that I refused to meet. I have no objection to meeting them under proper conditions. I won't meet one of them if he comes with a pistol and says, "If you don't open that door I'll blow your brains out." I will probably run the risk of having my brains blown out.

Now, what is the next? "Well, then," they say, "but after that, after that you refused arbitratuon."

I want to say here that the public press have amused themselves by inventing a great many interviews with me; and I have had to stand it. Somebody asked me why I waited until the eleventh hour to deny something that had been said about Washington. My whole summer's work would have been taken up in denying reports if I had ever started on that line. I am responsible for the things that I have said under my name, or said publicly; but I protest against the vile stuff that has been injected into interviews purporting to come from me, some of which were quoted here by one of the

7010

speakers, saying "There is nothing to arbitrate", and all that sort of thing. I do not blame him for it; because the average man has a right, if he is simple-minded, to believe the newspapers. (Laughter and great applause.)

Mr. DARROW. I agree with you about that.

Mr. BAER. Well, I am glad we agree on something.

But the suggestion was made that there was an offer of arbitration made. Yes; there was a famous dispatch that reached me out in the country. I remember I was up dining at Senator Cameron's, and it was sent there by special message. That is the reason I was a little late in answering. The proposition was signed by John Mitchell and T. D. Nichols. I do not want to read the whole of it; I can state the substance.

"We propose that the industrial branch of the National Civic Federation select a committee of five persons to arbitrate and decide all or any of the questions in dispute."

Very modest! The industrial branch of the Civic Federation had just kicked us out of court, and turned us down; and yet it was proposed to have an arbitration board appointed by them. Mr. Mitchell is a member of that industrial branch; Mr. Gompers, and all the labor leaders. We were not to have even the small favor of selecting one man on that committee. The arbitrators were to be selected by the industrial branch of the Civic Federation.

Well, with the experience we had, without regard to the general unfairness of such a proposition, would any reputable

3-B-9

man have agreed to such a proposition? We did not; and we are justified. It was unfair in its terms to ask that anybody should select an arbitration, and the people that were asked to select it were not fair and disinterested people.

What followed next? Why, that if we would not do this, then a most exceptionable committee should be appointed.

"Should the above proposition be unacceptable to you, we propose that a committee composed of Archbishop Ireland, Bishop Potter, and one other person whom these two may select" -----

There we have no choice again. We have no voice in all this business.

"Shall be selected, authorized to make an investigation into the wages and conditions of employment existing in the anthracite field; and if they decide that the average annual wages received by anthracite mine workers are sufficient to enable them to live, maintain and educate their families in a manner conformable to established American standards and consistent with American citizenship, we agree to withdraw our claims for higher wages."

3-R-1.

Well, I have this to say about that. This alternative proposition to refer these things to a committee composed of two very distinguished prelates, experts no doubt in matters spiritual but perhaps just in proportion that they had given attention to things spiritual they might need somebody with them on that committee to give advice on things temporal. These honest, learned prelates were to pass upon the wages and conditions existing in the anthracite fields, not for the purpose of determining whether under the controlling business conditions of the anthracite fields, through which wages are regulated the wages were fair, but to decide the startling proposition as to whether they were sufficient to enable the mine workers to live, maintain and educate their families in a manner conformable to established American standards and consistent with American citizenship. More impractical suggestion was never formed. It would require many years of examination to determine just what those standards were, to start with, and to determine whether, under all the conditions, it meant that a man should earn enough money to send his son to Yale or Harvard, or to some modest college like Franklin and Marshall where we keep down expenses.

All these things are problems that would enter into the question of the society these American citizens were to go into so as to conform themselves to the usages of American citizenship. Some of them I knew would be rejected because some of the things

9810

3-R-2.

which seemed to be consistent with American citizenship are not worthy of it.

We pass by the meddling interference of men in high and low places, whereby the struggle was prolonged and the reign of terror, with all its persecutions and oppression, was continued for nearly six months. A record of lawlessness and crime unparalleled in any community save where contending armies on fields of legal battle, whose details were so horrible and shocking that this Commission in mercy stopped their further recital.

But I am not unmindful of the advice which was specially volunteered on Monday by the distinguished literary philanthropist from Chicago. He tells us with great satisfaction "when the masters in this business, ex-masters" --- yes, that is his theory, after recounting the struggles he calls attention to the fact that the struggle on the part of the organization whose praise he was singing was for mastering, and he rubs it in by beginning a sentence, "when the masters in this business, ex-masters" ---

MR. H. D. LLOYD: I meant, because it was brought under the control of the whole people. I did not mean the workmen had become your masters.

MR. BAER: Oh, you will have to publish an addition to your speech to explain some things in it. (Laughter)

He goes on further to tell us, that we make both sides of the bargain, ours and theirs, and that is the arrangement

3-R-3.

that must cease. He paints a picture to himself that is one of abject slavery. That the operators do not bargain with their men, but with the salves under them and weakly deal out such pittance for the work as we see fit to give, and in his exaltation he goes so far as to say that a righteous court sitting in judgment could some day make us account for the wrongs we had done. Is that the testimony in this case? Who has ever refused to bargain? Every day in the mines bargains are made with the men. Is there a man incapable of bargaining for himself? It takes two to make a bargain. We offer them work and we tell them what we will give and they say what they are willing to take for it, and an agreement is made between man and man and he goes to work and works honestly on th t contract. The man works contentedly and receives his pay and that system, we are told, is slavery and one-sided. Who enslaves the men? There is plenty of work in this country. If a man comes to me and offers to work for me and I am willing to pay him \$2 a day and he is content to take it, that is a bargain as good and as sacred in the eyes of the law as any bargain could be that was drawn by the distinguished gentleman from Chicago. His theory is the men are not competent to bargain for themselves. But there is to be some grand empirionic council, that sits somewhere and exer cises general jurisdiction over the world, and if I want a servant, or an

3-R-4.

employee to do some work, I am not to go to the man, but to this great council and say "My dear and Reverend Sirs, I want an employee, What may I give him, who shall he be and will you give him to me." That is his idea of freedom that he proclaims here, and it is on that account and because we have never agreed to anything of that kind he tells us, with a sweet assurance, that we are *ante-deluvian* captains of industry." (Laughter)

I always admire the happy facility of reformers for inventing good phrases. "~~Ante-diluvian~~" "Ante-deluvian captains of industry" in struck me so forcibly that from the grand notions and criticisms that had been given I supposed really here was a man who did know something about business. But, when he stopped speaking and I was introduced to him, I asked him what experience he had in dealing with labor and he frankly confessed that he had none. So that my hope of securing a competent superintendent as a "captain of industry" that was not "Ante-diluvian," was immediately dissipated. (Laughter)

Then comes his citation from New Zealand. New Zealand and Australasia has been, in the past, a fine theme for all manner of theorists. It is a wonderful country. Oh, such great things were expected of it. I have watched its progress closely., New Zealand has progressed marvelously. It has a public debt now of \$300 per capita. That would amount in Pennsylvania to a debt of eighteen hundred millions. The taxes are nineteen dollars a head

9810

3-R-5.

there. The annual loss in the operation of railroads for the last ten years has been in the neighborhood of a million dollars a year, and so beneficial to the public ^{has} ~~is~~ the Australian system of railroads been, that we have the authority of a professor of Harvard, quoting Mr. Henry Wood's book for the statement, that in Australia it costs as much to transport on the railways there a distance of two hundred and fifty miles a bushel of wheat, as it does to take it from Chicago to Liverpool.

But here is something I accidently saw from two authorities on the New Zealand question. After reviewing, even referring to Mr. Lloyd's book, he says, Professor Momsen, quoting from Sir William short article in the August number of the Australian Review of Reviews, "This eminent Australian Statesman holds that the entire industrial legislation of New Zealand and Victoria will soon be cast aside like old iron, because it must fall to pieces of its own accord." Another Paradise Lost. (Laughter)

The anthracite coal trade has for fifty years been a most perplexing problem. It has, perhaps, aroused greater expectations and caused more disappointments than any large business enterprise in the country. To the untutored mind it seems so easy to dig coal and to sell it at a profit. But to the men who have given their best thoughts and years to the problem, it becomes, perhaps, because they are anti-diluvian, one of the most complex of all industrial

3-R-6.

problems. Indeed, when I look back over more than thirty years of my own connection with the Reading system and recall the struggles of the system and the able men who have gone before me, it seems that their labors were like those of Sisyphus.

The problem was to persuade the public to use anthracite as a fuel. New stoves and new furnaces had to be invented and perhaps the first real result in bringing about its consumption was in the furnace. Some competent Welsh manufacturers coming early to this country, iron manufacturers, discovered what the chemists knew, that anthracite coal was a natural coal, and they constructed furnaces capable of burning anthracite coal as a substitute for charcoal at that time, and in a very few short years the old charcoal furnaces in the history of Eastern Pennsylvania disappeared and the charcoal furnaces were converted into anthracite furnaces. That gave a great impetus to the trade, and year by year its consumption grew wider and wider and year by year the development of the coal industry increased abnormally. Up in the Wyoming region the mining of coal is practically simple. At least, it was in the beginning. The veins are ~~flat~~ flat and no very great expense was required to open a colliery. The conditions were somewhat similar to many conditions in the bituminous coal fields. Railroads were built in there and they wanted traffic. They gave all manner of inducements to individuals

3-R-7.

to develop the mines, so that in a very few short years there was a production of anthracite coal in great excess of the market demands. The Wyoming region has continued to develop on those mines so that, taking up the distribution of coal under normal conditions, you will find the Wyoming region produces thirty million tons a year, what we call the Lehigh produces about seven and from fourteen to sixteen is produced in the Schuylkill region.

4-H-1

Here was the property. You know that coal cannot be well stored. Bituminous coal can not be stored in very large quantities because it is apt to ignite. Anthracite coal can be stored, but the cost of storing it is very great. We have made some experiments with the question of storing coal and picking it up again, together with the breakage and the lowering of the grade of the coal, and it amounts, as near as we can get it to 26 cents a ton. We have found that we can not store coal and pick it up under a less charge than that, and then the facilities must be extraordinary. But we have never been in a condition to get these yards. We have tried it, for the purpose of storing coal, and in the past this has been the condition of the trade: In the summer months people do not want coal. The great consumption of coal is in the domestic sizes, ^{although} The manufacturers, of course, consume the small sizes of coal during the summer months as well as in the winter. The ~~result~~ result has been in the past that during the six months from April to the first of October we could not operate our mines at all, because there was no market for the coal. The inconvenience was enormous in this, that for the transportation companies their cars were out of use, their locomotives were out of use and all their crews were remaining idle. They lost the investment not only of all their capital, but they were compelled to keep up that equipment ^{so that in the} ~~through~~ six months of the year when there was an active demand for coal the whole system would not be congested, and the movement of the coal itself

9823

by the railroads was accompanied with great additional expense. That condition we have tried to meet in various ways, and it has resulted undoubtedly, at times, in depriving the miners in the coal region of steady work. No one has ever denied that was an evil. The trouble in the anthracite coal regions in the past was not the rate of wages, but whatever ground of complaint these men might have was in the fact that by reason of market conditions it was impracticable to carry on colliery operations every day in the week or in the month, and thereby their ability to work five days in the week was taken from them. Although the per diem wages were fair, when men could only work three days a week the annual result was not satisfactory. But it was a condition that could not be met except by the enlargement of the markets.

When this exceptional prosperity came upon us again in 1898 and 1899, there was a demand for coal, and the men instead of being given work three days were enabled to work five and six days. Then came 1900, in which the demand was still great and increasing, so that both the operators and the transportation companies were being taxed to their utmost to mine and transport the coal to the markets. Then came the disturbing element, the Miners' Union, and under exceedingly favorable conditions -- I mean favorable to them -- they succeeded in getting an organization, and getting up a strike which resulted in a compromise of 10 per cent. Let me show you how little they gained, so far as that is concerned. At that time, and for years we had been operating in the Schuylkill region under the sliding scale, a system of profit-sharing whereby when the price of coal increased, the wages increased-9824

4-H-3

the only fair and honest way in which to increase or decrease wages, so that the men shall share in the prosperity, and so that they shall practice economy during periods of depression., The only objection made to the sliding-scale was that it had not a minimum basis. Perhaps it ought to have had. I have discussed that in a pamphlet which I will hand to the Commission, and shall not now review that situation, but simply to point out this that ~~under the same conditions~~ if the Philadelphia & Reading Coal and Iron Company had accepted Mr. Mitchell's proposition of 10 per cent as was done in the other regions, they would have received less money than they did under the sliding-scale. We voluntarily, because we felt that only a limited number of our men belonged to the United Mine Workers, increased that in 1900 from 10 per cent to 16 per cent, so that the men in the regions would receive the same wages they would have received under the sliding-scale, and on page 11 of this pamphlet I have shown you how under the prices that prevailed since, the wages of the miners would have been. They would have received on an average throughout all the months, even including April 1902, 15 per cent, and in some months --- October, 1901, they would have received 20 per cent increase.

Ever since that time we have been pressed for coal. We can not produce as much coal as the market would take. A series of floods and disasters in 1901 and 1902 of course destroyed our colliery capacity, and it is therefore possible

4-H-4

on existing wages in the region for any man to make average wages equal to those paid in any other industry in the United States.

If this sliding scale had not been abandoned, the mine workers would ~~have~~, under the increased price of coal, have been entitled to the benefit, and their wages would have been considerably increased in the past few months.

Now, what other problem have we to meet? We can not arbitrarily fix the price on coal. There are market conditions that we are not masters of. I see the Mine Workers Vice President, according to an item that counsel Wolverton read thinks that they have the power to control markets. Probably they have, but I still will not believe it. They are not as easily controlled as men think they are. There are limitations peculiar to the anthracite trade, and one of these is that 40 per cent of the output of anthracite coal must be sold in competition with bituminous coal, and the normal price we get for that 40 per cent is below the cost of production; they include all the small sizes, and furnace coal. I call your attention to page 153 of "Documents relating to the Anthracite Strike of 1902," where you will see given the percentage of shipments made according to sizes, showing that 60 per cent has been of the prepared sizes, and of the small sizes, the pea, buckwheat, No. 1, and smaller than Buckwheat, No. 1 32.7 per cent. These small sizes are sold for steam purposes in competition with bituminous coal, and must be sold below the cost of bituminous coal in order.

9826

4-H-5

to induce purchasers to buy. The lump coal is used in furnace practice and is in competition with coke. So that, in point of fact, any increase in the price of coal goes upon 60 per cent of the coal, which represents the domestic sizes. If you will make the calculation you will see that, roundly, that ^{any} ~~one~~ one per cent increase in wages will cause an advance of two and a half cents on a ton of domestic sizes of coal. In addition to this, we must not overlook the fact that if wages go up, then materials and supplies necessarily participate in the increase, and the general cost of mining coal is increased, the proportion being about \$1.45 to \$1.50, representing the average cost under the conditions of producing a ton of coal --- that is, the wage labor of producing a ton of coal --- and from 40 to 45 cents representing the supplies that go into the cost of the coal. Our coal roundly costs us about \$2 to put on the car, and \$1.45 to \$1.50 represents wages. You can make your own calculation. We had 25,610 employes in the Coal and Iron Company in January, and we paid out in cash \$1,190,000 in wages. I do not think any people are starving when an average of such conditions as that is going on, --- and that is only an average of what is going on all the year around.

I do not want to discuss this question of wages very fully. The evidence is before the Commission I confidently believe that it justifies the position we taken, and that any increase in the rate would not only work injustice to the operators and to the consumer, but that, for reasons which I shall give

would be of no practical benefit to others.

The production of coal is one of the few industries in which there are three parties to be considered: First, the operator, because he controls the business -- for the present at least (Laughter.) Second, the workmen, and third, the consumer. In most industrial operations the consumer is only indirectly interested. He not not purchase the things if their cost is too great, but coal he must purchase. If he is a manufacturer, he requires it for power, and every one needs it to cook his breakfast and warm his stockings. The price can not be arbitrarily fixed. It is undoubtedly true that the mine workers must receive an adequate compensation, measured by like wages under similar conditions in other industries, and, I take it --- with some hesitation --- that the operator may be permitted under a normal condition of society to have a little profit on the capital and work he bestows in the business. If the anthracite mine operator fixes the price on anthracite coal so high that the manufacturer cannot use it, the manufacturer will do one of two things --- purchase bituminous coal or, if in the locality of his manufactory that can not be had to advantage, he will abandon the site of his manufactory and go to a more favored locality where fuel is cheap and plentiful. This has always presented a most troublesome problem in the anthracite business. Whatever theorists may say, it has been fortunate for the general public that the transportation companies have been financially

4-H-7

interested in the management of the collieries. Why? Why, for the past 25 years the sharpest and severest industrial competition has been waged between the industries west of the Alleghenies and the industries east of the Alleghenies, and time and again, with the developments at Pittsburg and Alabama and Chicago the prediction was made that all the industries of eastern Pennsylvania would be destroyed by reason of the power of these western manufacturers to produce at a lower cost.

In this problem of manufacturing, fuel is the foundation of everything. It therefore becomes a business duty and a business necessity to see that in the cities where only anthracite fuel can be used, because of smoke ordinances, and in the many places among the lines of the Reading system and the New Jersey system and the Lehigh Valley system, thriving towns, full of manufactures, in Eastern Pennsylvania -- to see that these people and these manufacturers are given coal at a reasonable price; because if they cannot get that, they will be driven out of business. And if they are driven out of business, then the sources of trade for the railroads fail.

Take a city like Reading. Time and again a manufacturer in the past has come to me and told me, "You must help us. Here is a sharp competition with Pittsburg and Chicago. We must have some way to get cheap fuel, and even to get cheap transportation, to get our products in competition with them, or else our works will close down." And if you close down the works in Eastern Pennsylvania ---- I looked at the census the other day, and I was surprised to find that in the territory reached by our own Reading system there is over two thousand millions of dollars invested in manufactures. If we, by any action of ours, ~~increase cost~~ ^{increase cost} of fuel, increase cost of freight, make it impossible for these industries to live and to compete with the more favored industries of the west, then we have brought ruin on all of Eastern Pennsylvania; we have destroyed our only avenues of trade, and have involved everybody and everything in one general catastrophe.

4-B-2.

These are problems that the ante-diluvial captains of industry in these days must consider, and must daily consider --- how to increase the wealth of the community you are serving by increasing its prosperity; because only in that way can you add to your revenues; how to return to your stockholders a just payment for the money they have invested, and how to give honest wages, fair and full wages to the men you employ. These are burdens. You may think they are light; but to a man who is charged with responsibility they become terrible realities. (Applause).

What, then, can be done practically? If you increase wages, what will you accomplish? If they are too low, increase them; it will pass on to the consumer, and that consumer will be the rich and the poor. If they are just, then let them alone.

What evidence have you that they are unjust? We were led to believe, when an attack was made upon the horrible conditions in the anthracite fields, that a condition similar to that in the Phillipine Islands existed, whereby men were being oppressed. Mr. Gowen has aptly called attention to the fact that on the basis of wages these gentlemen thought were being paid in the anthracite regions, the advance which they claim is less than the wages they have actually been paid. They started out with a theory that the men were not getting fair wages, and they named the wages they got, and then said: "Say, that is too low; they must have more. Give them twenty per cent." But giving

4-B-3.

them twenty per cent. on the basis they stated before this Commission, the sum they would receive is less than that which they actually have received.

Now, that the wages are fair we demonstrated by a number of things to which I want to call your attention. You will remember that it has been said that one of the evils in the coal region is that there is too much labor there. What does that indicate? Why, that labor there is attractive. There is plenty of work in the United States, and those men could get employment elsewhere. Are you going to increase the rate of wages, and attract still more people there to sit down and wait in the hope of getting enough money in a day to support them for a year? Will you improve the congested labor condition in the anthracite fields by raising the price of wages so as to attract all unemployed labor into that field and bring on a worse condition of things?

Remember how easily the trade of anthracite mining is acquired. There is no apprenticeship such as in ordinary trades; no such conditions as many of us went through when, as boys, we served as apprentices, working night and day to acquire a trade, with little or no remuneration. I worked for less than fifty dollars a year, and boarded myself.

Under the mining laws of this State a man, of course, must be a certified miner. But there are from the old country flocks, hordes of strong men. They come there as laborers and obtain work in the mines. They are paid larger

4-B-4.

wages than they ever dreamed of in their own countries --- from \$1.50 up to \$1.75 or \$2 a day. They work away for two years in the mines receiving this pay, and at the end of that two years they can become certified miners. That is the only apprenticeship they have served. After that they can go into the mine early in the morning and drill their hole and blast their coal, and at eleven o'clock walk out to smoke their pipe and enjoy that leisure which the eight-hour system, it is propose, shall bring about --- the leisure to enable them to learn to read good novels and sound religious books. (Laughter)

You see, it is no skilled trade. There is no protection such as prevails in the arts --- the carpenter and the mason and the bricklayer and all men, and above all the machinist, who has to devote years to acquiring great skill. Are these men who work five and six hours a day, and earn the sums of money we have shown you that they earn, to become public pensioners at the expense of every honest working man in this city and in all the cities of the Seaboard who is working for a living, and is compelled to buy coal to keep him warm and to cook his meals?

If there is any sociological question involved here, it requires you to consider most carefully whether, in trying to do some favor to the coal miners in the anthracite regions, you are not only going to work injustice to the operators, but you are going to do a wrong to every man in the community who is a consumer of coal.

9833

4-B-5

I have heretofore called attention to the sliding scale. I intended to discuss the question of eight hours a day; but I will let that go. Enough has been said upon that subject. I do not believe in the theory. There are some trades where eight hours is enough; but there ought to be no limitation on work in the collieries. If the breaker time is reduced to eight hours per day the output of coal would be so restricted that the cost of coal would be increased enormously. Of course the answer would be, "Build new breakers and sink new shafts." That is easily said. Expend another half million dollars at each colliery; and then the public would have to pay the cost of that. Poor public, suffering all the time! It is one of the things that you can not help. If you are oppressed in one direction, and the price has to go up, the public is the forgotten man; but there is where it falls all the time. The consumer pays for it. And those of us who stand up to protect the consumer, who represents the average man in the community, are always to be treated as merciless, ~~tyrannical~~ tyrannical men.

That brings me to say one word in defense of our own companies. I submit that in the long months you have taken testimony the companies I represent, the Philadelphia & Reading Coal and Iron Company and Lehigh & Wilkesbarre Coal Company, have suffered the most at the hands of these people, in that, as I have told you, a number of our collieries are destroyed. Where is the evidence of our wrong-doing? What have we done?

9833/2

4-B-6

Have we ill-treated our men? Have we wrong them in any way? Is there any testimony here to cast a shadow of doubt on the integrity and the honesty and the fairness of these companies, in dealing with their men? I want to know if there can be found anywhere in this land more upright men than Luther, than John Veith, than Richards? And I want to know who, among all the hundred of superintendents, has been pointed out to you as dealing unjustly or unfairly with any employe of the companies I represent; or who is there that will dare to say or has said that the humblest man in our employment has been refused redress or consideration of any complaint.

Superintendents tell you that they hear every complaint and treat it justly. Such is their instruction. This company is too big to be dishonest. It means to deal fairly with all men. It means it because its management is honest and its policy is honest. And I protest that nothing has been more unfair than to drag us here into a controversy of this kind, without showing that there was any wrong done, or that anything in our system needed to be corrected. With fairness they admitted that the outcry against payment for coal by the car did not apply to our region; and I thank them for being big enough to admit that the conditions under which we pay in the Schuylkill regions are so fair and just that they do not desire to change them. It eliminates, so far as we are concerned, one troublesome problem from your consideration.

Now then, what is the practical suggestion that I have to make? I would gladly see a return to the sliding scale.

9851

4-B-7

For some reason or other the sliding scale meets with little favor among labor leaders. I have a theory about that, but it may be mistaken, and I will not state it. You are asked to fix the price of coal practically for three years. I am not a prophet. I do not know what the business conditions of the next three years will be.

9835

4-R-1.

I can hope that the general prosperity of the country will continue so that wages can be even increased. But I know, and as a business man, I am not willing to permit myself to the payment of wages for three years based upon the existing condition of things. I do not know the day, nor the hour when a break may come and, as a cautious man of the world charged with grave responsibilities, I want some system adopted that will work like the governor on an engine and regulate the speed at which we go. Normally there ought to be no increase of wages. During the last few months we have advanced the price of coal and then only for a temporary purpose until normal conditions would be reached. I do not know whether they are here or not. There are sounds from afar that are quite threatening. I do not like the suggestion that in January, taking all sizes of coal, there were nearly six million tons of anthracite coal produced. I want to say, that while it is entirely true that some of the men have not been as prompt as we wished them in working on holidays, and some of them have shut down the breakers at one colliery and another to go to a funeral, and sometimes in times of great distress they would not work when we thought they ought to work, I will say, that aking the whole situation through the men in our companies have behaved themselves since the strike is over most admirably. They have rendered efficient work and produced all the coal which, under the circumstances, could be produced, unless they had

9836

4-R-2.

worked on these exceptional holidays, and while ~~xxx~~ would ^{that} have been desirable, you cannot ignore the conditions and the traditions of people, and if these foreigners come here with many holidays and have been accustomed to observe all their holidays, I am not going to find fault with a man who keeps his native holiday even though it does deprive me of a little coal. There are some things that must be allowed to individual freedom, and this is one of them. I would ~~xxx~~ have them work on Mitchell day when there was a scarcity of coal, because he is alive. He could wait for all those honors in the future.
(Laughter)

Now, what is my proposition? That the rate of wages now paid shall be the minimum basis for the next three years.

That from the first of November to the first of April, 1903, all employees, other than contract miners, shall be paid an additional five per cent.

That on and after April, 1903, for each five cents in excess of \$4.50 per ton on the average price realized for white ash coal in the harbor of New York, on all sizes above pea, wages shall be advanced one per cent; the wages to rise or fall one per cent. for each five cents increase or decrease in prices; but they shall never fall during the next three years below the present basis.

Now, before I give the result, let me just explain what that means. We will take the risk of guaranteeing for three

4-R-3.

X years the present basis of wages. I say risk. We take a great risk in doing that. It means that the price of coal must be kept in New York Harbor \$4.50, or otherwise we are carrying on operations at a loss. We are willing to take that risk and to pay, in addition, one per cent. increase in wages for each five cents increase on coal, taking the prices at New York Harbor, which eliminates all calculations, as a basis.

The average price for each region to be ascertained by a competent accountant, to be appointed by Judge Gray, Chairman of the Commission, or, in case, for any reason, Judge Gray cannot act, then by one of the United States Circuit Judges holding courts in the City of Philadelphia. The compensation of the accountant to be fixed by the Judge making the appointment, and to be paid by the operators in proportion to the tonnage of each mine; each operator to submit a full statement each month to said accountant of all the sales of White Ash coal, and the prices realized therefrom, f. o. b. New York, with the right of the account to have access to the books to verify the statement.

That is, if the present price of coal could be maintained at five dollars in New York Harbor, it would mean an advance flat of ten per cent. on the present basis of wages.

Now, gentlemen of the Commission, I am afraid I have wearied you with unnecessary talk. In conclusion I can only say we have not evaded the responsibility of our several positions. It may be, as was hinted, and as my friend Mr. Darrow told me he would demonstrate, that the management of the

9832

4-R-4.

business was reckless.

MR. DARROW: Not reckless.

MR. BAER: What was the word, improvident?

MR. DARROW: Not well organized.

MR. BAER: Was badly managed. It is entirely possible that all these things may be heaped upon our head, and it is entirely possible that a new order of men could create a new order of things.

By the way, I was thinking the other day of the experiments that have been tried in Australia and showing how England has saved herself from the home annoyance that might arise from such experiments being made in a settled country like England. I have thought that some of us might reconcile ourselves through our chairman's participation in the acquisition of the Phillipines, if this Commission would induce the President of the United States to make some provision whereby, on terms like those that Sancho Panzo claimed when he ^{was} promised the government of an island, some of these socialistic experimenters, who see new ways for doing old things, might be sent there and given the government of an island with the power to invent a social scheme of their own. They would not be interfered with much in the Phillipines and it would be such a grand missionary enterprise and would relieve this country of a congested population that would certainly be a relief to us. (Laughter)

But, if that cannot be done, we will still have to worry

9800

4-R-5.

along with the numerous people who want to give us good advice, but do not know how to do things themselves.

For the time being we have surrendered, not to the Mine Workers, but to this Commission our reasonable, rightful control of the complicated business we are managing. We have given you all the information we possess. We stand ready still to respond to any call you make upon us. The responsibility is now upon you. I know from long experience the weight of such responsibility. I do not envy you, but I have confidence in the justice of your decision. (Applause)

Thereupon at 12:45 o'clock P. M. the Commission took a recess until 2 o'clock P. M.

5-R-1.

AFTER RECESS.

ARGUMENT OF CLARENCE S. DARROW, ESQ.

On Behalf of

THE MINE WORKERS.

Gentlemen of the Commission: The time allotted to me in closing this case is so short, only a day and a half, that the Commission will have to pardon me for not entering into any extensive eulogiums on the Commission, much as I would like to and sincerely as I feel that they are deserved. I am obliged in the Western slang to "saw wood" and cannot waste very much time on questions of this sort.

However, we are glad that this hearing is drawing to a close and we can say sincerely that we feel everybody has been well treated so far, whatever you may do to us after we have gone away. But so long as we are all here and can keep watch of what is going on, we feel as if we had been well treated.

The Commission, of course, has been very patient. Everybody has been very patient. The Commission, I suppose, will appreciate how difficult it has been for us to arrange and sort out our evidence and present it in the best possible way, with the least possible waste of time and strength. We have appreciated it from the beginning. I feel that our thanks are not only due to the Commission, but to others who have been associated with it, especially to Doctor Neill, who

9811

5-R-2.

has done perhaps more than anyone else, not even excepting the commission, to see that we got at a fair basis for all of these calculations and whose task has been greater than I would like to have undertaken, and who has discharged it, it seems to me, with perfect impartiality.

I ought personally to show my appreciation of my brethren of the East who have treated me, from the West, so kindly, feeling as I did that anything from Chicago, and especially myself, might be met with some doubt and uncertainty in this region of the country. I have certainly enjoyed their society and I trust they have not found me more tractable than they expected.

I scarcely know what to say in opening this case. We have spent a long time in examining this evidence and bringing it before this tribunal. It was the result of a long and bitter strife, a strife in which men on both sides were turned into wild beasts and forgot that common sympathy and common humanity which, after all, is common to all men when they are approached from the human standpoint and the human side. This hearing coming after this long and bitter siege looked to me from afar as if it would be bitter too. I ~~never~~ felt as I came here and felt as I was coming here that I would do all in my power to make the feeling less bitter than it was. I felt that I did not wish to go away from this region and feel that I had helped to stir up dissension rather than cure it, help increase this feeling of bitterness and hatred between two rival parties, instead of bringin them closer together, so that

USA

5-R-3.

they might live together in that peace and harmony in which it was meant that all men should dwell together on earth.

But I find myself just at the closing in a position where I have to take very good care that all my good resolutions do not go for nought, and I shall take the best care I can. I have listened for nearly three days to the arguments of counsel for the operators, not all arguments, much that is argument, much that is vituperation, much that is abuse, much that is bitterness, much that is hatred, much that should not have been spoken here, much that could not have come from a brain which sees widely and largely and ~~understands~~ understands fully the acts of men. I have heard my clients, one hundred and forty-seven thousand working men who toil while other men grow rich, men who go down into the earth and face greater dangers than men who go out upon the sea, or out upon the land in battle, men who have little to hope for, little to think of excepting work --- I have heard these men characterized as assassins, as brutes, as criminals, as outlaws, as unworthy of the respect of men and fit only for the condemnation of courts. I know that it is not true. I have too much respect for the State of Pennsylvania, I have too much respect for anybody of my fellowmen wherever they live, to believe that any great mass of them have turned into criminals and cut-throats, excepting for some cause that drives them to it. These are men, men like any others, men who, in the midst of sorrow, travail and a severe and cruel crisis, demeaned themselves as nobly,

5-R-4.

as bravely, as layally as any body of men whoever lived and suffered and died for the benefit of the generations that are yet to come. I shall apologize for none of their mistakes, and excuse none of their misdeeds. But I do say it does not come from their accusers to call them criminals, and I cannot refrain, in speaking of a long series of causes which brought about these dire results, from characterizing some of these acts in such plain English as would be applied to my clients if they were in this court, as they are, and were being charged with some of the many offences that can be laid to the doors of the operator.

First, how does this case stand? We have had a six months strike. We have had a three months arbitration. We have had a condition in Pennsylvania where man was set against man, family against family, class against class. We have had a body of wealthy and respected gentlemen, men who understood the English language and knew how to use it, men who were neither foreigners, nor criminals, men who were not even doctrinaires, or dreamers, but practical business, sensible men, men who stood against the tide of progress and who boldly said to those in their employ, we will do nothing, we will pay you no higher wages, we will not submit your disputes to anybody of men either secular or clerical, we will post our notices upon our doors and that shall be your contract. We give you notice that for one year your wages are so and so and that is all.

5-R-5.

We have seen, as a consequence of this act, one hundred and forty-seven thousand men lay down their tools of trade and we have seen seven hundred and fifty thousand men, women and children reduced to want and starvation for six long months. We have seen the President of the United States appoint this Commission to settle this difficulty and then, this afternoon, in the last hour of this proceeding, the man more responsible than any other comes before this Commission and says ah, we will consent to a portion of the demands you made, we will raise your wages, we will do something, we will recognize your union, we will treat with your agents, we will do exactly that which these men demanded nine months before and which they in their blindness, their ignorance and their stupidity refused.

Why did not Mr. Baer go to Mr. John Mitchell nine months ago as he came to this Commission today? Why did not Major Warren and Mr. Torrey and the other Counsel in this case go to this band of criminals nine months ago and say they would meet their agents and negotiate and talk with them. Why was all of this deferred until seven hundred and fifty-thousand men women and children were brought to the verge of starvation and this country was facing the most terrible fuel calamity it has ever known? Yet we are met here today, and in the last two or three days, by these gentlemen who all these long and weary months have refused to know us, to recognize us, have demanded as a condition that these men must give up their union, dearer

0815

5-R-6.

to them than their bread, for it is their bread and their life as well, that they must give up their organization and must come to them with their hat in their hand each one in a position to be discharged the next moment if they dare to raise their voice. This is the condition in which we have met today.

This case has been discussed by lawyer after lawyer. It has been discussed, to my mind, without bringing to this Commission any real analysis that could substantially help them in their determination of this case.

59H-1

It has been discussed, to my mind, without bringing to this Commission any real ~~substantive~~ analysis that could substantially help them in their determination of this case.

We have heard all sorts of theories discussed. Why, I used to be something of a theorist myself, years ago (Laughter) I could talk to this Commission about socialism about single-tax, even about religion --- all sorts of things (Laughter) if I saw fit to take your time and you saw fit to permit it. We have been regaled with that. My esteemed friend Major Warren has told us what he knows about socialism, or rather what he does not know about socialism (Laughter and applause.) I would suggest to the Chairman that he do me the favor to request that there be no applause.

THE CHAIRMAN: Oh well, I think we shall get along. (Laughter.)

MR. DARROW: It interrupts me; that is all.

Now, I am not going to discuss socialism with Major Warren. It is all I can do to point out his errors in this case, to say nothing about his errors in socialism. I do not propose to discuss New Zealand with Mr. Baer, except to simply suggest that when Mr. Baer tells us of the high price of hauling the traffic in New Zealand, it seems to me it can be accounted for only on two theories. One is that New Zealand is a very thinly populated country, and the other is that they take as their basis of freight rates the Reading schedule for hauling anthracite coal in this region. (Applause and Laughter.)

304

THE CHAIRMAN: Gentlemen, the Chair must request that you refrain from applause. The speaker has just told me that it interrupts and annoys him. It is not because I do not want you to applaud what you believe in, because it interrupts the proceedings.

MR. ARROW : Either one of those reasons that I have stated might account for it. So the Commission may dismiss it from their minds.

I have made up my mind to be very dull this afternoon and save my really interesting remarks until tomorrow. (Laughter) For that reason it will be a little more difficult to give attention this afternoon, and a little easier tomorrow. Of course it follows from that that what I shall say this afternoon is important and what I shall say tomorrow will not be so important (Laughter.)

Seriously, it seems to me that this case has not been discussed by my friends the operators in a way to throw any true light upon the controversies that you have before you. We are all accused of being dreamers on our side, and I will admit for a moment that I have always had a sort of a penchant for associating with dreamers. I have attended all kinds of social and economic and religious meetings in my time, but I do not believe I ever heard a series of papers in my life anywhere that deal so much with abstract questions --- most of them wrong --- as that with which they have regaled us for the last three days. We seem to have forgotten this case entirely and what it is about, and why we are here, and

5eH-3

what we are to settle. I propose to let Adam Smith and all the rest and all the rest of the patriarchs rest for this afternoon, at least, and assume that I am here in a court trying a case, where two parties have some substantial matter to be settled by this Commission, and nothing else. And I want to settle these questions according to the rules of logic and according to the rules of law so far as the law is applicable to this Commission, and, I take it, that is to quite an extent at least.

A large part of the evidence in this case has no bearing upon the issues in the case. So far as the demands of the Mine Workers are concerned, it makes no difference whatever crimes have been committed or not. If John Smith earned \$200 a year, it is no answer to say that Tom Jones murdered somebody in cold blood. That does not relieve you. It is no answer to say that some one's house was burned. It is no answer to say that some person has been boycotted. The question is what has he earned? Are these men entitled to more money. Are they entitled to shorter hours? As reasonable human beings should we recognize the Union or should we run against it like a stone wall and still swear that we do not know it is there. Those are the propositions.

Gentlemen, I can dispose of that very easily. You can do just as you please about recognizing the Union. If you do not recognize it, it is because you are blind and you want to bump up against it some more; that is all. It is here.

9010

It is here to stay, and the burden is on you and not upon us. There is neither the power nor the disposition in this court, I take it, to destroy the Union. It would not accomplish it if it could, and it certainly could not if it would. And if these wise business men, with the combined wisdom of business gentlemen and the agents of the Almighty can not see the Union, they had better blunder along still a few more years, and possibly after while they will know it is here and recognize it themselves.. These questions are hereto be discussed and they are the practical issues in this case.

When we ask for wages they say: "Oh, no; you are criminals, and therefore we should not raise your wages?" When we ask for shorter hours, they say: "Oh, no. You burned a house, and therefore you should work ten hours instead of eight." Suppose we were no more logical than these business gentlemen. We do not claim to be business men --- we are theorists, and lawyers. When they refused to raise our wages, suppose I say; "No, Mr. Operators; you are criminals." I say that legislative body after legislative body, court after court, investigating committee after investigating committee have pronounced you criminals and outlaws. What of it? It is true; but what of it? I say that you are carrying on your business in conflict with the spirit and the letter of the Constitution of the great Commonwealth in which you live. But what of it? That is no reason why you should pay us any more wages than we are worth. We are not entitled to \$2 for \$1 any more from you than we would be from a body of law-abiding

gentlemen .. (Laughter.) If we work for you, it is not your moral character we are interested in, it is your dollars, that is all. We are not examining you to see how well you come up to the commandments of the Decalogue, or to the civil law. We take you as we find you. If we did not, we could not take you at all, and we only ask of you what our day's work is worth. This Commission settled this matter long ago. When we intimated to the Commission to show that these gentlemen owned the railroads and they owned the mines, and were taking money out of one pocket and putting it into the other and were charging exorbitant freight rates and making false statements, the Commission said What has that to do with the question. And they said wisely. What has it got to do with the question. These men who are engaged in the business of mining coal, if they work for these operators, have no more right to demand anything from them because they are respectable citizens or are not respectable citizens than they would have if the opposite were the case. Neither have they any right whatever to plead to this organization, or to its people, in answer to our demand for wages anything whatever about the kind of men they are. I do not think it comes with a very good grace from these gentlemen, neither do they say it very squarely, but as such things are generally said in this world by men who do not like to say them openly; I do not think it comes with good grace from these gentlemen, whose breakers, whose mines, whose every dollar is up there surrounded by my clients, whose families are living from the profits that are made from the work of my clients in the ground, these men who have issued their

5-H-6

bonds and their stock upon the lives of these despised foreigners, and these unruly boys --- it does not come with good grace from them to say that the men who have made them rich are criminals and entitled to no consideration from this court. And yet that is their position before this body. I take it that that position can not appeal to reasonable men; that all that has been said on this line is aside from this case.

9802

It has been said in order that, in some way, they may wring a few more dollars from these men who give their labor and their life that their bonds may be greater and their stocks, more valuable on the exchange.

We are here asking for money, independent of any theories of political economy. We are here asking for shorter hours; and it has nothing to do with socialism or anarchism, excepting as every demand that the poor makes from the rich is to be construed as socialistic. And in that far, why, let it go; we are willing to accept it.

In discussing this question of wages it might be a good idea to find out what we are getting. What we are getting has something to do with whether we ought to have more or not.

We have been told through several long and more or less weary days that the miners did not know what they were getting. Well, they did not --- not if these gentlemen are right. These miners, if they were only Christian Scientists, would be all right. If they could believe that they had the fine houses --- now, I say this in a popular sense. There may possibly be some Christian Scientists on this Commission, I do not know.

(Laughter). But I say this in the popular sense. These miners, if they could only believe that they had the fine houses and the money in the bank and the good health and the long life and the good school and church facilities and the grand prospects and the great wages for the composite men that these gentlemen believe, could be happy, and we could settle this ~~strike~~ strike. Now,

5000

5-B-2.

if with all their wondrous other achievements they had instituted some sort of a mind cure to make their unfortunate employees sincerely believe their statement, then we would not have had this trouble.

They say that Mr. Mitchell came here from the soft coal region, and did not know what the men were getting, and the men themselves did not know. Now, I insist that they do not know. If they do, then they have sought to deceive this Commission, to becloud these issues, to cheat and defraud this half million people who are dependent upon the bounty that these operators see fit to shower upon the anthracite regions. If these miners are receiving such wages as gentlemen have told us of, well and good. Just let us go home and enjoy them, and we will say no more about it.

Now, the operators are smarter men than we are. They say so; and we will admit it, and save any proof on that question. (Laughter). They have got all sorts of advantages of us. Their social advantages are better, their religious privileges are better, they speak the English language better. They are not children. They can hire good lawyers and expert accountants, and they have got the advantage of us in almost every particular; and we will admit all that.

THE CHAIRMAN: Except the lawyers?

MR. DARROW: Oh, they have got the advantage there.

(Laughter). We are not worrying so much about the lawyers as we are about the Commission (Laughter).

Now, these fellows keep books. Our men do not keep books. It has hardly been worth while. (Laughter.) There is not a miner in the whole region that can hire an expert accountant. It is all they can do, when they combine their 147,000 men, to hire an expert accountant. They have the books in which they put down to every man how much he got or how much he was supposed to have received, or how much they say that they think perhaps he got, how much they think somebody else working the same length of time or longer in some other position might possibly have gotten if he had worked so many days more. (Laughter.) They have the books there to show it, and those books have been brought before this Commission, and every one has given his guess about them before they came and after they came.

I am not here to say that these eminent gentlemen are not as good as other men, are not as kindly as other men, are not as just as other men. I think they have been deceived. They have been deceived by their bookkeepers; they have been deceived by their expert accountants; they have been deceived by their doctors --- doctors of figures (Laughter), doctors who have doctored up figures. They have doctored them up, not only so that they might deceive us, but so that they have deceived them. And when Mr. Baer informed the Senate of this State and informed the President of the United States and informed this Commission of how much wages his men were getting, he gave them information at least 30 or 40 or 50 per cent beyond any facts that really existed.

5-B-4

If, at the end of all this time and labor, he is willing to give us 5 or 10 per cent upon the figures that he says correctly represent our earnings, we will be very glad indeed to take it. We will be very glad to take a finding of this Commission just as he gave it, based upon the figures that he gave to Mr. Wright, and that are contained in this book, and we will ask no more questions, and make no more demands. From the beginning of this strike until the end, whatever you may say about whether the miners knew what they were getting or not, these operators have never given out a correct figure or made a statement that would stand the light of day for a single moment when they talked to the public.

Now, in this I do not mean to make any general onslaught upon the figures as they have been finally brought before this Commission. I do not mean to make any general charge against the real figures of real, living flesh-and-blood men that this Commission, through the assistance of Mr. Neill, compelled them to give to this Commission. It is not the real men I am quarrelling with; it is the composite man, the imaginary man, the imaginary figure --- all of these matters that have been used by the expert accountants of these gentlemen in order to deceive somebody.

Now, what are these men getting? I have promised to be dull, and now I am going to keep my word. Let us see.

In the first place, every figure that these gentlemen have given us has been based upon 1901 --- every figure.

5-B-5.

The production of coal in 1901 was twelve per cent. greater per man than for the average of the ten years preceding the year 1901 -- twelve per cent. The payment of coal is made by the ton, by the car, by the yard and by the day. I assume that this Commission, in their finding, will base their finding upon some payment of this sort. If this is true, then they will not be based upon the figures of 1901, but upon a reasonable, probable average, covering such a series of years as this Commission thinks is wise and just. This Commission, I take it, will not say that twenty per cent., for instance, or fifteen per cent., or ten per cent., or any other per cent. shall be added to the gross wages of 1901; but that whatever per cent. they fix (and everybody seems to admit at last that they will fix something; almost everybody in the Commission has said so) will be based upon the rates, so much per ton, per yard, per car. So the production has nothing whatever to do with it, excepting to show that they earned more money in 1901 than they can reasonably be expected to get again. Now, is there any question about that?

So much of this is in your favor. Everything seems to conspire together for the lucky man. The fellow who has got money of course is lucky; we all know it, for we are all after it. (Laughter) And so this demand and this showing of these gentlemen is made upon the highest year in the history of the anthracite business, 1901, when every figure submitted is twelve per cent. higher than for the average of ten years. I simply

5-B-6.

call the attention of the Commission to that, ~~xx~~ that in considering every figure in this case they will consider that it is twelve per cent. higher than the normal year.

We have heard, from Mr. Baer and others, that there are ominous mutterings in the field of business. These ominous mutterings amount almost to an earthquake, according to Mr. Baer. It needs nothing to shake down the unsubstantial fabric of our civilization, and to make it all fall about our heads, except to raise the wages in the anthracite region; and then civilization is doomed for another eon of ~~xxxx~~ ages, at least. A shortening of hours, a raising of wages, a changing of conditions, and all that we have striven for and hoped for and toiled for is lost, according to Mr. Baer.

These ominous mutterings are everywhere present, especially in this court room, when we are suggesting that wages be raised. A suggestion like that has always been considered an ominous muttering, no matter where it was or when it was or who it was that made it. And history is repeating itself over and over again with every employer and every employee who ever lived.

But what have these gentlemen been getting in 1901? Now, let us see.

I know a little more about mining than I did when I came down here, although I do not know as much about it today as I thought I did when I laded in Scranton. (Laughter)

6-R-1.

I have learned that many things that the gentlemen say on the other side are true, strange as it may seem. Conditions are various. Your function is not an easy one, I will admit that at once. To bring peace and harmony and justice and equality out of this whole region is not easy. Of course, nothing but my intimate acquaintance with you gentlemen would make me believe for a moment that you would fully accomplish it at one sitting. There are scarcely two men in the whole region who get the same wages, as you all know. There are one hundred and forty-seven thousand men and boys employed. There are, perhaps, fifteen or twenty thousand different rates of wages. It would be an easy thing to call a Commission to settle the difficulty. A settlement of this difficulty is something as if they would appoint a Commission to go and settle the wages of everybody in Philadelphia, for instance. All right, I am not finding fault with it. I do not see what else we could do but still it is not an easy task and when we are all done and through with it it is utterly impossible that it can be exactly just, and we expect that in advance, although we trust that most of the injustice will be such as the other side will have to complain of.

But let us see, as near as we can, what these gentlemen were getting. Mr. Baer and his first lieutenant, Mr. Veith, do not seem to quite agree. I have a very high opinion of Mr. Veith and that opinion, taken in connection with Mr. Baer's eulogium upon his chief lieutenant, leads me to think that Mr.

6-R-2.

veith is right, and Mr. Baer is wrong, so he will pardon me if I take Mr. Veith instead of himself in these matters to ascertain how much Mr. Baer is paying and how much work he is getting. I am going to be governed by him and by their books and not by the eminent gentleman whom they put on the stand and who caused me for the first, and I trust the only time, to lose my temper in this case, who fixed up the diet of pig iron and raw jute and carbolic acid for the miners to live on, which is a very good diet for his composite man.

(Laughter) But it is no good for mining coal. A composite man has got to dig coal or he cannot even stay on the pay rolls of an expert accountant.

Who are these gentlemen? I am a little slow in getting to the point, as the Commission will observe, because there are so many circumstances that seem to pop in ahead of the real point I am at. Mr. Baer seems to think anybody can mine coal. He seems to think it is as easy a job to be a coal miner as it is to be the President of a Railroad Company, or a lawyer. A man can take the evidence in this case in his office and never come into court until it is too late to put him on the witness stand and he knows all about it, and anybody can mine coal and these fellows are common laborers.

Now, what does Mr. Veith say? I take it Mr. Baer never mined coal although the fact he once worked for fifty dollars a year might seem to indicate he was mining coal. (Laughter)

6-R-3.

He did not tell us what he was doing. Mr. Baer informed the country, when he was telling it what a bad set of men the miners were and what an unreasonable demand they had made, that the miner went into the ground and he stayed there from four to six hours and he got out at eleven o'clock in the morning, and he told this Commission the same thing, except that he raised it an hour, he said from five to six.

Of course, he was a little more cautious when he came before the commission than he was when he went before the country.

I am quoting now from the statement in the book of the Reading Company. He said these gentlemen worked from four to six hours. Mr. Veith said that the men in his employ, the miners, worked from six to seven. I take it that Mr. Veith knew and that he had failed to communicate his knowledge to Mr. Baer and that Mr. Baer in some mysterious way had seen fit to give this out to the country without ever asking his chief lieutenant anything about the facts of the case. I think probably six to seven is long enough to stay down underground.

But Mr. Baer says it does not take skilled labor. Anybody almost can be a miner, it takes nothing except a pick and a reckless disposition. You might get along without the pick. (Laughter) But I do not see how you could get along without the other unless you are horribly hungry. But Mr. Veith says that it takes three or four years experience to be a good miner. These gentlemen who have performed eminent services in the way of expert figures, have laid all the stress upon the contract

6-R-4.

miner, men who are skilled workmen, men who work longer to be a contract miner than they would to be a carpenter, or a bricklayer, or a lawyer, a might sight harder and, I guess, as a clergyman, although I am not so well acquainted with that business. Three to four years, and they worked in the ground where six out of a thousand are killed every year, to say nothing of the healthfulness of the occupation which they can get doctors by the score to swear to just the same as an accountant. But six out of a thousand die. Miners are not very good figurers. They do not think about it. If they were going into war and knew that when they went in that six out of a thousand would be killed in a year, they would hesitate. They might figure how long a life they would probably have and what sort of a death they would meet, but they go down into the ground --- I am speaking of the inside workmen where six out of a thousand are killed every year --- and they learn their trade in there or four years, where eight een to twenty-four out of a thousand are killed, to say nothing of the hundreds of others who are maimed and crippled by reason of this occupation which requires neither skill, nor intelligence, nor religion, nor morality, nor wages. You have seen the miners come here day after day, whether called by them or by us, and there was scarcely one of them who had not been seriously injured, broken bones, eyes lost, some blind, some maimed forever, almost all of them more or less disabled, and six out of every thousand every year who do not come at all, and yet anybody can

6-R-5.

be a miner. It is easy for a railroad president and a lawyer to say that anybody can be a miner. Mr. Baer forgot to tell us what his salary is now. I trust it has been raised since he got fifty dollars a year.

Five hundred dollars a year is a big price for taking your life and your limbs in your hand and going down into the earth to dig up coal to make somebody else rich. These contract miners that they talk of require three to four years experience. They are working at a trade where six out of a thousand are killed every year, and what do they get? I will show you what they get. I have had a computation made covering every company that has filed schedules with this Commission and I have taken it from their books, not from our pay rolls, but from their books, and in Mr. Baer's company only about a third of them got over four hundred dollars in the year 1901. You may lop off a very few who get over \$900, and this has been explained, if this Commission has not learned it, they have not learned much. There are particular places and soft places even in the mines. I asked Mr. Baer's accountant to turn to the highest man upon his books and tell me what he got and he turned to a man that got \$1800. I said, how many men did he employ. They showed me 15. This man took a contract for doing certain work just as another one would take a contract for building a house, or driving a tunnel, and he made \$1800. Some other time he might have

6-R-6.

lost as much, but I will take it that almost every man in this business who received more than \$900, and there are only 2-4/10 per cent. who got it in Mr. Baer's company, almost every man was a contractor, and a great many got less. Yet the public has been fed upon this information in order to defeat as righteous a demand as anybody of laborers ever made since the world began. A man who claimed to be a literary man, who is dead and it would have been better for his fame if he had died sooner, wrote a story for Mr. Wanamaker's magazine in which he told this country that the miners got \$150 a month, and they owned their own homes, and they had cheap coal and money in the bank, and then he hired some men to stand out and pose for a riot that this could be sent broadcast over the country in payment for the gold that these gentlemen would keep up to pervert the public opinion of the United States. \$150 a month! There is not a miner in the anthracite region who gets it. Now and then a contractor may get it at the expense of those men who are working, those men who are bound to toil to make their living, instead of a small class of men who happen to be the brothers, or the sons, or the sons-in-law of some petty feudal boss who is managing the industry of the anthracite region.

6-H-1

Only 2.4 per cent of all of Mr. Baer's skilled workmen get \$900 a year. We can safely leave them out, as being of that class who do not mine coal, but who mine men, the same as he, who get their profits not from digging so many tons of coal, but from exploiting so many hours of labor of some one more unfortunate than themselves. Let us take all the men over \$800 and in Mr. Baer's system there are but 5 per cent who get \$800. These are plainly all contractors. The 5 per cent who get above \$800 include the two and a half per cent above \$900. We will eliminate those. As Mr. Torrey suggested, the high and the low should be wiped out alike. Let us take the class less than \$200. Forty-nine per cent, nearly half of all the men who appear on the pay roll as contract miners get less than \$200 a year. Now, I do not want this Commission to take those figures. I mean to deal fairly with this Commission. I would be a little afraid, if I were not honest, to ask them to take something that was not ~~reasonable~~ reasonable. Our only confidence is that this Commission will understand the truth, and I propose to bank upon that. Of those 49 per cent who get less than \$200, large numbers worked only a small fraction of the year. That is true. And in the ~~calculations~~ calculations which I make, and which I consider fair for this Commission, I entirely eliminate them. I propose to throw out not only that 49 per cent who get less than \$200, but 9 per cent more who get less than \$300, and then some besides that. But let me say this in passing everybody has his own theory about the conduct of business. Mr.

9865

Baer tells us he is a wonderful business man and I presume he is. If a man has a good many men working for him it demonstrates that he is a business man, or he would be working himself instead of having other men working for him. But I want to say this, that there is not an industry in the country that if properly run for the sake of economy, one-half the men are drunken and idle and lazy --- not one. God knows that the conditions in this country and in this mining region are not so good that men will be content to sit down ~~and~~ and earn \$200 a year. If they are, they had better get rid of these men at once. The fact that very large numbers of Mr. Baer's men get such ridiculously low wages must be due to the fact that the conditions were very, very hard. They would drift around from one mine to another; from one leading to another, from one vein to another, in the wild hope that somewhere there would be a better chance. Men who mine coal are not tramps by profession. They are not wandering around because they wish to wander around. Some of them are. In every calculation which affects human beings we must make some allowances for imperfections of character; no doubt; but after all, the great, common, natural laws are above us all. They control. What is true in mining is true in railroading; it is true in banking; it is true in every industry and avocation of life, and you can not show me the pay roll of a railroad company or the pay roll of any great industrial institution where 50 per cent of the men are idle, vagrants, drunkards, as is claimed in this case, ~~and~~ to bolster up the paltry pay that they give to skilled men.

But let us forget those men; cut them out entirely. Nay, cut out every man below \$400, and you get rid of much more than half of them. More than half of the men who imperilled their lives, and who carried with them the certificate of the state of Pennsylvania that they were competent men and whom went down into Mr. Baer's mines received less than \$400. Let us assume that they are vagrants and drunkards, and should have no consideration from this court, which is not true, and which our knowledge of human nature and of human life, of the effort of man to live, to perpetuate his race, to make his state, to support life upon the planet, all of these prove that this statement is not true. If it were true, the human race would have died out ages since. It is only the few that are weak. Nature lops these off, unrelentingly destroys them. The great mass, the great middle class survives. But we will give Mr. Baer the benefit of the doubt, he needs it and we will give it to him. We will take off more than half of his men, who get below \$400 a year, and we will lop off only 5 per cent who get above \$800 a year, and then what have we? We have 95 per cent of all the men who are not lopped off as being too low --- the rest is for his benefit, you will understand. And how much do they get? In Mr. Baer's company the men from \$400 to \$800 last year got \$528, and we have taken out of that one-half his men and more, and we have only lopped off 5 per cent of those above \$800.

Now, what else? That is not all clear money We have had various testimony as to how much it costs the miner, outside of the powder which the company furnishes. This \$528 is independent of the powder and independent of the laborer. Some of our men have said it costs \$5.00 a month. I think that is too high. Some have said it costs \$50 a year. Some have said it costs \$40. Now, I do not know. I am free to say I do not know. I do know this, that the superintendent of the Lehigh Valley Coal and Navigation Company swore that he made 30 cents a week difference for oil, that is, \$15.00 a year for oil. Now, if my clients were lawyers or bankers, or judges, or generals, or railroad presidents, I would not be quibbling here over \$50. I would say let it go. But \$50 is a good deal to the miner, and I do not want the Commission to forget it. It is a good deal to them. In addition to that, they buy their own tools. They buy squibs, cotton, their shoes wear out --- they say that they wear only about two months, at the longest, and they are expensive. They buy these supplies, which our miners, say some of them, amount to \$40 and some say to \$50, and some say to \$60 a year, but \$15 of it is settled by the operators themselves. I take it that it amounts to \$30 or \$40 a year -- \$40 a year would not be extreme. I know there is at least one member of this Commission who could figure it more accurately than I can, and I am perfectly willing that his statement shall go entirely upon this matter. Assuming that it is \$40 a year, then these gentlemen got \$488 last year. That is the amount, the highest average that could be paid by Mr. Baer for these experienced men.

6-B-1.

But, now, that is not all. This was based on 1901, twelve per cent. above the average, with Mr. Baer's company 10 per cent. above the average; but I have made the computation upon the basis of 12. You remember that Mr. Baer said that this ten per cent. raise slid in the first time the sliding scale slid up, and so they got something extra. But make it 12-1/2; that is another proposition.

It is based upon the production of 1901, that is 12-1/2 per cent. too high. You would have to subtract from that 12 per cent., making it \$436. That is this --- that any finding that this Commission can make in this case must be based upon the idea that over any considerable period of time these men got \$436 a year, and that is all. I am figuring this, not from their books, but from ours. And yet lawyers who have not taken the trouble to understand these figures or even read them have been content to stand here and use the testimony of so-called expert accountants, who have manipulated and twisted and used figures for the sake of defrauding 147,000 men, that a few might grow still richer and still greater by ~~mm~~ the ~~mm~~ iniquities practiced upon the many.

These gentlemen have given out their false figures to this country, showing fifty per-cent higher wages than these ---- fifty per-cent; and lawyers have stood here day after day arguing that these figures are true; because, forsooth, Mr. Baer thinks that it is cheaper to hire a miserable doctor of figures to doctor figures than to find out for himself what these men

6-B-2

honestly get.

I ask nothing from this Commission beyond what Mr. Baer has said he paid, beyond what Mr. Wolverton has said he paid, and I am willing to take even the false, misleading figures that this so-called expert gave here upon the witness stand. And the reason I was angry with him was not because I thought he sold his soul so cheaply, but because, forsooth, I thought he believed I was such a fool that I would not see through it. (Laughter.) And I did not see why he should think that. He brought to this Commission figures purporting to be the figures of wages, including men, women and children, common labor and all, in the thousands of industries that there are in the State of Pennsylvania and in the United States and he asked to compare those with the contract miner who must serve from three to four years and whose death-rate from accident is six to the thousand every year that he works in the ground. And then, after that, he deliberately --- although he says he did not do it beliberately, and I do not care which way ~~in was~~ we put it, but at least he compared it with a table, and in the same book was another table showing wages for a larger class of men, \$100 higher than ~~the~~ the one he gave, and \$100 higher than Mr. Baer pays for his contract miners --- skilled men who work in the ground.

THE CHAIRMAN: Mr. Darrow, upon what basis do you contend or do the miners contend that the 20 per cent increase should be reckoned --- on the basis you first mentioned. The rates for 1901, or the 1901 with the 10 per cent deduction?

6-B-3

MR. DARROW: Why, if you are paying by the car it should be 20 per cent more per car, if you are paying by the yard 20 per cent more per yard.

THE CHAIRMAN: No; you do not understand me. I have not made myself clear.

MR. DARROW: Oh!

THE CHAIRMAN: You were speaking of the rates of 1901 not being a fair representation of what the average wage of the miner would be in a series of years.

MR. DARROW: I understand.

THE CHAIRMAN: And you said that prior to 1901 they were something lower, and that is what you reckoned was the real wage that the miner would count on?

MR. DARROW: Yes.

THE CHAIRMAN: Upon which basis do you want to have reckoned any percentage of advance that you claim?

MR. DARROW: It ought to be on the 1901 basis, certainly—
certainly. But I do not want the Commission to overlook the point. If you are to ascertain what a ton weight is and pay us by the ton and simply add 20 per cent to the ton, we are getting it not on the 1901 basis, but on the average. But if you are doing it by the yard as it has been admitted it will be in the Reading district, you are getting it not on the 1901 basis, but you are getting it on the average. Of course it ought to be on the 1901 basis. On the 1901 basis these figures are less than \$500; and there has not been an operator

6-B-4

operator on the stand who has presumed to say that less than from six hundred to six hundred and fifty dollars would be a fair compensation; and most of them put it higher than that.

But, now, let me take the rest. We have here the Lehigh Valley Coal Co., the Lehigh & Wilkesbarre Coal Co., the Lehigh Coal & Navigation Co., the Scranton Coal Co., and the George B. Markle Co. That leaves out of consideration the Delaware & Hudson and the Delaware, Lackawanna & Western. The Delaware, Lackawanna & Western are left out because their figures are not ready yet. I understand now that they just got here this morning; but I have not had much time to analyze them. I understand they are about the same. The Delaware & Hudson is left out because it has been brought here and taken away. I am willing to let Mr. Neill explain that fully to this Commission if the Commission does not understand it; and I have no doubt Mr. Torrey is satisfied to do the same.

I will simply say for them that their figures are not higher than the rest. If anything, I think they are lower; but they are certainly not higher than the rest. There were certain reasons, which I do not care to discuss, as I must say the officers have treated me and treated us courteously in this matter, and I do not care to discuss any reasons about it. But, at least, their figures are not here, and that is the reason I omit them; but they are less, if anything, than the rest.

9872

6-B-5

Of these five companies the Lehigh Valley Coal Co., the Lehigh & Wilkesbarre Coal Co., the Lehigh Coal & Navigation Co., and the George B. Markle Co.---there are six companies, however---none of these are fair, for this reason:

Every one of these companies only take those men who appear on every pay roll. Some of them include in some of those only those which, for some months, the first and the last, appeared on every half-month pay roll; but every one of these four out of the six companies have only taken those men that appear on every pay roll. Now, our common sense will show us that this class of men would naturally and commonly be higher in proportion than some men who, here and there, were not quite so much in favor. It is simply the rule of life. They do not do, in these four companies, what it was asked by this Commission that they should do, make up a complete pay roll so that we could find out. And these figure up, as near as I can make it, at least ten or fifteen per cent high, although I cannot tell and nobody on earth can tell. I simply want the Commission to remember it; that is all.

The Scranton Coal Co. and the Reading Co. both of them have included all the men, just exactly as this Commission provided, excepting this, which I ought to say about the Reading, and which must be remembered in examining these figures ---and I wish to pass this statement to the Commission after I have finished with it.

9070

6-B-6

The Reading were asked for seven collieries. They had so many that we could not ask for every one. That is, these companies were so well favored that we had to let them off easier. We are all willing to do that; I was willing to do it. So we asked for seven collieries---three high ones, two low ones and one medium one, or two high ones, two low ones and two medium ones, I am not quite certain which, but, at any rate, in making up those figures the bookkeeper said that he had so much difficulty in making up the lowest one, on account of there being a great many foreigners with peculiar names and a good many different kinds of names, that he could not make them out; and so he abandoned it. And in place of the very lowest colliery that was picked out by Mr. Neill, not by us, he substituted three of the highest. He made it nine instead of seven, leaving one low one, two medium ones and six of the highest in the whole region.

That is the condition of the Reading figures. So, out of the 37 collieries, we have got 6 collieries which pay the best wages. They are nine per cent higher than the others. This allowance has been made in these figures, and it should not be figured up again. I will just state it, so that the Commission will understand that there seems to be a variance. The Commission will remember that I asked Mr. Jones, their

9874

6-B-7

accountant, to take this list, and, if nine per cent was not correct, as we had had it figured out, to report to us at 2 o'clock, which he did not do. So it will be safe to assume that that is true. If not, Mr. Neill will understand it.

So these nine collieries that they gave us are nine per cent above their average; and this deduction has been made in taking these out.

Now, the Scranton colliery stands just about the same, a little higher than the others---some twenty dollars a year higher. I believe Mr. Baer has the distinguished honor of being the lowest in the whole region. Whether this is due to the fact that he has so many enterprises and so many people that he cannot look after them all, or the fact that he does not recognize any moral code outside of the dead letter of the law, as he told us, I will have to leave to him. But any how, it is a fact from these records. He is the Abou Ben Adhen of whom my learned friend Dickson referred to, who led all the rest---going the other way. (Laughter.)

7-R-1.

When you sum these up, as you take all the collieries together up on exactly the same ratio, nearly all the companies stand the same as to the average, although not quite the same as the Reading. That is, there are many more low men in the Reading than anywhere else, but the number excluded will not run over ten per cent. at the top, and in most instances two or three at the top, and it runs from 33 to 60 at the bottom. All the rest of them, 75 or 80 per cent. and up to 90 per cent. of everybody but the low men are taken in, and they come from four hundred dollars to eight hundred dollars, and they averaged last year five hundred and sixty-one dollars. Out of that you must take at least \$40. \$525 were the total earnings of this class of men who must have these years of experience and do this sort of work.

Let us see what else. They are not the only men who go down into the earth. Of course, in this world you know that the men who get the best pay are always in evidence the most. The lawyers are in front of the miners and the miners in front of the mine workers. Most of the people we have had on the stand were contract miners, the poor devil that loads the coal, we do not want to forget him. What has he been getting? He works in the ground. The falling rock, or a stray car, or a belated blast, will catch him the same as the experienced miner. His business is almost as dangerous as the contract miner. More than five out of every thousand of his craft are killed every year, to say nothing of the maimed

7-R-2.

and the crippled and the blind who are turned out under the beneficent laws of the State of Pennsylvania to the almshouses and highways and the byways, because no man can recover in this State, and I say it advisedly, that I believe there is not another state in the union where it is as difficult to recover as in this Commonwealth of Pennsylvania. When I think of the cripples, of the orphans, of the widows, of the maimed who are dragging their lives out on account of this business, who, if they were mules or horses would be cared for, but who are left and neglected, it seems to me this is the greatest indictment of this business that can possibly be made, there are thousands of them and many of them have come before this Commission to tell their story and to exhibit their misfortunes under our advice. Of these laborers five out of a thousand are killed every year. There is not any record of how many accidents there were. An accident must be pretty serious to be recorded. As our old friend Gallagher said, you do not count it an accident in the mine unless you get half killed and you remember he had been half killed twice. They have come in here with broken arms, and disfigured faces, and broken legs, and with one eye, and with no eyes to tell the tale of this business upon which all the industry of this country, especially the east, is resting today. If, forsooth, these poor miners are to have shorter hours, or more pay, nothing short of a

7-R-3.

calamity will overtake the industry of the east !

Well, I do not like calamities, especially when they come to me. But if the civilization of this country rests upon the necessity of leaving these starvation wages to these miners and laborers, or if, as my friend Reynolds indicated to this Commission yesterday, it rests upon the labor of these poor little boys who from twelve to fourteen years of age are picking their way through the dirt, clouds and dust of the anthracite coal, then the sooner we are done with this civilization and start over anew, the better for the humanities that after all must survive all forms of civilization whether good or bad. I do not believe that the civilization of this country and the industry of the east depends upon whether you leave these men in the mines nine hours, or ten hours, or whether you leave these little children in the breakers. If it is not based on a more substantial foundation than that, then it is time that these captains of industry resigned their commission and turned it over to some theorists to see if they cannot bring ruin and havoc a good deal quicker. These gentlemen will find a way when they have to find it. It is a trick of human nature that they never will find a way until they have to find it.

But I was speaking about the laborers. These laborers got last year ~~\$350~~ \$333. Princely wages, and yet we are told that all was peace and joy and happiness in the anthracite region until Mr. Mitchell came. \$333 a year for these men who shovel

7-R-4.

coal in the mines nine and ten hours a day, and five out of a thousand killed by accidents every year! What of the rest? This was last year. The fact is that they got about \$300 on an average until Mr. Mitchell came here with this much abused organization of his to create desolation and havoc among these serfs. It was about \$270 a year in those halcyon days. No wonder that they long for the good old days again, the days when everything was so peaceable and so happy before the war. (Laughter).

What about the company men? Here is where we get our composite men. I have no seen one of these composite men yet. All we know is that the composite man gets bigger wages than the real man and he does not need as much to eat. No wonder their figurers love the composite man. He has every element for a good, useful citizen from their standpoint. AAbout sixty per cent. of all the employees are composite men and they are paid by the month. Nobody knows what, but still they are paid by the month. They do not know themselves. They give us a rate of payment and they assume in this rate of payment most of them are idlers, and vagrants and drunkards. I think they must buy pretty cheap whiskey to say the least. On this list they largest number of men are laborers. I will not take the time to go over each company by itself, but assuming they were real men instead of composite men, the laborers got \$334 last year. Now, they do not get it. Their figurers figured they got it. They would have got it, if they had worked every day

8010

7-R-5.

the breaker worked. But we will take the figures as they are, they are bad enough. If we cannot get a raise on them, I do not think we will get a raise on a smaller amount, because if they were down much lower everybody would think they were not worth it. But the laborers, who are the largest class in these companies, averaged \$334 last year. I am taking their figures, not ours. They are the best we have got and if I was the Commission, of course, I would take them with all of these allowances that will readily appear to all of ~~them~~ us.

Next to them the largest class is the loaders. They got \$370 last year, that is the company loaders, the company laborers. They got more money than the contract laborers here. Here let me refer to the company miners. We are told of the big wages. Why, this story is too absurd to talk on. There is not a mine in this country, there is not a mine in the anthracite region that does not keep on its pay roll something like five, ten, fifteen per cent. of company miners. In the presence of Commissioner Watkins I will not be quite sure of the exact percentage, but it is somewhere along there. At least, they keep on their payrolls a considerable number of company miners. These are paid by the day, or rather by the hour, and are paid for ten hours work in the mines. If they only stay there eight hours, they get 8/10 of a day's wages. If they only stay there three or four hours, ~~they~~ which these gentlemen would have us believe, they would get three or four tenths of a day's wages. What do they get? They get from

7-R-6.

\$2.09 to \$2.50 a day. There is not one company in this region, possibly one, that pays over \$2.50, and almost none pay that much. The Reading, as I recall it, pays \$2.32 a day for ten hours, for company miners. If they only work five, six or seven hours, it is easy to see what they get.

What else do those gentlemen say? You can sometimes get the truth from their bosses if you watch closely. They say if a man does not get enough, we make it up. If, forsooth, the contract miner does not get enough, we make it up to him. I said, what do you mean by getting enough? Why, do not get as much as the company miner. Do you pay out much that way? Oh yes, a great deal. Of course, a witness will say most anything, if you make him think you want him to say the other thing. These gentlemen thought it would show their generosity to say how much they paid out to contract miners by way of allowances. It may be they made it figure that it was, I do not know. They pay a great deal to contract miners by way of allowances when the rock is too hard, or the ~~dangerous~~ jarring has caused the roof to cave, or the track is out of repair, or they have to move the coal too far, or something happens, then they have to pay out money to make it up. I said when do you pay it? Why, when the contract miner does not get as much as the company miner, \$2.33 a day for ten hours. So, ~~when~~ these contract miners, whom this novelist tells us get \$150 a month, and he is not the only novelist down in these regions, receive \$2.32 a day for ten hours work.

6661

7-H-1

And even these bosses are ashamed to take it. They do not need the money, and so they make it up to them. Now, I take it, that those two facts furnish a pretty good index to the earning of these miners. First, that a large body of them are on these payrolls at this rate, and next, with the contract miners, even, the company themselves are forced to allow a considerable amount because they do not make as much as the company miners.

But let us see what else there is on this schedule. The slate pickers are a very large class. Of course they are children. Mr. Baer told the Commissioner of Labor and he told the United States Senate and he told the people of the United States that the lowest rate that he paid to slate pickers was 85 cents. Of course Mr. Baer is a busy man. He is a practical man. He is not a dreamer or a theorist. He got the figures transposed. The books that he has filed show that the rate is 58 cents instead of 85 cents. But like his other mistakes, he has not found it out yet, at least not until now. He informed the country that the lowest rate to these boys was 85 cents. It is 58 cents. Now, I do not know what you will do, but if I ~~was~~ the Commission I would raise these boys' wages to \$2.50 a day (Laughter.)

So that they would get rid of all of them, every one of them. If the work of this Commission does not result in getting rid of this abominably, disgraceful evil of child-labor in Pennsylvania, then I think the people may well say that it has been a failure. You may not get rid of it at once, but no man ever lived that could make an

9812

7-E-2

excuse for it. I do not think any man ever lived that would not blush because of the money he gets from it. I was surprised that my friend Reynolds in his zeal should defend it, --- defend the taking of a boy 12 years old, and setting him down to labor in this everlasting cloud, for 10 hours, or 8 hours, or any hours --- for what? That you may get gold. That is all. Can any man frame an honest defense for it? Where are your sons and your daughters? Let me say this, that until you, Mr. Railroad President, or you Mr. Lawyer, will take your child by the hand and lead him up the breaker stairs and sit him down to pick at that trough of moving coal, until you will take your pale girl to the silk mills, let me speak for the children of the poor. Is there any one who can defend it? This custom has grown up in the State of Pennsylvania because there is money in it, and the industries of Pennsylvania are dependent upon it. Shame upon the industries of Pennsylvania if this is true! If it is so, of little avail have we protected this great State for half a century, if the result of all of it is that men shall grow rich from the labor of these little children.

Another thing, It is not easy to generalize. I have sought to the best of the ability I have to study some of these important problems. I may have studied them wisely, I may have studied them foolishly, but at least I have sought to find out. The evidence in this case shows that every single one of these industries is run by the labor of these children. It shows more than this. It shows that in the vicinity of Scranton are at least 20 mills --- silk mills, knitting mills,

thread mills, --- where little girls from 12 to 13 or 14 years of age are working 10 hours a day, 12 hours a day, and 12 hours at night as well. Do not tell me that that is due to the inhumanity of the father or mother. It is contrary to natural law. The wolf suckles her young. The wild animal cares for its off-spring, and the human being is not less kind than the wolf or the beast. The instinct of life planted deep in all living things provides that the old must care for the young. It provides that the parent, whether man or beast, must care for its off-spring. It needs no human law to enforce it. It needs nothing but a chance for those common, eternal instincts which have kept the human race alive. Is there any man so blind that he does not know why that anthracite region is dotted with silk mills? Why are they not on the praries of the west? Why are they not somewhere else? Why is it that men who make money that is spun from the lives of these little babes, men who use these children to deck their daughters and their wives, --- why is it that they went to Scranton and to all those towns? They went there because the miners were there. They went there just as naturally as a wild beast goes to find its prey. They went there as the hunter goes where he can find game. Every mill in that region is a testimony to the fact that the wages that you pay are so low that you sell your boys to be slaves of the breaker and your girls to be slaves in the mills. These problems are not new. They were threshed out in England fifty years ago --- more than fifty years ago --- until

7-H-4

stringent laws prevented these abuses there. Smaller boys, smaller girls than these worked longer hours in England. Robert Day Lorn relates in the early days of his campaigning that he went into one of these mines where one of the boys 8 or 9 years old was working and he asked him if he knew anything about God. The boy replied: "I don't think he works in this chamber. He must work in the next." Why should he? Why could he?

When these railroad presidents were finally called to book before the President of the United States one of them shed tears because the United Mine Workers allowed these boys to join their organization, because they taught these poor babes doctrines of anarchy and disobedience to law. This railroad president shed tears because the United Mine Workers were spoiling the souls of these poor children, and yet he was willing to take the earnings of these poor children that he and his family might be richer because of their toil. These babes know their friend. There is not one of these children so ignorant, not one of them so lost to natural instincts that he does not know who loves him. There is not one that would not run from a railroad president to the open arms of John Mitchell; and they are right. I have no doubt he loves children. Neither have I any doubt that the wolf loves mutton. These men make a living out of these children and if they can do nothing else in this region, this infamy should ~~never~~ end. These little children get \$165 a

9265

7-H-5

year.

THE CHAIRMAN: You mean the boys?

MR. DARROW: The boys.

THE CHAIRMAN: Not the little girls?

MR. DARROW: Oh, no. We have only indirect jurisdiction over them.

THE CHAIRMAN: They get from 5 to 7 cents an hour?

MR. DARROW: There were some of them who only got 3 cents an hour, were there not?

COMMISSIONER CLARK: Yes; 3 to 5 cents an hour.

THE CHAIRMAN: And they worked from 6 o'clock in the evening until 6 o'clock the next morning?

MR. DARROW: They are better off than the boys.

THE CHAIRMAN: Oh, no.

MR. DARROW: I mean the boys are better off than them.

THE CHAIRMAN: Yes.

MR. DARROW: Boys generally have the best of it in this world.

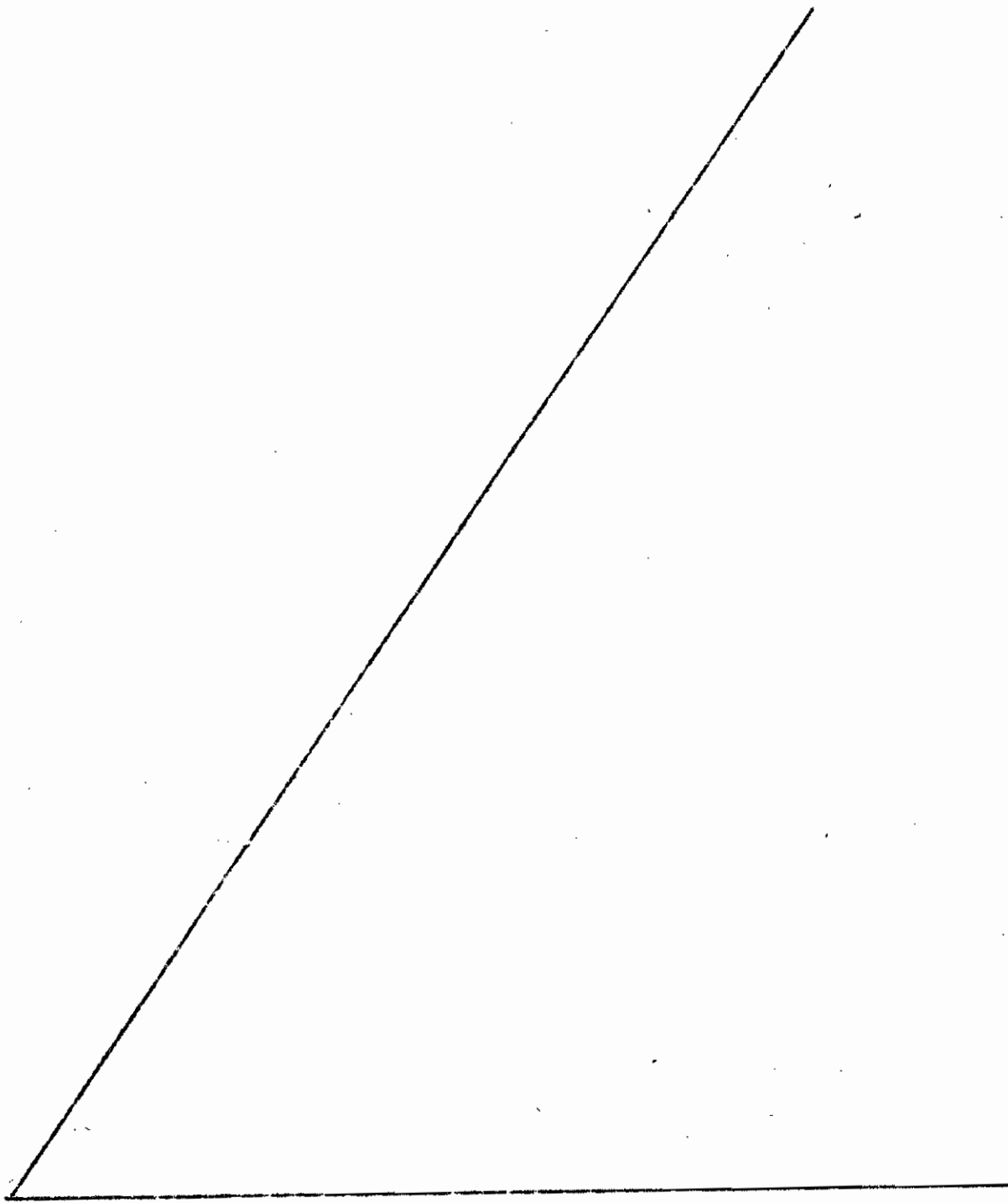
COMMISSIONER CLARK: Until they grow up. (Laughter.)

MR. DARROW: I shall have occasion to refer to this again. First I want to dispose of these wages, so far as they go. These company men, outside of steam men, firemen, and engineers, all range from \$300 to \$350 a year. If that is any reasonable rate of wages, gentlemen, all right. They are not reasonable. They are not just. They are not fair, in any fair meaning of the word. So much for the wages.

This Commission has these schedules. The contract miners of this region last year received less than \$525.

7-H-6

Before that they received in the neighborhood of \$460; and that was after the 10 per cent raise of 1900, before which their wages were about \$400 a year. Up to 1900 the contract miners of this region were getting something like \$400 a year and the laborers who toiled all day in the mines were getting less than \$300 a year.



8007

7-B-1

And these are the halcyon days that the coal operators speak of. These are the days before John Mitchell came to this region, when everything was prosperity and happiness and peace.

Now, I want to say a word about those days, and I want to quote here from a man who is not a theorist. I want to quote from a practical business man, a man who has employed almost as many men and women and possibly little children as Mr. Baer; and that is Mr. Abram S. Hewitt.

My friend Major Warren shed some tears over Mr. Hewitt's new-made grave; he told the Commission how great a man he was. Now, I learned to admire him many years ago. I learned some of my first doctrines of political economy from Abram S. Hewitt, and, unfortunately, some others from his great father-in-law, Peter Cooper. They do not exactly agree, but they were both good doctrines.

Mr. Hewitt has been quoted here; and I should speak kindly of him even if he was not dead. My Scotch friend, Brother Burns, whose radical speech could only be explained to me upon the theory that for once in his life he had gotten on the wrong side and was talking against everything that he had professed all his life, and so he forgot himself; that is the first time I have heard Mr. Burns speak since he came into our hearing that I have not felt that it was not interesting and instructive, but I will refer to that again---Mr. Burns read from Mr. Gowen, a great criminal lawyer, who was prosecuting

9200

the Molly Maguires. Of course a criminal lawyer or any other kind of a lawyer trying a case is not the very best authority in the world. That is a habit of other lawyers--- to look at things from their own standpoint. Pretty nearly all the other lawyers I ever knew did that; so I do not know about Mr. Gowen's arraignment of the Molly Maguires. I do not know much about the Molly Maguires. I remember that I heard of them when I was a very young child, and I then thought of them about as Mr. Baer thinks of a trade-unionist now. I think perhaps if I knew more about them I might find that even they had some redeeming virtues. In fact, I have generally found them in everybody when I looked for them. When I do not of course I do not find them, because I am not looking for them. Human nature seems to be a good deal alike the world over. We are bound to find about what we look for and what we have the eyes to see and the heart to feel.

But, at any rate, this is what Mr. Hewitt said. And as Mr. Hewitt was an extensive coal operator before he died, and said some things to President Roosevelt in reference to this strike, he is really brought into it; perhaps his words are worth quoting in this connection, apropos of the halcyon days before ^{John} ~~John~~ Mitchell came to Pennsylvania. (Reading):

"In 1876, during the days of the Molly Maguires, I made a tour of inspection through the mining region. I found terrible conditions there. I found the men living like pigs and dogs under wretchedly brutal conditions. If the same spirit of sacrifice which has sent out our missionaries into

every heathen land had been shown in the coal regions, and the same efforts had been made to establish and maintain the school house, the church, and above all the Sunday School, which have borne such fruits elsewhere in this broad land; if the hospital for the sick and the comfortable refuge for the unfortunate had been carefully provided; if reading-rooms and night schools and rational places of amusement had from the outset been maintained for a growing and restless population, the coal regions today might have been a paradise on earth instead of a disgrace to civilization."

That is Mr. Hewitt before he became interested in the coal region. Where are the reading rooms? Where are these improvements which Mr. Hewitt says the operators should have brought to have made a paradise of this land that they have converted into a howling wilderness? Where is the little child whose labor they have taken who has ever received as much as a Christmas card or a Christmas present or a remembrance to know that he has a soul, and that there is any human being on earth who has any thought of him except to get money from his toil?

These gentlemen who do not live with their men, who appoint their bosses and their overseers and expect them to produce results---it is well for them to say we are Anarchists and criminals, that we are drunkards, that we are profligates, that we cannot speak the English language, that we are unruly boys. But it would come with far better grace from them if they could show that ever once, ever once in all their admin-

7-B-4

istration of these lands and of these natural bounties which Mr. Baer thinks the Lord gave to him to administer---that ever once they have considered any one but themselves.

Why did they allow this strike? We heard much from Mr. Baer this morning, and we heard the same old story that has been repeated wherever these gentlemen have spoken, and that has been published in the newspapers whenever they are willing to pay advertising rates, which is always---the same old stories, false and misleading and untrue. These gentlemen cannot even learn. Their association here on this Commission should have taught them something. Mr. Baer comes here with the old, worn-out story that our men were brigands and highwaymen because, forsooth, they refused to pump out the mines for a twelve-hour day while their brothers were on strike.

I want to speak of that for a moment. This ancient lie has traveled up and down the land, and it seems that nothing can stop it; and it is recorded again here today, after it has been shown for three months to be false. After these gentlemen have confessed from their own mouths that it was their own ignorant, brutal prejudice that caused all this trouble, they come again to this Commission and say we were highwaymen, because, forsooth, we would not work!

How much truth is there in it? This story was repeated to the President of the United States. It was told to the Commissioner of Labor. It was told upon the witness stand.

9891

7-B-5

It has been told in the newspapers. It has been told wherever men could be bought or hired to listen to the tale. And what is it?

Why, here it is. Is there any man with a grain of sense who will look at this story in an unbiased way and not understand where all the fault was? When this strike commenced the firemen, the engineers and the pump men were not at first involved. The evidence is that they attempted to strike a year before, and strike for an eight-hour day; that thereupon the leaders of this organization went to them and told them the time was not ripe, but if they would wait they would help them when the time should come. And when the United Mine Workers determined to enter upon this strike, then the firemen, the engineers and the pumpmen determined that it was their time to get the eight-hour day.

Now, I take it that whatever question there may be before this Commission, there can be no question about the justice of these demands. Let us think of it a minute.

Here are the firemen, shoveling some days thirty, forty, fifty tons of coal, and even more. Here are the firemen working twelve hours a day, and every day in the year. They have no Sunday. They do not need to go to church or anywhere else; they are firemen. No Christmas, no Fourth of July, not even a John Mitchell Day, (Laughter.)---nothing. ^{They} ~~He~~ works 365 days in the year, with only one variation, and that is on.

9852

leap year, when they work 366. (Great laughter.)

But in order to give this fireman a Sunday off every other week, so that religious privileges should not be entirely denied even to him, they give him the privilege of working twenty-four hours one week and laying off the next; and they do not think that is too long. Twenty-four hours for a day's work! and their only regret, probably, is that they cannot get twenty-five. (Laughter.) And some of these men tell about working sometimes two, three, four, even five of these days. Those, of course, are times when there is some difficulty; some man is laid off by reason of being sick, or something of that sort.

I wonder, gentlemen, whether any member of this Commission could think that these companies should not have given them an eight-hour shift, put on three shifts of men instead of two, and if you believe that the pillars of civilization would have been pulled from out the temple if you should find it in your ruling in this case? And these firemen, by the way, got about \$1.75 a day for twelve hours. Why, I would not want to listen to this argument for twelve hours for that kind of wages (laughter), to say nothing about shoveling forty tons of coal. One dollar and seventy-five cents a day, and only twenty-four hours every other Sunday!

8-R-1.

What of the engineers? They say that is an easy job, they sleep. Do they? Every single employer was forced to admit it was against the rules and that a man would be discharged for sleeping. They say that sometimes they sleep at night, because it is not a very hard job to tend an engine. Well, I have no doubt it is sometimes harder than a other times. But there are times when it is a hard job to be an engineer. In the first place, it takes a skilled, experienced man, a man who must let his fellow workmen down to the bottom of the mines and bring him up again. A moment's forgetfulness, a moment's lack of thought means the death of perhaps twenty or twenty-five of his comrades. A man whose business it is to raise and lower sixty or seventy cars of coal an hour, more than one a minute, sometimes through ten hours a day, sometimes longer. It surely is not an easy job. At any rate, they too had this twelve hour day, with the swing shift, twenty-four hours every two weeks. And the pumpmen, who must be there too, the men who man the pumps, who keep the water out of the mines, they must be there all the time, and to save hiring three men, they hire two and make them work twelve hours a day, to keep the water out and keep the air pure.

Now, these men had struck once, they had struck for eight hours. The union thought the time was not propitious and they told them to wait. This strike came on and they said let us join, and they sent their delegates. What did the mine workers do? They said, all right, you may strike, but

8000

8-R-2.

before you strike we will give ten days notice, we will give notice on the first day of June that if they will not give you eight hours a day, by the tenth of June we will strike. These gentlemen say we held them up with a club. We abandoned our post of duty. I supposed that some of the ideas of futilism had not found root in democratic America. Was this a post of duty? Was he a soldier, a sailor? It was a plain contract to be terminated any day by notice by either party, and these men did not even give notice that they ~~would~~ would terminate it, but they said to their employers, give us an eight hour day and we will stay at work, and if you do not, we will strike. What was the result? They paraded to the country that these poor miners are responsible for flooding the mines. Gentlemen, this was an industrial war. I do not like to work much better than the chairman, but there are all sorts of ~~kind~~ wars and this was no child's play. I am willing to say, although it is entirely aside from this case, you on your side were fighting 147,000 men with their wives and their children and the weapons you used were hunger and want. You thought to bring them to terms by the most cruel, deadly weapon that any oppressor has ever used to bring men to his terms, hunger and want. You on your side used these weapons. These fighting miners had the legal right and the natural right to use upon their side this weapon, had they seen fit, and say to these men, unless you surrender to us, accept our terms, your mines will go, we will give them back to nature again and see ~~what~~ what nature will do.

8-R-3.

But nothing of this sort was done. They could not have complained, one party more than the other, but this was not the case. They went to their employers and they said, grant us the eight-hour day and we will stay at the pumps, we will stay at the engines, we will fire them, we will attend to the mines while our brethren are on a strike.

Well, if these people had failed to take that opportunity to gain such a righteous thing as an eight-hour day, to my mind they would not have had the intelligence necessary for American citizens. If they had failed at this time to improve their condition when it was auspicious, it would have shown they had been driven to those depths of desperation that they would not know when to claim their rights.

How did these gentlemen meet them? They met them with contempt. Did they do it because they refused the eight-hour day? Oh no. Counsel in this case say to this Commission now that the firemen ought to have an eight-hour day. They said that much after all these long weary months. Neither do they seriously object, I take it, to the engineers having an eight-hour day, or the pump men too. All of them concede the firemen should have it. These gentlemen did not refuse to give these men the eight-hour day because of the wages, because of the extra shift, because they could not afford it. Oh no. When I pressed Mr. Rose for an answer, he said we refused to grant the eight-hour day because we did not wish to recognize the union and would sooner let our mines fill up. Think of it!

8-P-4.

These gentlemen, when met by their employees like honest business men and were told they would protect their mines during the days of this trouble and strike, if they were granted an eight-hour day, said no, rather than do that we will send to the four corners of the earth and bring, what Brother Burns characterizes as the scum and the offscourings of creation to run our business, because we are thick-necked and pig-headed, and that was all there was of it. In one case, in spite of Mr. Baer's declaration, it has been shown in the evidence where this request was granted, and only one. In one or two instances they were willing to grant it to the firemen, but not to the engineers. With their old stubbornness, their old wilfulness they had rather see their property destroyed than to concede that the men in their employ were human beings, with a human mind, with a human soul. Just one man granted it. Mr. Kemmerer was away, I believe, on his yacht, and his superintendent was in charge and he seemed to have been a fairly sensible man in spite of the fact that he was a boss. This was an old mine pretty near worked out. I think nine tenths of it was worked out and the boss understood that if the mine filled up it would never pay to pump it out. There was not coal enough left. So in the absence of Mr. Kemmerer he granted the eight-hour day to his firemen, pumpmen and engineers and they stayed at work and worked for seventeen days. Then Mr. Lehigh Valley and Mr. Pennsylvania Railroad Company and Mr. Baer and Mr. Tom, Dick and Harry, charged with the important business of managing

9207

8-R-5.

their own affairs and the lords, these gentlemen came to him and said "Oh, you can't do it. Oh no. You are ruining our business if you ever consent to deal with these men." They came to this man, the only man in the region who had shown breadth, and sense, and conscience and mind, they came to him and said "No, you must not do it." And it got into the papers and Mr. Kemmerer one day sailed his yacht up to Philadelphia, and I assume he must have moored it somewhere in front of Mr. Baer's office, and the word went out to discharge the firemen and the engineers and let the mines fill up, and they did it. And now they come to this court like little children with their contemptible talk that these men who were striking for their liberty and gave them a notice they did not deserve, and demanded rights that were their due, these men who reasoned with them and sought to save them and protect them, they say these men were to blame, because in their blind and stupid prejudice they destroyed their own property. That lie has traveled up and down the country from the day this strike commenced until now. It is not only false and untrue in its every statement, but it is about as cowardly as anything that can be conceived. If these gentlemen were stupid enough to let their ^{mines} ~~minds~~ fill up with water rather than grant this eight-hour day, all right. But keep still about it. After you have done it, the more you talk of it the more contemptible it makes you look in the eyes of all men who think.

6610

8-R-6.

If I promise to close tomorrow will you adjourn at this time?

THE CHAIRMAN:" Certainly if you are tired.

MR. DARROW: I will certainly close.

Thereupon at 4:20 o'clock P. M. the Commission adjourned until Friday, February 13, 1903, at 10 o'clock A. M.

Agreement between the Pennsylvania Coal Company and
District # _____ United Mine Workers of America.

This contract made this _____ day of _____
between the Pennsylvania Coal Company, party of the first part
and district # _____ ^{the com. rep. their employees} of the United Mine Workers of America on
behalf of their members, employees of the Pennsylvania Coal Co.,
parties of the second part,

WITNESSETH: That it is agreed that the parties of the
second part shall perform services in and about the mines of the
party of the first part for the mining, cleaning and delivery, etc.,
of coal for a period of _____ years, and that the party of
the first part shall employ such members of such organization
as they shall need in the operation of their mines upon the terms
and conditions hereinafter set forth.

First: It is mutually agreed that no mine worker shall be
refused employment or in any way or manner discriminated against
on account of his membership in the organization called the United
Mine Workers of America.

Second: It is agreed that the party of the first part
shall have the right to employ mine workers who are not members of
said United Mine Workers of America.

Third: It is agreed by both parties to this contract that
there shall be no restriction in the amount of coal mined and
produced for market and no deterioration of the quality of the
work performed by said party of the second part; and that there
shall be no concerted or individual action upon the part of the
parties of the second part to limit the output of the mines or to
perform less than a day's work as provided for under the terms of
this agreement.

Fourth: Said party of the first part shall make such con-
tract as they see fit as to wages, hours and all other questions
to be received by their foremen and bosses.

Fifth: The hours of labor of engineers, firemen and pumpmen

shall be reduced to 8 hours per day without any reduction in the rate per day.

Sixth: All men employed by the hour, day or week, except barnmen and such other employees as have been hereinbefore excepted, shall have their hours of labor reduced from 10 to 9 hours without reduction in rate per day, and the wages per day shall be increased for such employees _____ per cent.

It is agreed, however, that such increase of _____ per cent. shall not be applied to men by the day who earned \$600.00 a year during the year 1901, or who would have earned such amount if they had availed themselves of the reasonable opportunities to work actually afforded them by the Company during said year; but the decrease from 10 to 9 hours per day without reduction of pay shall apply also to these mineworkers,

Seventh: It is agreed by the mineworkers that they shall remain at work for a period of 8 hours unless excused by the Company, provided however that they shall be promptly furnished with cars in sufficient number, and that such cars shall be fairly and equitably distributed among the miners to keep such miners employed during such 8 hours.

Eighth: It is agreed that the rate of pay of contract men shall be arranged jointly between the parties of the first and second part in such a manner that the changes shall amount to an average increase of _____ per cent. for all contract men employed by the Company. It is the object of this provision to distribute the increase pay in some equitable manner so that the pay of the miners may be more equitably proportioned to the intensity and difficulty of the work.

Ninth: It is agreed by the party of the first part that the system of weighing the coal shall be adopted, and that the payment shall be by weight and not by car.

The question of the adoption of a legal ton of run of mine coal is left for future discussion between the two parties and for eventual settlement in a manner provided herewith for the settlement of controversies. It is provided however that the adoption of a system for weighing coal shall not increase or decrease the price of mining coal per 100 lbs.

Tenth: It is agreed by the parties of the second part that no strike or cessation of labor shall be had in the collieries of the party of the first part by authority of any organization or board other than that of the district or districts of the anthracite region, and that, in no event, shall there be any strike or cessation of labor or any lock-out by said party of the first part until any difficulty growing out of this agreement or growing out of the relations of the parties hereafter, shall first be submitted for settlement by direct appeal to the mine foreman and if said disagreement shall not be settled by direct appeal to the mine foreman, any mine worker may appeal directly to his local organization composed exclusively of mine workers of his colliery, thereupon a committee or representative from his local organization shall confer with the foreman of the colliery and endeavor to adjust the difference. Upon failure to adjust such difficulty the matter shall be referred to the joint decision of the Superintendent of the company and of the President of district #____, of the United Mine Workers of America. In the event of a failure to agree as above specified, then the matter in dispute shall be referred to the decision of Honorable ~~George Gray, Justice of the~~ United States District Judge for the _____ district of the U.S., or in case of his absence or inability to serve, then to the Honorable Carroll D. Wright, in case of the absence of either one then to any person who may be appointed by the President of the United States, and it is further agreed that pending any such decision

said colliery shall remain in operation and the parties of the second part shall continue their employment until said determination is reached and that in no event shall any strike be declared except upon a finding as above set forth of a violation of the contract, and ~~that~~ upon the failure of the party of the first part to make good such violation.

It is the purpose of this section to avoid the possibility of a strike being called in the anthracite region on account of the action of any employees or operators in the bituminous or any other region, but it is meant to leave the calling of a strike or cessation of labor entirely in the hands of the anthracite laborers under the conditions herein set forth.

Eleventh: It is agreed that the party of the first part shall be given a reasonable time to effect the changes made in this agreement and that the scale of wages shall be set for the first day of November.

Twelfth: It is further agreed that this contract shall be guaranteed by the United Mine Workers of America and such guaranty signed by the President of said Association and that at all conferences between said Company or any of their agents or attorneys, said district No. _____ shall be represented by whomsoever they may choose. Said district No. _____ shall select any representative they may wish to present their case.

No. 55.
CORRECTIONS.

PAGE:
9766

4th line omit the first "in"
12th line, "\$440" should be "\$446"
21st line, insert "That statement showed" before
"that where"

9767

2nd line, "men" should be "minor"
1st line, 1st line, "\$809.40" should be "\$899.40"
3rd line "\$996.81" should be "\$996.88"
8th line, "\$531.40" should be "\$531.46"
19th line, "\$522.13" should be "\$522.17"

9768

3rd line, "a" should be "the"
7th line, "district" should be "industry"

9771

22nd line, "2700" should be "27,000"

9775

2nd line, after "which" insert "it"

9783

23rd line, "As" should be "a"

25th line "is" should be "if"

9787

13th line, strike "presence or" and insert "person
of a ~~person~~ policeman or a"

9788

14th line, strike out "with" and insert "of"

9792

1st line "post" should be "pose"

9796

19th line "men" should be "man"

9797

in 8th line, after "one" insert "trade"

9798

1st line, "exacted" should read "exact it"

9817

3rd line from bottom "every" should be "any"

8th line after "armies" insert "met"

9803

2nd line strike out "Commonwealth there" and insert
"common welfare"

9806

18th line, put comma after "this"

3rd line from bottom of page "but" should be "what"

9825

8th line strike out "to"

9827

5th line from bottom strike out "that", end of line

4th line from bottom add period after "Commission"

9834

1st line "wrong" should be "wronged"

9853

8th line "makes" should be "make"

9889

20th line "he" should be "and"

9836

3rd line "permit" should be "commit"

9869

8th line from bottom "keep" should be "heap"

9869

14th line "not from their books, but from ours"
should be "not from our books but from theirs."

9881

11th line from bottom "figure that" should be
"bigger than"

9895

5th line "futilism" should be "fuedalism"