

Henry Demarest Lloyd

1847—1903

A Biography

By

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With an Introduction by

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CHAPTER XXII

“HARD, VERY HARD COAL”

WHILE Mr. Lloyd's advocacy of compulsory arbitration was filling the press, the greatest strike in American history furnished a remarkable demonstration of its value, and flashed into the people's experience a vivid picture of the forces in combat. The scene lay in the mine regions of Pennsylvania, where there existed a natural monopoly of anthracite coal. In the closing thirty-six years of the nineteenth century all the mines had passed into the ownership of a few great coal-carrying corporations, an evolution of which Lloyd had been a close observer. The condition of the workers under this régime of "Company stores," "Company houses," "Company doctors," had become unendurable; the Company lived they said "not only by mining coal but by mining miners." The difficulty of united action for relief was great, owing to there being over twenty nationalities among them. In 1900, ten years after the organisation of the United Mine Workers of America, the anthracite section numbered less than 8000. Under the leadership of John Mitchell, these and their fellow-workers determined to struggle for a chance to live as befitted American standards, and at the gate of winter over a hundred thousand

refused to work. Mr. Lloyd pointed the lesson, writing to the *New York World*, September 15, 1900:

The public that submits to the wars upon itself of coal strikes and coal trusts forfeits all rights to the name of American people. It is not a people, only a collection of persons, a national mob of persons living in economic anarchy.

When we become civilised industrially we will compel labour and capital to take their street fights into a courtroom of public arbitration and we will tolerate either in coal or anything else no monopoly except our own monopoly, that of a people supplying itself at cost.

When a Republican "boss" prominent in the National Civic Federation, which was endeavouring to settle the trouble,—a presidential election was impending,—stated publicly that there was no coal trust, and pronounced the workmen prosperous and contented, *The Strike of Millionaires Against Miners* was able to do further good through its descriptions of miners' sufferings, which were used by the press of New York, Chicago, even of Texas, as still applicable. The strike achieved a ten per cent. increase in wages, but as it was more than counterbalanced by an increase in the cost of living, the miners found themselves worse off than before. It was evident that the vital issue was still to be met, and both sides prepared for the contest. By 1902 practically every miner was a member of the union. It being imperative to obtain new conditions, the miners endeavoured to arrange a conference with their employers, but these refused, saying that there could not be two masters in the management of business. The men, through the mediation of the Civic Federation, lessened their demands and again offered to submit

the dispute to a board of arbitration, but in vain. They then voted to strike.

Accordingly, one May morning when the whistles sounded there was no response, miners started gardening or went elsewhere in search of work, breaker boys enjoyed a holiday. Even picketing was unnecessary, as only the pumps needed to protect the mines were running. Wall Street, unable to comprehend the new spirit of emancipation, believed that all would soon blow over. The operators maintained an attitude of "a fight to a finish." Thus was ushered in one of the most thrilling chapters in our people's history. In two weeks, \$10,000,000 had been lost, soft coal smoke was blackening the cities, New York's supply of anthracite was almost exhausted. Every effort toward arbitration was repulsed by the coal companies. Still the thousands of idle men, seventy per cent. of whom were not English speaking, kept peaceful resistance while armoured trains brought in several thousand special Coal and Iron Police, ready for June 2, when the men protecting the mines had threatened to strike. On that day eighty per cent. of these men deserted their post. Then business houses began to shut down. A committee from the New York Board of Trade and Transportation travelled to Washington to confer with the President, asking him to intervene, which caused the operators to repeat their refrain of "no concession," "no arbitration."

Public sentiment was becoming excited and indignant, for every mine was closed and the strike was costing \$1,000,000 a day. The President, anxious to intervene, was casting about for some legitimate method, either ex-officio or informal. The funds of the strikers began to dwindle, their spirits were de-

pressed, and it was a well-guarded secret at headquarters that it required great energy to keep the ranks unbroken.

Renewed efforts for a settlement were met again by a statement in the press by George F. Baer, leading operator:

We will give no consideration to any plan of arbitration or mediation or to any interference on the part of any outside party.

A private appeal to Mr. Baer elicited the now famous answer, which was photographed at Lloyd's suggestion:

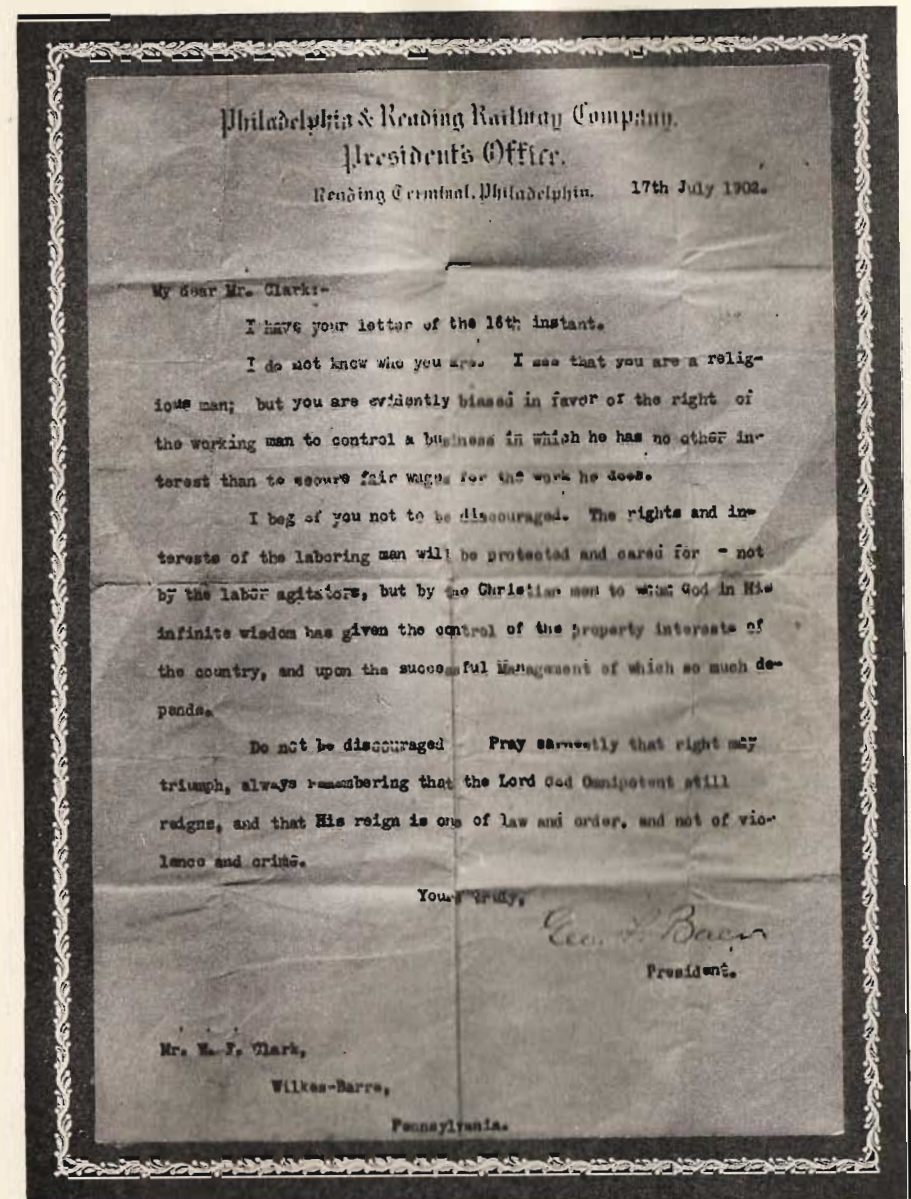
I do not know who you are. I see that you are a religious man, but you are evidently biased in favour of the right of the working man to control a business in which he has no other interest than to obtain fair wages for the work he does.

I beg of you not to be discouraged. The rights and interests of the labouring man will be protected and cared for—not by the labour agitators, but by the Christian men to whom God in His infinite wisdom has given the control of the property interests of the country, and upon the successful management of which so much depends.

Do not be discouraged. Pray earnestly that right may triumph, always remembering that the Lord God Omnipotent still reigns, and that His reign is one of law and order and not of violence and crime.

Contributions now came into the treasury of the miners' union from all parts of America, and even from far-off South Wales. General Gobin of Pennsylvania issued "shoot-to-kill" orders to his troops who were moving against unarmed strikers. When the *New York Journal*¹ telegraphed Lloyd to organise a committee to further a settlement, he answered:

¹ *New York Journal*, August 23, 1902.



The Letter of George F. Baer.

However the property was got, and thereby hangs a tale, the monopoly of anthracite coal in Pennsylvania is private property and has all the rights of such property. The essence of that right is to administer the property within the law for the benefit of the private owners. If the people want this property administered for their benefit, let them make themselves the owners.

It is self-stultification for the public to demand of the owners of this property that they treat as sacred, duties like that of arbitration, which the public itself disregards.

If the public does not care enough for itself as labourer to protect the living wage, the rights of organisation, collective bargaining, arbitration, and the right to work, nor enough for itself as consumer to protect its supply of heat, light, and power, how can it have the cheek to ask monopolies to do these things for it?

The people of the whole country are making the unpleasant discovery that they have one more master added to scores they already knew of.

The only committee for self-respecting Americans to join in this matter is a committee of all the citizens, to transfer the ownership of the two necessities of life concerned—employment and coal—from the hands of private self-interest to those of public self-interest.

The public safety is the supreme law.

If the coal mines are not in full operation and the markets, including the American army, navy, and government departments, supplied at a reasonable price by September 1st—the beginning of fall—with winter only two or three months away, an emergency, industrial, military, naval, postal, social, and vital as affecting the public health, will be created that will call for emergency measures.

The people ought then to rise in a committee of the whole to demand that the President call an extra session of Congress to act, even to the extent of declaring martial law in the coal-fields, and taking national possession of them and the railroads. No confiscation, of course, unless the mine-

owners give us another Shays's rebellion in the mountains of Pennsylvania. But action first and compensation afterward. There is, I am informed, in one of the States—perhaps it is Pennsylvania—a law by which public service corporations, as electric railroad companies, needing private property, can take it summarily under some twist of the power of eminent domain and pay afterward a value determined afterward.

Let us have a committee of the whole to put the public in possession of such a power over the coal monopoly, over all the monopolies.

As autumn approached public opinion became alarmed. Many petitions for a special session were sent to President Roosevelt. Even Republican bosses of Pennsylvania failed to move the operators, whose now familiar litany, "no arbitration," was again heard. The idea of a compulsory arbitration law was bruited, and there was a rumour that Governor Stone of Pennsylvania was favourable to calling a special session of the Legislature to enact one. The Prime Minister of Australia, touring the country, publicly pronounced it incredible that a handful of men should be allowed to paralyse an entire nation.

In the middle of September, in the eighteenth week of the strike, a crisis seemed to be reached. Mr. Baer formally announced the operators' ultimatum that they would brook no interference, would treat with their own men, and, unless these reported for work on the same scale of wages as before, their places would be filled. The day after this announcement, Lloyd, who was at Sakonnet boiling with indignation, wrote to Father Power at Spring Valley:

LITTLE COMPTON, R. I., Sept. 17, '02.

MY DEAR FRIEND:

I think I must go to Pennsylvania to see this other

great strike of millionaires against miners. You brought up John Mitchell. Will you give me a word of introduction to him? . . .

Although help was now coming in without diminution to the strikers,—the bituminous miners were giving ten per cent. of their earnings, which in the end amounted to \$1,400,000,—funds were still insufficient, but Mitchell declared that the men would starve before they would yield. He made an elaborate public statement in answer to Mr. Baer, declaring that the wages paid were not just:

There is another generation coming up—a generation of little children prematurely doomed to the whirl of the mill and the noise and blackness of the breaker. It is for these little children we are fighting. We have not underestimated the strength of our opponents; we have not overestimated our own power of resistance. Accustomed always to live upon little, a little less is no unendurable hardship. It was with a quaking of hearts that we asked for our last pay envelopes; but in the grimy and bruised hand of the miner was the little white hand of a child, a child like the children of the rich, and in the heart of the miner was the soul-rooted determination to starve to the last crust of bread and fight out the long dreary battle to win a life for the child and obtain for it a place in the world in keeping with advancing civilisation.¹

He further stated that the miners did not wish to interfere in the management of the properties, offered again to submit their demands to an impartial board of arbitrators, and to abide by the result. He said that every effort had been made to preserve peace in a voluntarily idle population of three quarters of a

¹ *New York Herald*, 29 September, 1902.

million. "It is due," he said, "to the activity of our officers and the loyalty and self-restraint of our members that we have been more successful in allaying violence than the Coal and Iron Police in inciting it. . . ."

Public sentiment against the obduracy of the operators was growing. Winter was at hand, and the country was facing a fuel famine. In some towns coal cost \$20 a ton. Mark Twain sent a laugh through the press:

HON. SEC'Y OF TREASURY, WASHINGTON, D. C.

SIR:

Prices for customary kinds of winter fuel having reached the altitude which puts them out of the reach of literary persons in straitened circumstances, I desire to place with you the following order:—

45 tons best old dry government bonds suitable for furnace, gold 7%, 1864, preferred.

12 tons early greenbacks, range size, suitable for cooking.

8 barrels seasoned 25 and 50 ct. postal currency, vintage of 1866, eligible for kindlings.

Please deliver with all convenient despatch at my house, in Riverdale, at lowest rates for spot cash, and send bill to

Your obliged servant,

MARK TWAIN,

who will be very grateful and will vote right.

Even conservative citizens were being led rapidly into radical positions. The passing of a compulsory arbitration law was continually suggested. Hundreds of copies of Lloyd's *Country Without Strikes* were sent to editors for review and to influential men, including President Roosevelt, and to leaders among operators and miners. In the current *Atlantic Monthly*, his article, "The Australasian Cure for Coal Wars,"

told again the story with the latest news that New Zealand was about to establish state coal mines. Here and there voices were raised, now of a minister, now of a judge, now of a body of citizens, declaring it to be right for the State to compel owners to operate, or itself to condemn the mines and operate them through lessees. The government administration became alarmed. But not so the operators, who declared that there was not the slightest change in their policy. President Roosevelt now determined to act. On the morning of October 2, the presidents of the great coal roads and Mitchell, with three colleagues, met at the White House, while the country waited breathlessly for the result. In answer to the President's appeal to sink their differences and to allow coal mining to be immediately resumed, pending arbitration, Mitchell instantly agreed, but the operators angrily refused. They, however, stated their willingness, if the miners would abandon their organisation, to submit the grievances presented by them as individuals to their several Courts of Common Pleas and abide by their decision. Thus ended in defeat one of the most remarkable conferences ever held in the White House. Mitchell's demeanour was so dignified, concerned, reasonable, that the President personally thanked him. The bearing of the operators, on the other hand, shocked the whole country, being one of defiance and resentment, from the moment of arrival until they whirled away in their private car.

The conflict now became more intense. As in this interview the operators had claimed that the only reason coal was not mined was the violence against non-union miners, and that given sufficient State and Federal troops there would be no trouble, the next

step was to take them at their word. Governor Stone then rushed the entire National Guard of Pennsylvania into the mine regions. Mitchell answered this by an appeal for peace, calling upon all miners, union and non-union, to declare whether or not work was interfered with by violence. In answer 350 local unions, without a dissenting voice, except one sub-section, declared that work was not interfered with, and agreed to remain firm. "We will stay on strike until the bluebirds call again," telegraphed one section. But in spite of the troops mines were not opened, coal was \$25.00 a ton, in twenty cities the bins were nearly empty. Mass meetings were held all over the country. A national convention of private citizens at Detroit passed a resolution asking the condemnation of the railroads and mines in order to supply the public. The Republican politicians threatened a bill annulling the charters. Still rang out firmly the operators' refrain, no concession, no recognition of the union, and no advance beyond the ten per cent. granted in 1900. Lloyd was now journeying full speed to Wilkesbarre. He wrote to his wife:

WILKESBARRE, PA., Oct. 7, 1902.

. . . I got here last night. . . . My day began well—an interview with Mitchell, talks with some of the miners, a visit to the Military Camp, which is as superfluous a luxury for Wilkesbarre, absolutely quiet and orderly, as a jail would be for heaven. But my programme of further talks with Mitchell and the leaders was suddenly interrupted by the abrupt . . . departure of all of them for New York. It is thought here that this means a settlement. The finest episode of the strike has been the answer the miners have made, to-day, to Gov. Stone's calling out of the whole State guard. They have held meetings all over the anthracite

country, and unanimously decided not to go back to work. The meetings were public, non-union men were invited as well as union men, Mitchell and the other heads did not go near the meetings, which were all under the control of the *local* forces, and yet so far as heard from to-night not one man voted to go back to work. What can troops do with men who will neither work nor riot? . . .

He suspected that the whole affair was a ruse, that the strike was forced as a means toward such a combination of hard and soft coal interests as to enhance permanently the price of anthracite, and to force bituminous into a wider use than ever before, at the sacrifice of individual health and municipal beauty. He telegraphed to the White House:

PRESIDENT ROOSEVELT, WASHINGTON, D. C.:

Allow me suggest indications justify investigation whether conspiracy exists between hard and soft coal interests. Bituminous miners are working and supply unlimited. Anthracite shortage affords extraordinary commercial opportunity to market bituminous and yet it is withheld. Why? Probably both interests working create permanent fuel trust governing anthracite, bituminous, and all branches from mines to retail yards. Give us publicity and prevention.

HENRY DEMAREST LLOYD.

He wrote to Mr. Bowles:

Here I think is the real clue to what is going on. The strike was forced as a single move in a much greater game. . . . They have got the thing so far along . . . that even a little place on the prairies like Winnetka has its "exclusive agent." John Graham Brooks said at the 20th Century Club Saturday that one of the leading coal men of the country *two years ago* told him that plans were under way

for a combination of hard and soft coal interests! "And you will see," he said, "that we will accomplish it." Well, you see it now being accomplished under your eyes. There is no paper can handle this as *The Republican*. . . . You have New England all at your back, and in front of you the cruelest trust yet in the hatching, and perhaps scotchable. Roosevelt is a boy in these matters.

TOLEDO, OHIO, Oct. 10, 1902.

I have stopped at Golden Rule Sammy's¹ house for a night on my way back from Detroit whither I ran to "size up" the Coal Conference. There was a lull in anthracite which seemed to presage peace, and I thought I might perhaps leave Pennsylvania for good. But it is quite evident from such talk as that of G— and H—, and the latest move of the operators that they are planning to do a piece of the devil's work there. So I am going back to-morrow, stopping at Cleveland for a peep at Tom Johnson's show.

President Roosevelt now, on October 10, sent Secretary of War Root to New York, to confer with Pierpont Morgan on his yacht. In three days Morgan, representing the operators, appeared at the White House and informed the President that they would accept the arbitration of a commission appointed by him! On the day Roosevelt was choosing his commission, Lloyd wrote:

WILKESBARRE, PA., Oct. 14, 1902.

DEAR MR. MITCHELL:

Even if the strike is settled you will need lots of money for your women and children, and here is my trifle. I enclose Father Power's note of introduction, tho I hardly need it.

I want to say to you that I am at your service if I can be of any use to you and the miners. If I can help you,

¹ Samuel Jones, Mayor of Toledo.

publicly or privately, in raising money, defending the Union, preparing matter for publication, getting ready your case for the proposed arbitration—anything, command me. I will lay aside my other business and give my time to this, paying my own expenses.

You need not answer this; I will call to see you.

Thus did Mitchell, facing the prospect of defending the rights of hundreds of thousands of poor men against the might of corporate wealth, feel the strong arm of a stranger upholding him.

I have offered Mitchell my assistance in preparing the miners' case before the proposed commission [he wrote to his wife], and he has gratefully accepted. It promises to be a very important and historic proceeding, unless the mine-owners, fearful of the revelations it would make, make such concessions as to bring the whole difference to an end. This will interrupt my work on my books, but I feel as if I could do no less. And I will gain very valuable and practical experience. . . .

Mrs. — and Miss — turned up at the Mitchell headquarters last night, and were deeply grateful to me for railroading them and Mr. — to an immediate interview. But the way these investigating people behave disgusts me. Working people on strike, starving—500,000 of them here—are only specimens to them, like bugs to an entomologist. They seem unable to grasp the idea of any general social question, and fly from scandals about labour to scandals about capital as if the truth were to be found by some system of balancing faults. Mr. — in his talk with Mitchell, and other miners' leaders, showed every fault of manner and mind that a besotted ancestral conservative could manifest, until I was ashamed not only because I had introduced him, but because he was a fellow-being. He actually denied that there was anything out of the way

in the mine-owners' conduct in increasing the size of the car the miners have to fill from one ton to two tons, without increasing the pay or even letting the miners know that the cars were being built larger and larger. The miners say the cars must be made of live-oak, for they are always growing. . . .

Oct. 16. . . . It has been an intensely interesting day. I have been on the inside of things, knowing the news before the newspaper men, and knowing many things they do not. The arbitration scheme—so-called—proposed by the operators and accepted by Mitchell with slight modifications looks to me still like a "bunko" game. These men here see this, but are in a measure forced to go in because they cannot afford to risk the loss of public favour, which would mean the loss of support, especially cash support. . . .

Oct. 17. . . . This morning I spent with Mitchell and the man who is going to help prepare his case before the Commission. The miners have spent \$1,000,000 on this strike and have a good deal still to spend. Measured as strikes are measured by statisticians, in days of idleness for all added together, it has been a 22,000,000-day strike—the greatest strike in history. It is more than twice as great as all the strikes, put together, of any average recent year. I am to help Mitchell get the facts of the capitalisation and excessive profits of the coal roads. It will be quite a job but it is after all a small contribution to a great struggle, and a very important one. The information will have to be sought mainly in the records of the Interstate Commerce Commission at Washington. It is said the Commission will begin at once. If so, we shall have to hustle. . . .

New York, Oct. 18. I have changed my spot again. Mr. Weyl—who has charge of the preparation of a part of Mitchell's case—and I have come on to New York to get some material. To-night we go to Washington to see

Carroll D. Wright. There is something fishy about this Arbitration Commission. Some things indicate that it is not to be an arbitration commission at all. . . . If Mitchell and the miners get the slightest idea that they are being unfairly dealt with—tricked—they won't vote on Monday to go back to work. It makes me boil with indignation to see how implicitly it has been taken for granted by Roosevelt and the negotiators on that side that the working men are an inferior class, not entitled to the treatment which business people, or any others, would demand as a matter of course. I have no other news than this fresh indignation. . . .

When the Commission was appointed, the miners in a delegate convention at Wilkesbarre unanimously endorsed it, ordered all to report for work the next morning, and in great enthusiasm rose and sang "My Country, 't is of Thee." As the months had been full of tension and distress, so now was the rush of joy in proportion. In mining towns church and school bells rang through the noon hour, fire companies paraded clanging their engines, houses were decorated. The whole country breathed a sigh of relief. Even Baer was pleased. Lloyd, as happy as the rest, telegraphed the news to his wife from the convention. Mitchell was a popular hero. A day of rejoicing, "Mitchell Day," was proclaimed throughout the mining region. The red ribbon badges which Lloyd wore then and to the convention previous were preserved among his trophies. He was much impressed with the dramatic contrast between the way in which the two sides accepted arbitration, the miners doing so in open convention, unanimously and singing the national anthem, while the operators grudgingly consented before a panic-stricken public, and then only

with all the reservations and saving clauses which the ablest corporation lawyers could devise.

Oct. 20. I am so nearly dead with the fatigue of my run to New York, Philadelphia, and Washington that I must not write. We are making up the material for Mitchell's argument, and great work it is. Mr. Weyl and I walked with Mr. Mitchell this afternoon to the Miners' Conference, at the head of thousands of admiring citizens. . . .

The . . . convention was positively thrilling. It is in such assemblages you hear *real* eloquence; they speak so simply, so directly, and on matters of so vital an importance to them. What do you think these men debated about for two days? Whether they could go back without sacrificing the pump-men, engineers, etc., . . . who struck to help them. Not because of anything affecting themselves beyond the small minority whose places have been filled by "scabs." More than one engineer rose and said, "Don't mind us; go back; if we lose our places permanently, we will hunt others." I have never seen a convention where so much toleration was shown and where there was so little "machine" manipulation, or bossing. It was a supreme moment when the convention voted without one dissenting voice to go back to work, and leave all questions to arbitration. I told Mitchell that I thanked him as a member of the capitalist class. . . . I don't know what Mitchell wants me to do. Perhaps he will ask me to appear with him before the Commission in Washington, and I feel as if I must do all I can to help this arbitration, for, do you realise, this is, as regards the capitalists, *compulsory* arbitration forced on them by the President by a short-cut. The last act of the miners' convention was the distribution of 5000 of these envelopes prepared at my suggestion to obtain evidence of the wages miners really get. . . .

We have now about twelve experts of various kinds hard at work on every conceivable phase of the case the mine-workers will have to present. The prospects are that the

operators will be as badly whipped before the Commission as they have been before the public. There has never been a labour strike equal to this one, and no labour arbitration has ever seen the cause of the workmen presented as this will be. But all this preparation has kept me travelling day and night without time for sleep and sometimes without meals. But I am now, I think, through with that phase of it, and I hope that not another day will pass without a letter to you. . . .

Wilkesbarre, Oct. 22. It is very quiet here to-day—after the battle—and I am resting. The arbitration may not take place after all. Easley is coming here, probably to negotiate a private settlement. I have never been able to understand how the coal roads could dare let themselves be investigated.

To-night I am to have Mitchell take dinner with me here, where the generals and colonels of the troops and many other nobles are staying. It will be great fun to see them stare. To-morrow morning at half-past six I go to see one of the large collieries here open after six months' idleness. The sight of the men gathered about the mouth of the pit at daybreak will be most interesting. And now the slaughter in the mines recommences—500 a year killed, 1500 hurt. The idleness of the strike saved 250 lives and 750 cripples.

Counsel now began to gather to consult with Mitchell as to the conduct of the case.

Wilkesbarre, Oct. 23. Here I am off, at two hours' notice, to Washington again, to see the Commissioners to-morrow in arranging details about the arbitration. . . . This is developing into a *cause célèbre*. I am not taking the lead in the work, but helping only. Mitchell has appointed Weyl and myself his representatives to assist him before the Commission. We have several lawyers, and a dozen experts at work. . . .

Cosmos Club, Washington, D. C., Oct. 23. I have just had, with Weyl, a talk with Carroll D. Wright, and am to see him again this afternoon about the Arbitration Commission. . . . Wright seems very favourable to the miners. The President and he are going to become *the most popular men* in the world for their part in this. . . .

"Mr. Lloyd was full of enthusiasm, like a boy of twenty," said Prof. Isaac Hourwich, one of the counsel. At first he favoured dispensing with professional counsel according to the New Zealand method, but finally succumbed to the necessity of meeting the attorneys of the coal barons on their own ground. This agreed upon, the next step was to select the lawyer. Just at this point he was called away to his eldest son's wedding.

Take good care of your cause by taking good care of yourself [were his farewell words to Mitchell]. I shall be back at the earliest possible moment ready to serve you in all ways in my power.

While in Chicago he opened the subject of the case with Clarence Darrow, who, he told Mitchell, was *made* to serve him. When Mitchell telegraphed that Darrow had accepted the case, his enthusiasm flashed over the wires: "Congratulate both. When bad men combine the good must associate." He was soon back again.

Wilkesbarre, Nov. 4. Here I am. Darrow is not to be here until day after to-morrow, and Weyl . . . has gone to Harrisburg so that I am without company. But I did one good thing to-night. I went after dinner to Mitchell's hotel, and took him out for a walk. We were out over an hour, and tho I did most of the talking he seemed to be interested. . . . Mitchell is a very plain simple man; his

political experience has been much like mine—he walked for office in the People's party, and walked out of the party when they ratified Bryan's nomination. . . .

Nov. 7. . . . I took the "leader" out walking again last night. I find he is acquiring the highly undesirable habit of worrying at night, and I have set myself up to him as a model of anti-worry. Could cheek go farther! However, he says the walks are doing him good. . . . I took a walk . . . this morning, and then went to Mitchell, and listened and conferred about "the case." I was able to make a suggestion that seemed to be acceptable—that the real cause of the violence was the refusal to arbitrate. We learn that the companies are giving their principal efforts to collecting evidence to show that the men have been indulging in a constant series of petty strikes during the past two years, and to collecting every instance of violence. Our reply to the first is to be that the way to prevent this annoying multiplicity of strikes is to deal with the men through the union. They have struck because they had no other way of calling attention to their grievances and securing redress. As to violence, we shall reply that the union cannot be held responsible for the unauthorised violence of individuals, and that there would have been no violence if there had been arbitration.

Darrow arrives this afternoon to my joy, for, after that, I shall not have to take my meals alone—which is melancholy business, anyhow, but almost unendurably so when you are as homesick as I am. If after Darrow has taken hold, I cannot find more constant occupation, I shall come home, and get to work on my own proper business.

I and Mitchell, Darrow, Weyl, Dr. Roberts, the Welsh miners' clergyman, and a half dozen labour leaders are all going to the theatre to-night as the honoured guests of Mitchell night. It will be a "stag" party. It will be a novel renewal for me of the halcyon days when I used to go "dead-head" to all the theatres and operas. Oh, those good old times! . . .

I am helping Mitchell in . . . his case [he wrote to another], and incidentally, I hope, making him more friendly to socialism.

The first act of the Commission, after duly organising as the "Anthracite Coal Strike Commission," was to make a week's investigating tour of the mines. Lloyd's suggestion to Mitchell that he arrange systematically to have the Commission encounter the crippled men and children, and detect the temporary removal of under-aged children, was typical of the kind of help he was able to give.

Nov. 11. Your husband is a pretty tired man. For one thing I did not . . . get a letter from you to-day, and such days are not red letter but dead letter days in my calendar. Darrow and I spent a large part of Monday tramping through a coal mine. . . . It was a most interesting trip—but much like a foretaste of the inferno. "You might as well get used to it," Darrow said. The rest of the day until near midnight we spent on preparing papers, witnesses, etc. Mitchell has given my name to the papers as that of one of his counsel. He is a little bit nervous about his appearance before the Commission. . . . Booker T. Washington lectures here to-night, and I hope to get hold of him for dinner, which will be my only chance. . . .

Nov. 13. I have literally not had time for four days to have my shoes blacked. We are giving our witnesses preliminary examinations; making plans for new testimony; drafting answers to the companies' replies; and holding councils of war. We hear this morning that Scranton, to which we move to-day, is full of the enemies' lawyers, and that we have the fight of our lives before us. I am taking a very quiet part, but have had much to do in planning and executing our campaign. I have at last succeeded in getting the consent of our people to what, if properly managed, will

be one of the most effective demonstrations we make; putting on the witness stand some of the breaker children, and some of the miners' wives to tell how the wife and mother holds her family together, brings up the children, always has something for the man's dinner pail on \$35 a month. The companies are apparently in a very ugly mood. The Tory is always the same. . . .

During this week, President Eliot of Harvard University, in a public speech, rallied to the support of non-union labour, declaring that the scab was "a good type of American hero." Lloyd's retort was widely printed throughout the country:

The strike breaker or scab is in our day precisely the same kind of "good type of American hero" as the New England loyalist was in his day when he did his best to ruin the struggle of his fellow-colonists for independence.

The trade-union movement is a movement for the independence of the working people, who are the only real people. It is one of the greatest democratic movements in history, an emancipation unique in the ages, because it is self-emancipation. The working people of the world during the last century have been chased by what Toynbee called the industrial revolution out of the possession of an economic independence which they possessed before that change.

One hundred years ago the weaver owned his loom, the shoemaker his bench. The instruments of production have been swept into the possession of the quickest, strongest, and most unscrupulous men, who know how to take advantage of the marvellous opportunities of the modern era. There is literally nothing left to the working men and women but their hands and the power of association.

Men like President Eliot and the Rev. Dr. Hillis, who expressed the same sentiments as President Eliot, however honest they may be, are holding the hands of the defenceless

masses, while capitalism robs them of the only thing they have left—union.

He was now intensely interested. "No more stirring case could ever come," he wrote to his wife, "and this is my first case."

CHAPTER XXIII

"MY FIRST CASE"

THE opening of the arbitration witnessed a striking scene. On the platform in the Chamber of the State Superior Court at Scranton, presided over by Judge Gray, sat the members of the Anthracite Coal Strike Commission. Before them were grouped the representatives of the two vast forces, arrayed in the greatest combat of labour's history. When John Mitchell arose as first witness to state the case of his people, he faced as opponents twenty-four of the ablest attorneys whom corporate wealth could secure. Rumours had reached the miners of the vast sums expended daily in fees to these attorneys, and of the large force of specialists engaged in the work of preparation. But rallied around Mitchell was a little group of eleven men, full of zeal for a great cause. The progress of the case is reflected in Lloyd's hurried notes to his wife.

Scranton, Pa., Nov. 14. . . . "Attorney" Lloyd made his first appearance in court to-day—proud that it was in an arbitration court and for a working man. Mitchell made a fine impression. The lawyers on the other side thought to trip him up as a "miner." They asked if he had had any other occupation. "No." "You studied law?" "Yes, at night while working in the mines!" . . .

Nov. 15. . . . Now I begin again to tell you what the Secretary of the Commission has just told us. Mitchell's statement impressed them tremendously. "It must have been edited by Mr. Lloyd," one of them said in their private meeting last night. "No," Bishop Spaulding said, "that is impossible. It contains four split infinitives." . . .

Nov. 16. . . . Mitchell is a wonder. He was cross-examined to-day by Wayne MacVeagh, and he—Mitchell—threw him—MacVeagh—down time after time. Even the Commission sometimes so far forgot themselves as to join in the laugh. Wayne MacVeagh asked Mitchell whether he did not know that if the companies raised the wages they would have to raise the price of coal, and that the burden would therefore fall "on the bowed back of the poor." No, Mitchell said, they might take it out of their profits and so put it on the bowed backs of the rich. Wayne MacVeagh who had a fondness for beginning questions:—"Would you be surprised to hear"—said to Mitchell, "Would you be surprised to hear that in 17 years none of our employees has made any complaint to the company?" No, Mitchell said, he was not surprised that no complaint had been made *to the company*; if there had been, the *cause of complaint* would have been promptly removed—meaning of course the complainant, whereat the crowd howled. But these were the light touches. The really admirable thing was the way in which Mitchell met the heavy thrusts of the cross-examining lawyers. The simple fact is that he upheld his case at every point. He is admirably simple and straightforward and as keen as any one. "He is a good witness," Wayne MacVeagh said to me. "Yes," I said, "because for one thing—he is a good man." . . .

The public displayed the liveliest interest, hundreds could not get into the court room.

Nov. 18. . . . This is Sunday but it has not been a rest day for us. The whole contingent has been hard at work.

According to present indications we shall have to fight every company separately, and the prospect ahead is one of appalling complexity, and longevity—the longevity of the case perhaps outlasting that of the combatants. So far everything has been done in the best temper. To-day there was the first intimation of a new development in the case which promises something so fine that I can hardly believe it a possibility. I can tell you of it, but only as a sacred confidence. Efforts are being made to have the Commission attempt conciliation, and effect a complete settlement at once by negotiation. The two parties are really not so far apart. It is impossible for the companies to refuse the advance of wages in face of the raises being voluntarily made by railroads like the Pennsylvania and the New York Central. Would not this be a fine thing to the credit of arbitration—that the parties thus brought together spontaneously betake themselves to a voluntary agreement by conciliation! It is too good to hope for but it is brooding. One of the happiest phases of it would be that I could get home that much sooner. . . .

The secret I wrote you about prospers. We spent most all last evening, not to say last night, on it. . . . It was a curious sensation to see the duel in the court room going on, and to know all the time that it had become a mock battle, and that messengers were speeding to New York, and the long-distance wires were hot with negotiations for a settlement. These negotiations look very promising, so that it may easily be that this thing may only take days instead of weeks or months. Then I can get back to you, and my real work on my books.

Darrow is doing splendidly. He has not made a single false move on the case.

During a very dull and trying cross-examination to-day Mitchell, who for the first time had begun to show signs of irritation,—and justly,—softened, and became smiling and

gentle and helpful in his answers. Why? I found out why and I think it is the finest thing I have found in Mitchell. He had become conscious that his questioner had become conscious that he was doing his work very badly, and he grew sorry for him, and tried to make things easier for him. It is I not Mitchell who put the two things together. I doubt if Mitchell is aware that his manner had changed. But he told me that he noticed at last what a hard time his opponent was having, and that he made up his mind to let up on him. "I know exactly how he felt," Mitchell said. "I have felt just so myself when I knew I was doing something like making a speech very badly." And this after Mitchell himself had been badgered without mercy for three days. . . .

We had our pictures taken this morning. Commission and Counsel and Mitchell in the witness chair. I would rather be in that picture than in any other *public* group I can conceive of. . . .

Monday. . . . All goes well here; the work of negotiation is necessarily tedious. . . . Darrow spent Sunday in New York with Senator Pettigrew. Talking with Pettigrew about some scheme he, Darrow, has for settling the poor of Chicago on the land, Pettigrew said, "Why, Lloyd has worked that all out in his *New Zealand* book," and went into his bedroom and got *Newest England*, which he travels with and by, and read Darrow the chapter on Cheviot. That was nice, was n't it? The settlement is almost complete. . . .

Nov. 22. What I foreshadowed is coming to pass. We are to have something better than arbitration—conciliation. It has been very interesting, really very exciting. My first case has been a rather important one. Even at the compromise we are making, we win \$6,000,000 a year for 150,000 clients. Not a small thing, is it? All have been brought to agreement, except on a few minor matters. It is really a very big thing, and, as it is ending, bigger than an



The Anthracite Coal Strike Commission in Session at Scranton, Pa.,

November 17, 1902.

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award before the Commission. Last evening, we spent with the Commission, Wayne MacVeagh representing Morgan who controls the coal companies, and Darrow, Mitchell, and I representing the miners. Now I must stop "suddent." Here come the negotiators, again.

On the 25th, Mitchell, Darrow, and Lloyd, "the miners' trinity," travelled to Washington to meet Wayne MacVeagh. While the negotiations were in full swing the operators in session in New York telegraphed that they preferred to go on with the hearings. This was grievously disappointing to the country at large, and Darrow and Lloyd were outspoken in their denunciation of Mr. Baer as responsible.

Philadelphia, Nov. 26. I am writing at 10.30 P.M., for the . . . reporters. . . . We have had an absolutely bewildering day. . . . The newspapers will give you the story of the dramatic surprise. . . . Baer has given the country another taste of Baerism. . . .

He now went to New York and Boston to confer with leading men.

New York. . . . I have been on the greatest rush you ever saw off the football field. . . .

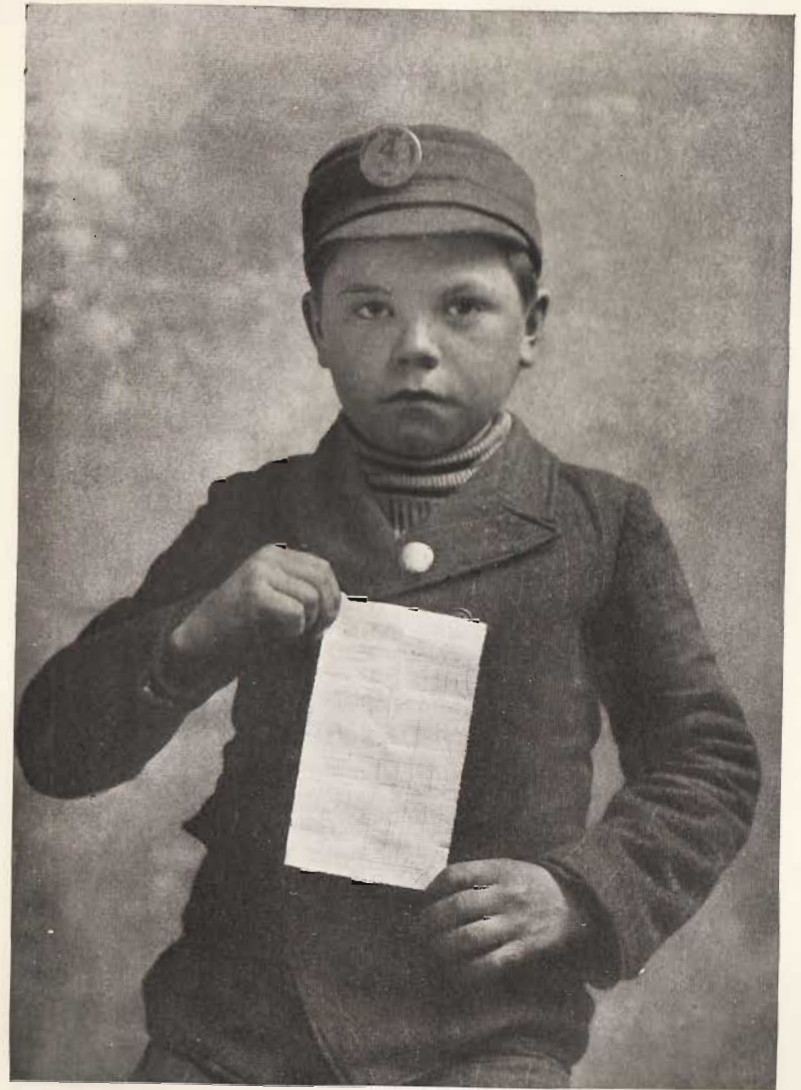
Dec. 2. I am on the boat going back unexpectedly to Scranton, taking the train at ten minutes' notice. One reason for going is to see if I need return to Boston to see Brandeis. . . . I have been busier than I almost ever dreamed of being since I have been in New York. I have had conferences with the *Journal's* lawyers, and with Gen. Burnett, the U. S. District Attorney here, and others. The net result . . . appears to be against the desirability of going into the trust question. It would be very difficult and expensive and *uncertain*. . . . It is nearly up to the

limit of my endurance—this being away from you when you are so ill and weak.

Scranton, Dec. 3. . . . This is the melancholy day of the renewal of arbitration instead of conciliation. All the great lawyers are coming back, and even Wayne MacVeagh who swore he would never return is here. Darrow and I have decided, as the result of my New York and Boston investigations, not to go into the trust and monopoly side of the question. All our radical friends are howling at us to go into it; but it is useless when we have no weapons. Our Commission has no power to summon witnesses or books. . . . Here comes the Commission, good-bye.

Upon resuming, the defence poured out the pitiful stories of the miners' grievances before the Commission.

Scranton, Dec. 4. . . . I felt triumphant yesterday because our first woman witness was put on the stand, and was a distinct success. She was a miner's wife, and told the story of how a family of 7 children was brought up on fortnightly earnings of 81 cents to \$16.00 to \$20.00. But it was as Mitchell foretold. Her gentility could not reveal the whole truth. She wore gloves and carried a white handkerchief. She had told us the night before that she never bought more than one pound of meat at a time. . . . But she would not confess to this on the stand. The mine-owners are much distressed by our testimony yesterday. They think it "unfair." But Wayne MacVeagh thinks it is "bully." We have a little boy to put on the stand, Andy Chippie, 12 years old, a chubby little duckling of a boy, who ought to make a sensation. His father, a miner, was killed a year or two ago. His mother has four younger children. The little boy was put to work by his mother in the breaker before the legal age. The company had said to his mother, "We will not charge you any rent." But the moment little Andy began working, the company charged up against this little fellow the whole back rent. And we saw the child's



The Breaker Boy and His Pay Check.

The check shows that he worked eight hours in two weeks, at 4 cents an hour, and the 32 cents due him was credited by the Company on his mother's rent bill for \$87.99.

A photograph designed by Lloyd.

fortnightly statements where his 40 cents a day was charged off against the \$88.00 of rent! Did you ever hear of anything like that? . . .

Dec. 5. . . . We had an engineer on the stand this morning who often worked 60 hours continuously, having to handle a lever on which depended the lives of a cageful of men, who would be dashed to death if for one instant he relaxed his hold or slept or forgot. Wayne MacVeagh is still pushing his scheme for a settlement but it looks dubious. We have now learned the secret of last week's breakdown. Baer broke off the negotiations because he wanted “a vindication.” He was willing to cause all the loss, and run all the risk, in order to have the personal satisfaction to be got out of a lot of evidence about the violence of the men. How selfish he must be, and how unable to take any public view of his duties. . . .

Court Room, Dec. 8. . . . Mitchell has gone to New York to attend the Civic Federation. . . . Darrow agrees with you entirely about Mitchell's triumphant progress to Spring Valley. Neither does he like any more than I his going to New York to attend the Civic Federation. The little fact that for this visit to New York he bought a derby hat, discarding the black soft felt hat by which he is universally known, illustrates the tendency towards conformity resulting from such association, and likely to increase and in the wrong direction. . . . We had a good day in court. Every one begins to use the word about our case that I have been using from the start—*dramatic*. It is that which tells.

Dec. 9. . . . We had a great time this morning. We had the worst story yet. We had an old man on the stand, who at one time and another had been so burned, broken, cut, blinded, that he was literally a wreck. “I have a glass eye,” he said, “but I can't see much with it.” He had a sick wife, an old mother, a lot of children, one or two of them adopted, “for the love of God”; he was evicted—

refused even five minutes' grace—his wife died as a result, and he could only say as to the old mother, 100 years old, "I am not sure whether she is alive at this present moment. The priest gave her the last service—extreme unction—night before last." He was an old employee and tenant of Markle's and his only offence was that he had been a member of the relief committee to distribute help to the poor. The women in the court room wept as the old man told his story. Until the very instant he said his wife had died, and he had buried her only the day before, no one expected such a dénouement. Every member of the Commission was deeply affected—actually upset. Just this moment we have had a boy who is *clubbed* by the breaker boss whenever the latter feels like it.

Dec. 10. . . . After the exciting climax of yesterday, to-day has gone on quietly. Our sensation to-day was a revelation of the way in which the coal operators offered leaders of the unions tens of thousands of dollars to betray the strikers, by bribing them to get resolutions passed declaring the strike hopeless. Darrow and I are beginning to be afraid that our supply of climaxes will run out, and we are thinking perhaps we had better advertise for some job lots of climaxes. . . .

Michael Davitt is here to-day watching the proceedings, and I have just been introduced to him. He is a fine thoughtful looking man, and must be extremely intelligent because he knows about *C. W. S.*¹ . . .

Dec. 12. . . . Our business here goes on well, we think, and the country we think will get hotter, as with the coal famine it gets colder. If there were nothing else in the affair, it would be true that the coal men had committed a gigantic social and business blunder in refusing a little 10 per cent. advance, and bringing on the strike in face of the greatest business activity and demand for coal ever known. . . .

¹ *A Country without Strikes.*

We offered as witness to-day a little boy *too little to be a witness*. He was eight years *old* but only about five years *grown*. He was not too young to work in the breaker; he earned 62 cents a week. He hardly came up above the seat of the witness chair as he stood before it. He could n't tell what would happen to him if he told a lie, and the Chairman ruled him out. But he could n't rule out of his mind the tragicomic spectacle of the little wage-earner, smiling and blushing, an industrial Tiny Tim. The photograph I designed of the little Andrew Chippie whose mother's debt was taken out of his breaker earnings at the rate of 40 cents a day has made a hit. It is being sold for the benefit of the boy and his mother. I send you one. He is holding his wage statement up in front of him; you can see the \$88.14 debt, and above it the 32 cents he made that week; 8 hours at 4 cents an hour. That was my idea—that he should be taken showing this statement, and Darrow said, "You are bright, *after all*." All the Commissioners are taking copies; the newspapers have printed it. Judge Gray has ordered a lot of toys sent him. . . .

Lloyd carried this photograph for months in his pocket and drew it out as he told the story of the strike.

Many . . . can recall [said Jane Addams] his look of mingled solicitude and indignation as he showed this. . . . He insisted that the simple human element was the marvel of the Pennsylvania situation, sheer pity continually breaking through and speaking over the heads of the business interests.

As the presentation of the miners' side approached its end, Lloyd attempted to lead the Commission to consider the root of the trouble—monopoly in the coal-fields. In his earnest plea for the introduction of this evidence, he said in part:

Such rates as have been and are charged go to the very root of the questions at issue here between the coal companies and their men. We ask the Commission to receive this evidence because it shows that a state of affairs of deadly import to labour in this community has arisen and how.

A state of having practically but one employer from whom to obtain that necessity of life, work, to-day exists. This evidence shows that almost all of the capitalists engaged in the coal business have been welded into one combination with power over the labouring population as supreme as that over would-be competitors. Power controlled is always abused and this power is no exception, and the power has been obtained and is maintained to-day by this discrimination in rates which we desire to show.

We seek to prove it not as a matter of railroad economics, but as a matter of labour economics, pertinent to the issues here, and for that reason we ask that you will allow us to present out of the reports of the companies the further evidence we have to offer of the community of interests between the railroads and the coal companies, that is, of industrial monopoly.

We ask you to take cognisance of the fact that an unbroken line of evidence for nearly forty years discloses the transportation and the mining and the marketing of coal moving, and to-day as strongly as ever, toward an ever and ever increasing monopoly, and that monopoly applies to the working men, whom it oppresses most severely.

You have to decide between the parties, before you decide as to whether an advance of pay, or a shortening of hours, shall or shall not be given, and if given, how much. Nothing could be more pertinent to your consideration of this matter than proof that the wages and hours of labour and terms of employment existing in these industries are the result, not of natural economic forces playing in freedom, but of the unnatural combination produced by force and the violation of law. We do not ask you to find that this is the fact, but

we do ask you to take cognisance that it is a fact of this situation, that this has been found to be so by every official body to which it has been brought either by the people or by individuals for an entire generation.

We ask the Commission to allow us to complete our offer of proof that, through the natural monopoly of anthracite coal in these valleys, and the unnatural monopoly of mining, transportation, and marketing which has been superadded it has come about that there is practically but one employer of labour, and this employer, as employers always do when they have such a power, has taken full advantage of this monopoly that has resulted therefrom, that the wages of labour and other conditions are unnaturally depressed and that in your award—this is our point, sir—that in your award the Commission should therefore give the largest relief in their power.

He wrote to his wife:

Dec. 15. . . . You have a pretty tired old man to-night. I worked all day yesterday, and a good deal of the night and most of to-day on the statement Darrow wanted me to make to the Commission. . . . Every trust lawyer was on his feet against me, and the Commission, too. But they did not quite dare shut it out, for every one knows that that is what the country wants. So for two hours and a half I held the stage.

He made a second effort to introduce the evidence, assuring the Commission that it would take only twenty-five minutes. But on the ground of expediting and simplifying its findings, the Commission refused. There was hope that it might still be admitted in the closing arguments, but as the time approached that was abandoned. Lloyd wrote to Louis D. Brandeis of Boston, who had been selected to make the argument,

since he himself did not wish to make a plea on purely legal grounds:

The Commission have developed an increasing determination not to allow those questions to be entered upon. It has gone so far that Gen. Wilson, when acting as temporary chairman, was absurd enough to request the counsel not even to use the word "freights." Mr. Darrow and the rest of us are therefore quite clear that in presentation of the argument . . . those subjects would be barred by the Commission. The companies have so far cunningly refrained from pleading any inability to meet the demands of the men, thereby keeping the door closed against us on the above questions. This is a disappointment to us, because we regard a discussion of the situation which leaves out these elements to be fundamentally inadequate, and second because we very much enjoyed the prospect of having you with us in the final appearance.

"But the fact of monopoly though shut out of the door," Lloyd said, "came back through the cracks." In excluding this evidence, Chairman Gray said: "We are going to assume that they are able to pay fair wages. If they cannot, they had better get out of the business." Darrow and Lloyd took this ruling as far more favourable than the admission of the testimony. Lloyd said:

We are more than satisfied to forego the question of profit on the statement made by the Commission, and the principle which will rule them. If the principle of the living wage is to be considered, that the workmen are to be paid a fair compensation for their labour irrespective of whether the employer has large profits or not, it is entirely satisfactory to us, and, we think, to the miners in this controversy and to the country at large. We hope this will be a precedent to be applied in future arbitration. We shall

expect the principle to work both ways. When the capitalists are not making profits we shall expect to see efforts on their part to reduce wages resisted on that same principle.

But Lloyd's work over the evidence was not in vain. His argument in support of its pertinence was full of suggestiveness, and being read by the country stimulated enquiry on the monopoly side. "We have at least shown the country," he wrote, "that we recognise the fundamental character of this issue and would have expedited it if we could."

Dec. 16. . . . We closed our case in a blaze of glory. . . . We have proved that one of the most important companies submitted figures of earnings to the Commission as of one man, when really six men shared in them. . . . The meanest thing about it was that they did this to asperse the love of the father for his child, and to back up their assertion that he had let his little girl of 13 work all night in the silk mills because of greed, not of necessity. . . .

At the Christmas adjournment the coal famine was worse than ever. Conventions and mass meetings were held everywhere. Trains, factories, schools stopped. The incompetence which Lloyd so often averred was a leading attribute of our great corporations became apparent. Carloads of coal containing hundreds of thousands of tons stood blocked outside the freezing cities. In many cases law-abiding people were forced in desperation to take coal that did not belong to them. At Arcola, Illinois, an organised body of leading citizens seized a train-load, sold it at the highest price, and handed the proceeds to the railroad, the owner. Lloyd wrote of this and like instances in the new labour paper, *Boyce's Weekly*, of which he was an editor,

commenting ominously on the new phrase then becoming current, "the higher property."

Mitchell appealed a second time to the miners to increase their output, but again came the answer that they could not do so, because of a lack of cars. To a reporter Lloyd burst out indignantly:

I had only been in Chicago for twelve hours when I was informed by business men that they could only get a supply of coal to last one day. The owner of one of the largest plants in the city said he might have to shut up his place at any time. The strange thing is that they cannot get either bituminous or anthracite. It shows me that the operators are not capable of handling the business that has been intrusted to them by the public. Here we are in the centre of the greatest coal region in the world, our railway facilities are unequalled, labour is a drug on the market, and yet we must suffer for coal.

When asked what he would propose Lloyd replied:

The American people are long suffering, but they have a habit of taking a short-cut when they are pressed. When the anthracite strike interfered with business and comfort, public opinion became so acute that President Roosevelt was forced to act. The lawyers for the coal operators said that arbitration was unconstitutional, that property rights should not be interfered with. Yet arbitration is a fact. I believe that the people of Illinois will be roused into action before long and then Gov. Yates will have to take a hand in the situation here.

Public opinion was indeed reaching the breaking point. Terrible catastrophes were impending. Hundreds of lives were being sacrificed. New York and Ohio indicted the coal corporations for violations of the

¹ *The Chicago Journal*, December 24, 1902.

anti-trust law. Congress arranged to remove the duty on coal. In unexpected quarters came the suggestion of the government's operating the coal mines for the public benefit.

Philadelphia, Jan. 6, 1903. . . . The hearings have begun where they left off—with recitals of violence by the union men. So far little damage has been done to our side. The most important witness on the other side has been the sheriff of one of the principal coal counties who had to admit a great deal that was damaging to his own side, as that he had found the people generally law-abiding. . . . Mitchell, in Darrow's absence, cross-examined the witness, and did it well, putting a new feather in his cap. Jane Addams told Mr. Durland that when she lunched a few days ago with Roosevelt, he could talk of nothing but Mitchell. He said that at the conference at the White House with the coal presidents they got angry, he behaved very badly himself, and that Mitchell was the only one who kept his temper and his head. We think from a quite noticeable difference in Judge Gray's manner and remarks that he, too, has been lunching during the recess with the President and we are correspondingly hopeful. . . .

The Colonial, Philadelphia, Jan. 8. . . . I am expected to make a speech in New York—Brooklyn—Saturday night, on Progress Abroad. I think I will go. Darrow is to be there. The eating at our new place is very good. . . . As I found the place, I hope it will be satisfactory. At any rate it saves the miners about \$150 a week.

Our testimony goes on in pretty good shape. We have just had a shocking story of a very intelligent man, a natural leader, who has been blacklisted since 1887. But the Commission seemed less agitated by the demise of his sacred right to work than by that of non-union men. . . .

Jan. 10. . . . I go to-night with Darrow to speak at a

meeting of the Radical Democracy—think of it! I am going to tell them that if Jefferson were alive to-day he would not be a Jeffersonian Democrat of 1903 but 1953. . . .

Brooklyn, Jan. 11. . . . I am lonesome and homesick without you. Why are we born with hearts to be tortured so—as lovers, and all. Why cannot our high noons stand still? High noons of the June of life—why must we always be pushed on down through the afternoon towards the night, and when the night comes where shall we wake?

Be sure to keep ordering coal until enough has been accumulated to make you safe. . . . I wish I were through this job here. I can't really see that I am doing any good—or not much, and I can't bear the time of which so little is left slipping by with my own work undone. . . . I want you to *push* the accumulation of coal, and also to order down the cord wood from Highwood. Get enough to last until spring. Also,—don't laugh at this—get in some provisions, two or three barrels of flour, etc. There is no telling how far the stoppage of wheels may go—and at any rate these precautions will cost nothing. . . .

I have not yet been able to do a thing about my argument. I am not adapted to this kaleidoscopic life. I feel distracted, adrift. . . . How Darrow keeps the threads . . . I cannot imagine. . . .

I don't seem to have much "go" in me. For instance, I have . . . the opportunity to make an argument before the Commission, but I cannot collect myself, nor get up any interest in it. . . . I really wish I were at home at work on my books; with you and the dear home. . . .

I think the bad air of the court has been getting the best of me. But I have had practically the last of it. I begin this morning the condensation of some of the testimony for Darrow, and the preparation of my own argument. I am to speak for about two hours, precluding Darrow. . . .

Jan. 16. I am sending you the souvenir of the dinner we attended last night at the Clover Club—the famous High Jinks Club of Philadelphia, if not of America. . . . The fun was great; Mitchell made the best speech of them all. He is a wonderful man; he captured them first with his fun, and then with his serious points. Two of the Coal Strike Commission were overcome by the crowd and had to abandon their speeches. Darrow and I think we will start a club like it in Chicago. . . . I sat . . . opposite a man whom I skinned alive in *Wealth Against Commonwealth*, . . . I wonder if he knew me. Another of the guests was the Mayor A——, who threw away the envelope from John Wanamaker, containing the offer of \$2,500,000 and 3 cent fares for the franchise which the Mayor was determined to give for nothing to the old corporation. . . . I go to Boston next week to speak in Faneuil Hall on Some Democracies and Some Industries. . . .

Jan. 20. I have just finished preparing my speech for Boston to-morrow night, and hard work it has been. . . .

Jan. 22. . . . The speech last night did not go so well as at Brooklyn. It was much better, I had added some really good things. But the announcements had been mismanaged and the audience . . . was small and *cold*. It daunted me, and I could only struggle through, hating the sound of my own voice. I believe I'll *speak* no more, but read. The best effect I ever got from an audience was when I read—once in addressing the Federation of Labor in Chicago. The confidence with which I read is reflected back to me from the audience. . . . Mead spoke warmly of the speech. . . .

The Colonial, Philadelphia, Jan. 22. . . . Here I am back at my table. . . . My little room, a trifle dreary with its ironing-board table, and litter of papers and documents, looked like home because there was a letter from you on the mantelpiece. . . .

Jan. 24. . . . Darrow has done the handsome thing about the argument. He has given me the point of union recognition and trade agreement for my special theme. This involves a good deal of work—which suits me—and is also *the* most important theme of all. Success in that demand means success soon or late in all the others. I speak to-morrow before the Ethical Society here, and the following Sunday before the Henry George Society. . . .

Jan. 25. . . . I am just back from my lecture at the Ethical—the paper the *Book Lover's* rejected. It went very well tho the audience was small. I speak again this afternoon about William Morris to an audience of about 500. . . . I feel tolerably sound but not very lively. I think partly this thing is tiring me a little because it does not go to the bottom of the cussedness. Ask Fräulein to send me the best of the Co-operative newspapers. . . .

Feb. 1. . . . Mr. Darrow to-day sprung a sensation on me. He wants me to make the *opening* argument—that involves a synopsis of the whole situation, and all we have proved or sought to prove. I would have just seven days to prepare it in! I am going to make up my mind to-morrow morning. . . . If you get the scrappiest little notes this week it is only because I am absolutely overwhelmed with work. Darrow's unexpected request . . . has entirely floored me. . . .

Feb. 2. . . . I have come to the Walton to get a quiet room in the busiest hotel in Philadelphia! I have been giving my Newest England lecture to-night in a horribly ventilated room to a lot of single-taxers, and am properly exhausted. . . .

Feb. 5. . . . You will be disappointed in my argument if you think of it as a "great effort." It cannot be that under the circumstances—it is merely a presentation of the ~~case~~ for a trade agreement between the companies and their

men—for the recognition of the union, in fact. I will do the best I can, but I cannot make it a "great effort." Baer is going to make the closing argument for the barons. Darrow follows and will vivisect him. . . . I shall be glad when this is over. . . .

Feb. 6. . . . Here I am in the worst scrape of my life. A two hours' argument to prepare for Monday—two days—and all the arrangements about my stenographer have broken down. Whew! . . .

Feb. 7. . . . I went to New York last night to speak before the Cooper Institute, and had a beautiful time. I have come back a little tired, to find that the stenographer to whom I entrusted my work yesterday has made an almost complete botch of it. It is hard! . . .

When the time came, Lloyd quietly and with intense earnestness spoke brave words in that council chamber. He summoned an array of facts proving the success of the trade agreement, and outlined general principles which experience had endorsed. At one point in his speech an interruption from Judge Gray allowed him to clear an obscure point, and his remarks were widely printed. He was saying:

It is not the non-union man that the union fears, but the "scab," the strike-breaker by trade, who lives by getting odd jobs of industrial assassination at high wages and loafing between whiles on the theory that it is better to have loafed and lost than never to have loafed at all. It is the renegade to the interests of his class, the ingrate, who will take the better hours and higher wages, like some of the witnesses in this case, though they confess that they would not move a step to assist the struggle of their fellows to win them, men who do not care who sinks so long as they swim. . . .

THE CHAIRMAN: While you are on that interesting subject . . . what have you to say of those who, being

non-union men, refuse to desist from work, who prefer to continue at work through the strike, in the exercise of the right they suppose they have to do so? . . .

MR. LLOYD: Of course in doing that they are strictly within their legal rights, but to me they seem to violate a moral duty of the highest sanctity, which is that a man must do what he can to help along a necessary struggle for the elevation of his own class and of society at large.

THE CHAIRMAN: Well, are such men protected by the union, those who prefer to continue at work, in the exercise of what you concede to be their right to do so?

MR. LLOYD: The union certainly withdraws no legal protection from them. They are not protected by the union from being visited with that obloquy which properly falls upon a man who will not join in a common effort for the common good. I should class this man precisely with the Loyalists in the American Revolution. I certainly characterise the strike as an industrial war, as an incident in a great uprising.

THE CHAIRMAN: Calling it an industrial war and using that figure of speech, you do not quite carry it, do you, to the extent of likening it in all respects to a war?

MR. LLOYD: No, indeed.

THE CHAIRMAN: In our theory, there is only one war-making power and that is the great Union represented by the Government of society, and they tolerate no wars—strictly wars—inside of their influence or sphere. We may, for the sake of rhetoric or analogy, speak of a war, but there can be no war tolerated, in the proper sense, within any peaceful community governed by law. . . .

Horace Traubel wrote of this occasion¹:

. . . He stopped reading, looked the Judge in the eye, and answered at once and answered straight. It was an impressive incident. Late afternoon. Only a few half-

¹ *The Conservator*, January, 1910.

dimmed lights in the room. Lloyd reading his plea in a musical voice. The interruption. The Judge leaning over the bench and down to Lloyd. The unequivocal answer. The Judge's relapse in his chair and smiling nod to Lloyd, as if to say: "I am satisfied." I shall never forget it.

In no uncertain words came his answer to the indictment of violence during the strike. He laid it in the main upon those who had refused to arbitrate.

The denial of arbitration, the contemptuous and cruel reference of a whole people to starvation as a judge was itself a monstrous act of violence. The far less immoral physical violence that followed, what there was of it, was precisely what would have been foretold by any student of human nature.

Fearlessly he spoke. Baer was there listening, present for only the second time. Lloyd scored the masters in their policy of claiming the right to make both sides of the bargain, their own and the miners', and calling the arrangement a contract. "Hypocrisy could go no further," he said, "it is not even gentlemanly."

The arrangements made under which the anthracite miners have been working are not contracts. They could have been broken without legal or moral fault. The payments made under them were not payments in full. Under the doctrines of the law, the victims of this duress, with a just judge, could recover any additional amount that they could show their labour to have been worth.

This absolutism had brought not only "the hard, very hard, coal region" but the whole country to the verge of ruin, but in doing so it had broken down as merchant, miner, diplomatist, profit-maker.

It proved itself incompetent in every forecast, every negotiation, every enterprise. . . . These antediluvian captains of industry, who call themselves masters, walk on Market Street or on Wall Street as if it were Mount Ararat, and they were just landed from the Ark [Laughter]. Thanks to their incompetency, the supply of fire in our age of fire has been so disturbed that at least two years will pass before it becomes normal again. Their industrial sagacity has taken their industry and all industry away from its natural foundations on the everlasting hills and put it on the thermometer and the weather-vane, where a south wind means life, a north wind means death.

The country wants another régime. It wants coal. It wants peace. Coal can be had only by peace, and peace can be had only by justice. Give these miners here a voice in the management of their own labour.

He told the operators that the conflict had proved that no one set of men had brains or energy enough to go around all sides in any business. "Industry, like government," he said, "demands all the abilities, all the activities, all the good-will, all the co-operation of all—of labour and capital, of producer and consumer, of individual and community." He told them that their days of supremacy were over, called them "the ex-masters." He reminded his hearers of the mighty stream of loyalty to each other and their leaders which flowed among the miners, a stream which could be turned to a vast force in the management of their industry. How long, he asked, would men be considered good business men who made this force destructive by denying it an outlet?

The argument deeply impressed all, even the invincible Mr. Baer. At its close he and Lloyd were introduced and exchanged a few friendly words. "You are

considerable of an optimist, Mr. Lloyd," Mr. Baer was heard to remark as they parted. Judge Gray shook hands warmly with Lloyd, and said that his speech was the finest piece of English he had ever listened to. "I did not lose a single word." As for his co-workers, Lloyd did not disappoint them. Horace Traubel wrote:

Feb. 9, '03.

DEAR LLOYD:

Words could do little for me to-day. I could not tell you what I thought and felt. You did the big thing which I expected you to do. You did not surprise me. All seemed so natural. I am just beginning to really get the lesson you projected. You were very impressive. There was an epochal quality in your utterance. I felt it leading me way off in the future. You prophesied. But you still kept on the earth. We felt dignified in your treatment of the theme. I became one of the miners for whom you made the appeal. And that miner, the snag, became the new democrat. And I found the real America at last born in my delayed life. I do not know what you meant to the court. But I am beginning to see and feel what you meant to me. . . .

"Unexpectedly it was triumphant, . . ." he telegraphed to his wife, and wrote:

Philadelphia, Feb. 10. . . . My telegram last night will have told you that it is all over, and successfully. And I hope it will help bridge the letterless gap into which I dropped during my bitter days of struggle with incompetent stenographers. I had, at last, to dismiss them all and write it out in longhand. I kept at work Friday night until three o'clock. I tried two or three times to go to bed, but new ideas would keep popping up, and these proved to be the best part of my speech. . . . Baer was right behind

me, and when I sat down he turned with humorous anxiety to Darrow and said, "Darrow, are there any more Chicago men coming on here to make speeches?" He and I talked very pleasantly. I had quite an ovation in the court room when I finished. The lawyers on the other side congratulated me as warmly as the people on our side. And the Commission were very much interested, poor fellows. Darrow said, "You surprised me, even me, and you had to do pretty well to do that! The best of it is," he said, "*it counts.*" . . .

Germantown, Feb. 11. . . . I found myself so tired out, even after a day of rest, that I telephoned and invited myself out here. . . . Jamie¹ heard me speak; he was very enthusiastic, he said that speech would be read long after I was gone. I have your letter "whooping me out" for want of confidence. Well, the fiasco of having no competent stenographer did me up. . . . Traubel . . . has caught exactly the innermost of it! . . . I was glad Judge Gray asked me those questions; I had thought those points out, and they are the most troublesome in the whole problem. . . .

Feb. 13. . . . X. went with me to see the Commission this morning and hear Baer speak. Baer went at me hammer and tongs, ridiculed New Zealand, said I was a "philanthropist from Chicago, one of those who could not do things themselves, but could tell others how to do them." He really made no hole in what I said, but was clever. . . . I am very glad this long experience is over. It has been very valuable, but sometimes tedious. Bishop Spaulding told one of the Commission that my speech would live as *the* gem of the whole proceeding. So you see. . . . Soon this cruel war will be over. . . .

Saturday, on the cars to Chicago.—All day yesterday I sat in court listening to Darrow's closing plea. It was

¹ Mr. James Dodge, son of Mary Mapes Dodge.

great. He began the day before with the sympathies of the Commission I thought, perhaps jealously, almost openly against him. But he closed with their undivided interest and admiration. Many of the capitalist women were quite carried away. One very charming one came to him and said: "I am convinced now if never before." I will send you the full report as soon as possible, and also my own. Baer attacked me quite savagely as a dreamer. But Darrow said in his peroration, "Your day, Mr. Lloyd, and mine will come some day." Darrow is a man of iron nerves and steel strength. He went out to dinner after making that day and a half speech. Mitchell came on to hear him. I wish he could have heard mine. I was gratified that my speech proved so nearly a complete statement of our case, that it was almost like a syllabus of Darrow's. As I am travelling West I am preparing for my speech of Monday at the Auditorium. Just as soon now as I can I must get at my Switzerland work. . . .

On the twelfth of February Baer pronounced to the Commission the words, "We surrender"—"the sweetest words," said Lloyd later, "that any lover of justice ever heard. It was not George III., it was 'George the Last,' as Darrow calls him." The closing arguments over, the Commission adjourned, to meet later in private to consider its award. It had won golden opinions from the people. In dismissing counsel, Judge Gray said:

It is due to counsel and those who represented both sides that I should say that we leave you, or rather, you leave us, with a feeling on our part of regret that the long association which has been so pleasant to us is about to be broken. It speaks well for counsel on both sides that no unpleasant episode has occurred—nothing that would mar the situation in which reasonable men and citizens of a great country

find themselves in mutually endeavouring to arrive at just conclusions and a just verdict in a great controversy.

At miners' headquarters the little group pitted against the corporation attorneys had had a tremendous strain, with days and nights of drudgery, but consciousness of the grandeur of their common cause had bound them together in affection. Lloyd was warmly human through it all, in his tender susceptibility to duty, in his humility in drudgery, his boyish enthusiasm, his comradeship. Over all in the group his personality exercised its beneficent sway.

He was the heart and soul of the movement to better the condition of the miners [said Walter Weyl], but the part that he played, although immensely important, was entirely modest, and he seemed always to efface himself. I have never met any one who had so . . . simple and beautiful an unegotistic attitude toward life.

I can truly say [wrote a young member of the group in 1903] that no influence at work in my life during the past year was so potent as his. . . . He was the only man I ever knew of whom I could repeat the third stanza of Browning's Epilogue to *Asolando*.

"One who never turned his back but marched breast forward,
Never doubted clouds would break,
Never dreamed, though right were worsted, wrong would triumph,
Held we fall to rise, are baffled to fight better,
Sleep to wake."

Mitchell was won by Lloyd's thoughtfulness. What with midnight conferences, incessant journeyings, and the appalling responsibility, Mitchell was worn out in mind and body.

I personally [wrote Mitchell] shall never forget how he came to my headquarters at Wilkesbarre. . . . He used to

come and ask me to go walking with him along the banks of the Susquehanna River. He thought I did n't know what he wanted me to go for. He would throw his arm about my shoulder, and as we walked along would tell me of his travels in Europe; of his visits to different parts of the world; of his investigations there; of the conditions. . . . His purpose was to divert my mind from the troubles of the miners. He knew I was tired, knew I was worn out. Of course, I knew why he did it, but I did n't tell him. . . .

During the time the Commission was in session, there was no service Mr. Lloyd was not willing and anxious to perform. He would offer to run an errand or to make the most difficult . . . investigations into questions that required technical knowledge and days and nights of thought and study. . . . There was no task too difficult, no work too lowly for him to do. . . . His personal character, his beautiful life should be inspirations to every man and to every woman who love their fellow-men. . . . As for my people, they will never forget.

Mitchell's unflinching devotion, his dignity, his honesty, won Lloyd. "Pray God," he said, "that in our hour of need the people may find as good a leader as the miners have had."

Upon the closing of the Commission, Mitchell, Lloyd, and Darrow hastened to Chicago where, on February 16, organised labour tendered them a reception. The Auditorium was full, 1100 vice-presidents, representing all the labour organisations in Chicago, were on the platform, and the vast audience of 6000 showed in the main the earnest faces of working men and women. It was labour's outpouring of gratitude. As the band played "The Star Spangled Banner" Mitchell, Darrow, and Lloyd entered amid thunderous applause, the waving of hats and handkerchiefs, and the cries, "What's the matter with Darrow? And Mitchell?"

And Lloyd?" Never was there a more spontaneous burst of joy and affection. The "three Illinois conquerors," as they were called, must have felt that they held a place in the hearts of the people. But each realised that the cheers were a paean of triumph, expressing labour's sense of its own victory, and its determination to carry its fight bravely forward; and here each placed the victory. "With their starving bodies," said Lloyd, the first speaker, "they [the miners] made a wall around all of us." He spoke briefly, modestly, giving place to Darrow. But, as always, his few words were powerful, and, going beyond the walls of the Auditorium, filled the press of the country. He reminded them of the greetings to Debs only nine years before in dingy old Battery D, to celebrate a battle not won, "though it deserved to be," and contrasted it with this celebration of victory held in the finest and largest assembly-room in America, which was "still not large enough nor fine enough." Public opinion, he said, had learned something since 1894 when wild with terror it had thrown itself against the Debs strike like a cyclone. In 1902 it filled the sails of the strike with favouring breezes. He contrasted the two Presidents of these two crises; in 1894 "a President who tore the constitution of Illinois in two to make a gap through which to march his federal troops," and Roosevelt, whose action in substituting arbitration for government by injunction and military usurpation was, he said, the greatest stroke of recent statesmanship, "a short-cut across lots in real American style." He warned them that the whole people had before them the same fight, that the same men meant to be masters of all of us in all markets.

The award of the Commission, announced on March



"The Miners' Trinity."

Henry D. Lloyd. Clarence S. Darrow.
John Mitchell.

18, recognised the United Mine Workers of America, recommended laws against child labour and compulsory investigation by the federal government in like differences, and it approached the permanency for which Lloyd pleaded by providing for a board of conciliation. Lloyd wrote to Edward A. Moseley, Secretary of the Interstate Commerce Commission:

You are no doubt rejoicing this morning, as I am, in the announcement of the award of the Anthracite Coal Strike Commission. The men have not got all that they ought to have had, but they certainly have won a notable victory. . . . I hold that the miners got exactly what they asked for. They did not demand any "hard and fast" terms with regard to wages, hours, and other conditions of employment. They asked only for such concessions in these regards as they might be found entitled to by arbitration. It is, therefore, strictly accurate to say that what they got is precisely what they asked for.

The leading dailies endeavoured to belittle the victory. "Fountain pens are playing large streams of ink upon the fuming conservatives all over the country," Lloyd said in his *Boyce's Weekly* article.

A greater victory has not been won in the social history of our race, and the very persons to whom it is of the most vital importance are the very class who are now belittling it, and who hoped to settle the strike by force. If there is one class more than another that should pray that social disputes should always be ended by reason, it is the parasites of the minority who do not know how to use their hands.

To spread the leaven, Lloyd sent thirty-eight of the Commission's reports to leading minds in America,

Europe, and Australasia; among others to Sir Joseph Ward, Minister of Commerce for New Zealand, saying:

Beyond a doubt the resort of President Roosevelt to this arbitration, the favour with which it was received by the public, and its successful settlement of the questions submitted to it, were due to the initiative and the inspiration derived from the laws of your country.

CHAPTER XXIV

"THE PEOPLE'S ATTORNEY—MY HUMBLE SELF"

FROM first to last in Henry D. Lloyd's life-work, a central point of attack had been the railroads. Through their control of transportation they held the key to the position. Their nationalisation was in his opinion the most urgent, while pressing closely was that of the coal and oil fields and the reform of banking and currency. During the passing of the coal crisis, he used every opportunity to see that its lesson, the call for the nationalisation of the railroads, was not lost. This gave an added timeliness to the writing of his book on the Swiss democracy, with its largest single achievement the acquisition of its railroads—the task which now awaited him as he returned at last to his Winnetka study.

I came home last night . . . [he wrote to his wife], and found our home brightly lighted, roses in the parlour . . . and your thoughtfulness everywhere, and a letter from you to welcome me. And still it *was* lonesome! . . .

Home, Sunday, Feb. 22. This is "my busy day." I have to get ready an article for the *Booklover's Magazine*; one for *Boyce's Weekly*; prepare the scheme of a new talk on Compulsory Arbitration for Meadville; and write a letter in *The Nation* in reply to an attack. . . . Go to see President Eliot in the afternoon; celebrate the 82d birthday with

"the Jedge" at tea, . . . and take the 9.20 Erie train for Meadville. How 's that for the day of rest? . . .

The Eliot reception was very pleasant. The Carpenter house is very good and looks right out on the bank where we used to pick our blue fringed gentians. . . . Eliot was sublimely unconscious of our passage at arms about "the scab," and I could meet him with serenity because I had been decent and impersonal. It is a good rule in even your bitterest controversies to say nothing you would not say if the party of the second part were present. . . .

Talking about non-union men, the *Post* and *Nation* are "slatting" me unmercifully, misquoting me repeatedly in what I said before the Coal Strike Commission. But I don't think I shall reply. Horace White has left the *Post*.

He refused to receive any fee from the miners. "No monetary consideration," wrote Mitchell, "will ever liquidate the debt we owe you for the valuable services you rendered us during the hearings before the Commission, but we desire and will ask the privilege of sending you an amount sufficient to cover your expenses. . . ." Concerning this Mr. Lloyd wrote to his wife:

. . . I will send you . . . Mitchell's nice letter. . . . If you are still of my mind I will tell him that is my contribution to the miners. But when we are really hard up the several hundred dollars I could get *are* a temptation.

Accordingly he replied:

WINNETKA, Feb. 27, '03.

MY DEAR MR. MITCHELL:

Your letter of Feb. 21st with its expression of regard was most welcome. If I have been of any use to the miners, I am very glad. As to my expenses, I should have had to live wherever I was, and whatever I have spent in addition

to that I am very glad to contribute to their funds. I have had a very warm feeling for the miners ever since I saw their heroism and suffering at Spring Valley. Though they have a full treasury, I cannot help remembering that it comes out of very scanty purses, and that it is destined for the support of a movement much higher than merely the increase of *their* wages. I feel, on the whole, that I am still in their debt, not they in mine. . . .

I am now going to get back to my own proper work, so long interrupted.

But if at any time you have any special work in which you think I could be helpful I will respond to any call from you, as to appear before a legislative committee, or "lobby," or go into court. And to make it perhaps easier for you to ask me, I will promise that in any such case I will accept the offer you have made and will not refuse my expenses, tho I shall not accept any compensation. . . .

To which Mitchell answered:

. . . I still feel that we should be allowed to reimburse you for your expenses, but in any event the miners are under a lasting debt of gratitude to you, and I beg to assure you that we who fully realise the worth of your services to our cause can never adequately express our appreciation of your assistance. . . .

When the battle was over [said Mitchell in a memorial speech], when the men were at work; when the award was made, and our organisation sought to reward even in a small way the attorneys and counsellors who had helped us, and when we came to Henry D. Lloyd and asked him to accept from us at least a small reward he said: "No, not one penny." When we said to him, "Permit us to at least pay the expenses incurred," he replied: "No, not one cent." He gave his time, he gave his money, he gave his splendid effort to the anthracite miners, as he has through

all his life given his time and effort to every cause that he believed to be right.

Judge Gray, moved by the revelations of child labour, as of the little girls working all night in the Pennsylvania silk mills, had charged all to do their best to end such wrongs. Upon Mr. Lloyd, whose susceptibility to receive influence was as striking as his power to give it, this did not fall in vain. One of his first tasks was to investigate the conditions of child labour in Illinois. "I find," he wrote to many citizens, "that my State also shares with Pennsylvania, the Keystone State, the same degradation of breaking down the keystone of family and social life." He drafted a bill to reduce these evils and did his utmost to arouse the public. He was now beginning work on his Swiss book and revelling again in the beauties of springtime in Winnetka after years of exile. He wrote to his wife:

Home, Feb. 27. . . . A soft, showery, misty, melting day. Prince is beginning to shed his red hair, the sap is rising in the maples—and in me—and I set out this morning to find some pussy-willows to send you. It is a late spring, and the only kind that are out are these of the Balm of Gilead tree up in the Hubbard Woods. I visited all the haunts, only these are out. . . . The *Post* has another perfectly vicious attack on me. . . . The *Chicago Chronicle*, however, had a very fine editorial. But alas, the *Chronicle* does not go to my kind of people, and the *Post* does. . . .

I am getting well "slatted" by all the corporation papers for my attack on Cleveland. . . . I am going to send the *Post* a defence of Altgeld. . . . The beginning of the book lags because I have not yet found a stenographer.

Meanwhile, he was publicly and privately trying to

clarify public opinion, as, for instance, in his answer to the *New York Evening Post* (March 3, 1903), which was in part:

TO THE EDITOR OF THE *Evening Post*:

Sir: In your recent comment upon a remark of mine as to the possibility that federal receivers might have been put in possession of the anthracite coal mines, if the operators had not "surrendered," as Mr. Baer puts it, last fall, you say that I probably meant "that a law authorising such a receivership would have been passed by Congress to relieve the coal famine." No. I meant that under the existing laws, and by familiar processes, any consumer or collection of consumers, or public official, from President to Mayor, representing consumers, could bring suit in equity in the United States courts and ask for a receivership. I meant, also, that though this ordinary and familiar remedy was ample, recourse could also be had to the Sherman Anti-Trust Act, which expressly authorises the seizure of coal mines and railroads, parties to an unlawful combination. Both these remedies, the ordinary one through the courts of equity, and the extraordinary one through the Sherman Act, could have been used, if desired, simultaneously. Recourse to the Anti-Trust law has not been precluded; in my opinion, and that of many other lawyers, by the decision in the Sugar Trust case. That decision was made only on the facts presented to the court, and the real facts of the sugar monopoly were carefully and probably intentionally omitted from those presented. . . .

When as a solution the organisation of the mines on a co-operative basis was suggested, he answered that there was no present possibility of it. "The American working man has some way to travel before he gets within sight of that goal." In trying to solve the problem, the people were testing one legal resource after another. He saw the hope that lay here enfolded:

We hear nowadays much disparaging comment on the apparent torpor of the American people in the face of the great problems which are being made ready while they wait; much pessimism as to the likelihood that we will find a remedy. Is it not the reverse of discouraging to find that the first instance of consummation of the evil in a concrete and final form is followed by this stir among the citizens and their representatives and this resolute turning to the constitutional and legal instrumentalities which organised society has created to assert its supremacy over business and property?

The railroads were attacked on all sides. An enquiry was instituted by the Interstate Commerce Commission into the existence of a coal combination, and prominent men examined. Not much was learned from them in the way of facts. "Under the present system," wrote Lloyd, "we are as dependent upon them for their facts as for their coal, and are lucky if we escape a famine in either. However, the essential facts—those that have been burned into us by fire, or rather the lack of fire—we know."

The socialists of Maine and Massachusetts started petitions, which were widely signed, for the national ownership of the coal mines. At their request, he argued the case in Maine before the legislative committee on federal relations, and in Massachusetts before the committees on constitutional amendment and on national ownership. He was also planning to get the Illinois Legislature into line on the question. As always every hope and fear went through the mail to his wife:

The Wayside, Mar. 4. . . . I have my Maine address well mapped out. The facts will make it good, no matter what I do. . . .

Mar. 7. . . . Fräulein and the stenographer and I have had our quiet tripartite evening, . . . and now having walked an hour and a half on the porch thinking of you, and my Maine speech, and of you, I am sitting with my feet on the fender writing this good-night word. . . .

My Maine matter is coming out of chaos into cosmos. I had an answer to-day to prayer—of my kind—the unuttered kind. I needed so much a speech made by Tilman that I telegraphed day before yesterday to Washington for it. I finished my work last night up to the precise point at which I must have that material and could not have gone on without it. When I came down to breakfast there it lay on the table, *but it was not the copy I had telegraphed for but one I had asked Tilman for six weeks ago and which had been following me around ever since.* I don't believe now it was Rectenwald¹ brought it. It was probably a good old orthodox Raven, feeding the Prophet!

The Chicago Club, March 8. . . . I go to Augusta, Maine, to-morrow. . . . You will go with me every step of the way. There is no news except that all the snow has gone except a few patches in the North shadows, and that Mr. King saw a robin in Winnetka three weeks ago! . . .

Now Massachusetts wants me to address their Legislature also! First I know I shall be a reform tramp. . . .

On Boston Train, March 10. . . . I cannot help speculating how the Maine Solons will take my argument. I handle the monops without gloves. I advocate the forfeiture of their franchises and property as justly incurred by their violations of law. I have to work on the train all day to-day getting up my references, etc. I am going to get as much in touch with these Maine and Massachusetts socialists as I can while here. I want to size up this socialist movement, and see if it has really the makings in it of an

¹ A messenger.

American policy. We must find some political tool if we are going to have a political (peaceful) remedy. . . .

There must be a socialist boom coming. Wayland of the *Appeal to Reason* tells me in a letter there is a perfect flood of subscriptions pouring in. No wonder, the people are turning to a party that has some principles and some courage. . . . My coal argument masses the history of the monopoly movement in an appalling way. . . .

Portland, Maine, March 11. . . . The Press boycotts the Bad Man from the West. . . .

Augusta, Maine, March 11. . . . Seven newspaper men are at this moment busy on my argument, which cuts as deep as I know how. . . .

Boston, March 12. . . . The hearing last night was a great success. The committee adjourned it until evening, and it was held in the Senate Chamber. Although only a couple of hours' notice was given there was a good attendance, and when I got through there was a lot of applause, which is unusual at a legislative hearing. I took the sleeper at midnight, and got here at six, and am correspondingly done up to-day. . . . My hearing here is to be for to-morrow morning. . . . I shall be glad to get back to the Wayside and that daily bread. . . .

The Massachusetts men seemed quite satisfied with my argument. A member of the legislative committee who had strenuously opposed giving a date for my argument came to me afterwards, said that he had opposed, but was now very glad he had not succeeded. . . .

. . . It is the socialists who have taken the lead in this move for nationalisation both in Maine and Massachusetts, and in Chicago they are the only party really possessed of the principle of progress. I shall be home Monday, and hope at last to begin on my books. I forgot to tell you

that the Maine socialists paid my expenses, but I hated to take the money for it came out of the pockets of very poor men. As to the taxes we will have to make that money up somehow by hook or crook. . . .

It is safe to say that no man was more excited over the coal crisis than he. A volcanic anger was burning within him. He was characteristically incisive, radical, prompt. He stood out before the country in favour of seizure. He told the Senate committees, in an address which was one of the finest he ever delivered, to seize the mines and pay for them afterward. "Possession first," he said, "payment afterwards,"—if they deemed it just. This went ringing through the press, some papers sending it out in headlines—"Seize the Mines," says Henry D. Lloyd."

First seize the mines, then debate the question of payment. If we pay for them, it will be only because the people show these men more mercy than they have shown either the people or the working men.

Possession before payment also because the people would thus have a practical means of ascertaining the real value of the property. The people, through their receivers, would take in hand not only the mines and roads, but also the books, records, and accounts.

For this remedy, complete, simple, just, the whole cost will be less than that of one week of the coal famine. Nothing is needed but one thing—no new laws nor investigation by Congress, no amendment to the Constitution—nothing but public opinion. Here lies ready to the hands of the people every tool they need. They have but to resolve to use it and the problem is solved.

The long argument by which he supported this advice was a dignified survey of undeniable facts. He

appealed to the reason of the senators, and, through them, to the nation; he touched their emotions, aroused their fears. He showed by magnificent figures the millions robbed from the people. He declared our lives and liberties threatened by these few men "as cruel as the grave." Fools were those who thought the American republic could survive the continuance of such despotic rule. He summarised the results of monopoly, which, he said, could not but stagger public opinion. He showed the utter incompetence of the managers of the coal roads, emphasising the fact, in his opinion one of the weightiest brought out and yet unnoticed by the press, that the companies by simply blending the pea and chestnut coal could have made every dollar of advance asked by the miners. This the real merchants would have known how to do, "but," he said, "the men to whom God in his infinite wisdom has given control of the property interests of the country are not merchants, but speculators and manipulators. . . . We can see coming the most appalling campaign for our conquest to which any people have yet been summoned to surrender." The Poles, Italians—all the twenty-seven races in the struggle—had been fighting for our firesides as well as their own, and it remained for us to prove whether we, as consumers, could establish as successful a manhood in our market as they had done in theirs. He called upon the Senate to act at once. "We need not think we can save ourselves trouble," he said, "by letting these problems wait until to-morrow; the longer they wait, the more trouble." There is no time to wait for a constitutional amendment, for a law of Congress, or for more investigation. "A simple, practical, legal, cheap, and kindly remedy is within our reach," he said, and pro-

GLOBE LATI

7:30 P M

SEIZE THE COAL MINES!

Henry D. Lloyd Urges People to Act.



HENRY D. LLOYD.

Declares Magnates Are Self-Constituted Outlaws.

Public Monopoly, He Says, Provides Only Escape from Evils of Private Monopoly.

Germany, England, Switzerland, New Zealand, Australia and a multitude of municipalities furnish illustrations of...

posed two courses, a federal receivership, or forfeiture under the Anti-Trust law.

They are all the same men [ran his warning]. Ownership of the highways ends in ownership of everything and everybody that must use the highways. . . . What will be the fruits when all the mines, forests, factories, and farms have surrendered to the "progressive desire" of these "lords of industry"?

Two of the Massachusetts committees followed his argument with unanimous reports for national ownership if regulation failed. The Legislature itself was more conservative and voted only for government supervision, but one third voted for ownership. This was to him an astonishing sign of the development of public opinion, showing it to have advanced beyond the point of discussing whether or not it had any right to interfere with private property. It marked a new step in social evolution and one in strict accord with the letter and spirit of the law and the practice of all free peoples.

"Things become constitutional," Lincoln said, "by becoming indispensable." This trumpet-call from Massachusetts is the most notable utterance of the organic voice with regard to the rights of property that has been heard since the close of the great controversy which preceded it about another form of property—also black.

Thus the Massachusetts House of Representatives was the first of any of our legislative bodies to vote for the transfer of a commodity from private to public ownership. "Massachusetts for ever!" he exclaimed joyously, and wrote in his *Boyce's Weekly* article:

The newspapers and Beacon Street and State Street took only an amused interest in the matter as an eccentricity without support. When the Massachusetts legislative committee unanimously recommended national ownership, if regulation failed, it was an earthquake shock. . . . The strong men who had been deceived by the apparent lifelessness of public spirit into the belief that it was dead and that they could pick the bones and insult the memory of the American Commonwealth to their hearts' content have had a warning—which they will not heed. Strong men never do.

He also presented his views as orator at the May banquet of the Massachusetts Reform Club:

I made the dynamiting of the Interstate Commerce Law by the railroad and Supreme Court anarchists [he wrote to Edward Moseley, in regard to the address] my principal theme. The Club received my demonstration that the public had been stripped of all defence with almost tumultuous approval.

Being severely criticised by the press, he replied in the *Boston Sunday Journal*:

WINNETKA, ILL., March 17, 1903.

TO THE EDITOR:

In your issue of March 14th, you refer to my argument of the preceding day before a committee of the Massachusetts Legislature in favour of the seizure of the coal mines. You speak of the plan as that of a "socialist." You say that my recommendation that the mines should be seized immediately by the national government and the compensation to the owners arranged afterward is "one which the present occupants of the penitentiary would warmly indorse."

This plan of action is not one which was originated by the socialists, nor am I one of them, as yet, though now that

you mention it I think I will join them. The remedy is one which is provided by law, common and statute, English and American, and one which is recommended by some of the best lawyers and ablest statesmen in Massachusetts and the United States.

One method of the procedure I advocated, a United States receivership for the benefit of all concerned, is used every day in the courts of this country and Great Britain. At one time, less than ten years ago, one quarter of the railroad mileage of our country was thus operated by the United States courts through receivers. . . .

The other method, that of summary seizure and forfeiture under the Anti-Trust law, is a remedy prepared and urged by some of the most conservative Republican statesmen this country has known, men like Sherman, Edmunds, and others. Senator Edmunds has lately publicly reaffirmed his adherence to this remedy and his faith in its efficiency.

A wrestling controversialist might feel justified in intimating that you assert that Senators Sherman and Edmunds, and the other Republicans and Democrats who acted with them, originated and enacted a policy which "the present occupants of the penitentiary would warmly indorse."

Surely the *Journal* does not mean that?

The programme favoured by those who ask the Massachusetts Legislature to petition Congress for the national ownership of the coal mines is to appeal through legal processes to the courts to put in action a lawful and familiar remedy to which the people of our race have had recourse for generations, and the Anti-Trust law does but expedite and clarify the application of the old-time remedies. This had not been supposed previously to the time you wrote—"It was the law until your Honour spoke"—to be the sort of procedure "which the present occupants of the penitentiary would warmly indorse."

The inmates of the penitentiary did not get there by warmly indorsing recourse to law in their cases. The

thieves who use the law—and there are plenty of them in America—do not go to the penitentiary, though they ought to do so. "We socialists"—I am accepting your classification of me, you see—will do our best to put them there when we get the power.

The relevancy seems to escape me of your reference to the occupants of the penitentiary and to Paris communes, because some citizens have suggested appeal to the established organs of justice to ascertain if the common and statute law did or did not offer them a remedy for the evils of which you as well as we complain.

A stupider people than the American might almost feel justified in believing that such criticism of the people seeking by legal means to get legal redress was an invitation to them to try the Paris commune or something worse; but, again, of course, the *Journal* does not mean that?

Thus did he as "the people's attorney" use every outlet of press and platform to influence the citizens to meet this crisis heroically. But they were not yet ready to act. "They are thinking," he said. "That these properties are morally and justly forfeitable," he told the Senate committee at the close of his argument, "the people at least will not doubt when they have digested the record we have traversed to-day."