THE ANTHRACITE MINE STRIKE COMMISSION

PROCEEDINGS

OF

The Anthracite Mine Strike Commission

JUDGE GEORGE GRAY, President
BRIGADIER-GENERAL JOHN M. WILSON
BISHOP JOHN L. SPAULDING
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Proceedings of Friday, Nov. 14, 1902

[From The Scranton Tribune, Nov. 15.]

That trite and generally true adage that it is the unexpected which happens was illustrated forcibly in the first day's session of the mine strike commission.

All the operators declared that the matter of recognizing the United Mine Workers of America was not a subject for the consideration of the commission, and several of them, in their formal answers, explicitly stated they were unwilling to have the question of the propriety or necessity of an agreement with the union submitted for investigation or adjudication by the commission.

Despite this, President Mitchell insisted on injecting it into the hearing; in fact, he made it the most prominent feature of his opening statement, and to the surprise of those not in the councils of the companies, the operators, with evident eagerness, picked up the gauntlet and proceeded to give battle where the enemy invited.

The Delaware and Hudson company, in its answer to the miners' statement, was particularly emphatic in excepting to the miners being allowed to inject the question of the advisability of the recognition of the union, asserting, in common with the other companies, that the proposition under which the commission was created and is supposed to work, eliminated this as an issue.

Yet, in the face of this, the vice-president and general counsel of the Delaware and Hudson company, David Wilcox, took up the cross-examination of Mr. Mitchell and never by so much as a single query sought to elicit anything except answers bearing on the desirability of a trade agreement with the United Mine Workers.

For the three hours of the day that remained for cross-examination, Attorney Wilcox plied Mr. Mitchell with questions tending to bring out admissions corroborative of the operators' allegations against the miners' union. Some of his questions put the witness to his wit's end for an answer that would not be a downright evasion or palpable equivocation.

Attitude of Union.

Seemingly contradictory declarations of President Mitchell on the one side and the constitution of the miners' union on the other anent sympathetic strikes; the assertions of the union that it discountenanced lawlessness and the absence of any active, or at all events aggressive, endeavors to prevent it; the inadvisability of the anthracite operators dealing with a union which can be controlled by the miners of the bituminous region, and various other of the points on which the operators resist the contention of the miners that the union should be recognized, were made subjects of Mr. Mitchell's cross-examination.

The miners' leader was several times put in what might be termed tight corners, but each time he squirmed out with more or less success and grace. He fought every inch of the ground, and seldom made an answer to even the simplest question without exercising his prerogative of modifying by explanation. The instances in which he contented himself with a "yes" or "no" response were rare indeed. He admitted nothing that was not favorable to his cause and, not infrequently, when something of almost universal knowledge was proposed for discussion, he would, if a discussion was not to his liking, take refuge behind a plea that he "could not recall," or was "not personally aware" of it.

The cross-examination was a tense and exceedingly interesting battle between two brainy men, and will doubtless long live in the memory of those who witnessed it.

With the exception of the unexpected turn the first day's testimony took, the programme was as forecast in The Tribune. There was a brief discussion, at the opening, as to procedure; then Mr. Mitchell read his opening statement, outlining what the miners' side propose to show, and after that he went on the stand to give general testimony as to the conditions in the region, the merits of the grievances which the miners want redressed, and especially the recognition of the union as the primal panacea for the ills complained of. He was still on the stand under cross-examination when the commission rose at 1 o'clock.

Court Room Crowded.

The court room was jammed during the two sessions and hundreds were unable to gain admittance. The lawyers, company officials, miners' representatives and newspaper men filled the bar enclosure. Witnesses and spectators crowded the space outside the enclosure, a good part of the onlookers being members of the local bar, who were given preference by the door-tenders at the behest of the commission.

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The day passed off without the semblance of an acrimonious exchange. In fact, there was hardly an instance of what might fairly be called an interruption of the one side by the other. It was the intenseness of all the participants and the rapt attention of the onlookers that mainly told of the momentous war that was being waged.

Opening of Sessions.

As early as 9.30 o'clock, there was a crowd massed against the doors of the superior court room, anxiously and eagerly bent on getting within to witness the opening scene of the epoch-making event in the history of the relations of capital and labor—to be eye-witnesses of an event to which the attention of the whole world is attracted.

Orders had been given through Assistant Recorder Moseley to the three police officers and two tipstaves at the door, to admit only those identified by him as having business at the hearings. After those for whom places had been reserved within the bar enclosure and the witness seats had been passed through, the general public was allowed to enter, the lawyers being given preference. In a few moments the spectators' seats and all the available standing room were occupied. There was some coming and going as the morning progressed, but as a general rule those who were fortunate enough to gain entrance held their places till the recess.

The arrangement of tables and seats for counsel, parties in interest and newspapermen, was found to be eminently satisfactory. Mr. Mitchell and his attorneys sat at the table on the Washington avenue side of the room. In the center were the attorneys for the big companies. At the easterly side of the room were the attorneys for the independent operators and non-union men.

The newspaper workers were accommodated with seats in the jury box or immediately adjacent thereto. There were thirty newspapermen present, including representatives of Chicago, New York, Philadelphia, Washington and Wilkes-Barre papers, and the three press associations.

Prominent Mine Workers.

Seated near their counsel's table were prominent members of the United Mine Workers. Among them were District

Presidents T. D. Nicholls, Thos. Duffy and John Fahy. Miss E. C. Morris, private secretary to President Mitchell; District Vice President Adam Ryscavage, Board Members Michael Healey, Henry Collins, John Kearney, Stephen Reap, Dr. Weyl, of New York; Rev. Peter Roberts, of Mahonoy City, and James Marwick, of New York, who have assisted in the preparation of the miners' case also sat nearby.

Among the officials of the big companies seated convenient to their attorneys' table were: Vice President E. E. Loomis, general manager of the coal department of the Delaware, Lackawanna and Western company; Reese A. Phillips, general superindent of the coal department of the Delaware, Lackawanna and Western company; A. I. Culver, comptroller of the Delaware and Hudson company; S. B. Thorne, general manager of the Temple Iron company; C. C. Rose, general superintendent of the coal department of the Delaware and Hudson company; John R. Bryden, general manager of the Scranton Coal company and Elk Hill Coal and Iron company; W. A. May, general manager of the Pennsylvania Coal company, Hillside Coal and Iron company and coal interests of the New York, Susquehanna and Western company.

Near the independent operators' table were seated Recorder W. L. Connell, president and general manager of the Green Ridge Coal company and Enterprise Coal company; J. L. Crawford, president of the People's Coal company, Dr. J. N. Rice, H. B. Reynolds, John H. Brooks and W. H. Gearhart, who are interested in different individual operations.

C. D. Simpson, partner of Commissioner Watkins; Rev. James McLeod, D. D., pastor of the First Presbyterian church, Mine Inspector Edward Roderick, and W. H. Taylor were a few prominent Scrantonians who were given seats within the enclosure.

Local Judges Present.

President Judge H. M. Edwards and Judge John P. Kelly sat near the commissioners for an hour or so of the morning session at the commissioners' invitation. Judge A. A. Vosburg dropped in for a little while, but sat among the spectators. Rev. J. V. Moylan, of Holy Rosary church, North Scranton, was also an onlooker from the spectators' chairs for a few hours.

A photographer had set up a large camera and flash light apparatus in the rear of the room, with the intention of "snapping" the commissioners before they rose for the noon recess, but the commissioners did not wait to be "snapped," and the camera man went away.

It was 10 05 when the commissioners entered from the consulting room at the rear. As they appeared, Assistant Recorder Moseley announced, "The Anthracite Mine Strike Commission!" and everybody stood and remained standing until the commissioners took their seats.

Judge Gray, president of the commission, took the middle seat. On his right in the order named were seated Recorder Wright, Mr. Clark and Mr. Watkins, and on his left, General Wilson, Bishop Spalding and Mr. Parker. This is the same order in which they sat at their first meeting in Washington.

Judge Gray opened the session by simply announcing that the commission was reassembling pursuant to an adjournment to give the parties opportunity to prepare their cases and were now ready to proceed. As had been understood, the miners' side would be heard first. They might present their case, he said, in their own way.

Raised New Issue.

Attorney Darrow was the first of the attorneys to speak. He called attention to the fact that some of the answers to the miners' statement raised or sought to raise some new issues, and as the last of the answers had been received only the day before, the miners would like to have an opportunity to make replication next Monday.

Judge Gray looked quizzically at the counsel for the other parties and no objections being forthcoming declared that there were no objections to this request and it was granted.

Hon. Wayne MacVeagh, of counsel for the Erie company, suggested that the names of the parties to the controversy be called that their respective attorneys might announce their appearances. This suggestion was adopted by the commissioners and responses were made as follows:

For the Miners—Clarence S. Darrow, of Chicago; H. D. Lloyd, of New York; John J. Murphy, of Scranton; James Lenahan, John F. Shea, James H. Shea, of Wilkes-Barre. Mr. Darrow also announced that John Mitchell would appear generally for the miners' side.

Philadelphia and Reading—Hon. Simon P. Wolverton, of Sunbury; H. T. Newcomb, of New York, and J. F. Whalen.

Erie Companies—Hon. Wayne MacVeagh, of Philadelphia; George E. Brownell, of New York, and Major Everett Warren, of Scranton.

Delaware, Lackawanna and Western—W. W. Ross, of New York, and John R. Wilson, of Scranton.

Ontario and Western Companies—John B. Kerr, of New York; ex-Justice Alfred Hand and J. E. Burr, of Scranton.

Delaware and Hudson—David Wilcox, of New York, and James H. Torrey, of Scranton.

Lehigh Valley Coal Company—Francis I. Gowan, of Philadelphia, and Willard Warren & Knapp, of Scranton.

Lehigh and Wilkes-Barre—De Forrest Brothers, of New York, and A. H. McClintock, of Wilkes-Barre.

Independent Operators—H. C. Reynolds and I. H. Burns, of Scranton.

Other attorneys who will come into the case later are George R. Bedford, of Wilkes-Barre, representing Markle and Co; H. A. Fuller, of Wilkes-Barre, representing the independent operators.

The Non-Union Men.

John T. Lenahan, of Wilkes-Barre, and Joseph O'Brien, of this city, were present in the interests of the non-union men, and when Recorder Wright failed to call the names of their party, Mr. Lenahan arose and stated that himself and Mr. O'Brien represented the non-union men, so called, and would like to know something of the procedure that they might be prepared to present their clients' case.

Judge Gray said: "They are not formal parties to this controversy, Mr. Lenahan."

"Any party appearing here," suggested Attorney Darrow, "should file a statement that we may know who are before the commission."

Judge Gray asserted that some statement should be filed. The commission, he said, would consider the matter.

MITCHELL'S STATEMENT.

This matter being temporarily disposed of, the miners offered their case by introducing President Mitchell to read his statement. He began at 10.17 and concluded at just 11 o'clock. The statement was 6,000 words in length. A synopsis of it prepared at the Mine Workers' headquarters is given here:

Of the 147,000 men and boys employed in and around the mines, strippings, washeries and breakers in the anthracite coal fields, 64,072, or 43 per cent, are employed on contract, or piece work; the remaining 83,000, or 57 per cent. are employed by the hour, day, week or month. The work of a contract miner requires an unusually high degree of skill. The work of a miner and a miner's laborer is extremely hazardous, in fact, it is more dangerous than employment in any other important industry in the world. The number of persons killed and injured per one thousand employed is greater than in any other industry. Each day the anthracite coal mines are in operation, two and six-tenth persons lose their lives and three times as many are maimed, and yet these men receive less wages annually than are received by men performing precisely similar work in other fields under more favorable and less hazardous conditions.

The number of years a man can retain his health and strength in this occupation is limited. If he escapes death or injury by falls of rock or coal, he cannot escape attacks of miners' asthma. There is scarcely a mine worker who has not contracted this malady. The miners are compelled to work in powder smoke, in foul air, many of them in water, and their work itself is difficult and very exhausting. Reputable insurance companies will not issue policies to this class of workmen—the risks are so great that the premiums would be prohibitive to men whose earnings are so low. The entire twenty per cent. which they demand as an increase in their wages would not suffice to carry an insurance of one thousand dollars.

Reduction of Hours.

In supporting the demand for the reduction of hours of day laborers, Mr. Mitchell showed that it amounted practically to a demand for 20 per cent. increase of compensation for 83,000

men, or 57 per cent. of all mine employes.

Continuing, he said:

The eight-hour day is the standard working day in the mining industry. Eight hours sonstitutes a day's work in the coal mines of Great Britain, in all the silver, gold and copper mines, and in the bituminous coal mines, in the states of Arkansas, Kansas, Missouri, Iowa, Illinois, Indiana, Ohio, Michigan, Kentucky, Tennessee, in Western Pennsylvania and in the Indian Territory.

The reports of the United States Geological Survey demonstrate that more coal has been produced annually since the inauguration of the eight-hour workday than in any preceding year. Each miner produced more coal per working day in eight hours than he formerly produced in ten hours, and there is no reason why the same results would not obtain in the anthracite field.

The bituminous workers receive, in many instances, from 20 to 40 per cent. higher wages for eight hours' work. A comparison of the wages paid to skilled workman in fifty of our largest cities shows that machinists, carpenters, electricians, engineers and firemen receive from 20 to 50 per cent. higher wages than are paid these classes of workmen in the anthracite mines, while the hours of laborers are from two to four less in the cities.

Defending the third demand that coal shall be weighed and paid for by weight, and that 2,240 pounds shall constitute a ton, Mr. Mitchell said:

The present method of measuring the coal produced by the miners in the Lackawanna, Wyoming and Lehigh regions has been the source of more discontent than any other of the many injustices imposed upon the miners, and there can be no contentment among these workers until an honest system has been adopted. Paying for coal by the car or by a ton, weighing from 2,740 to 3,190 pounds, is a flagrant injustice. The cars have been made larger, more topping is required, and there has been no corresponding increase in the amount paid per car or per ton. The miners have been forced to produce a constantly increasing amount of coal, for which they receive no additional compensation.

Basis of Pay.

The miners should be paid for every pound of coal he mines that is sold by the operator. If 2,240 pounds constitute a ton where coal is sold to the consumer; if 2,240 pounds constitute a ton when royalties are paid; if 2,240 pounds constitute a ton when railroad companies are paid for transporting coal to market, what justice can there be in denying the miner the right to be paid for his labor upon the same basis?

A large amount of coal has been shipped and sold in excess of the amount for which the miners are paid; and, while we are willing to be fair—and even generous—we are not willing to mine coal gratuitously. We do not believe that the consumers of anthracite coal wish the miners to produce any portion of it for nothing.

The anthracite companies, not satisfied with an extra legal ton of from 2710 to 3190 pounds, have a system of docking through which they appropriate additional part of the miners' earnings. A miner is docked all the way from 500 to 1,000 pounds upon a car, as a penalty for loading impurities, for which he has already been penalized to the extent of from 700 to 900 pounds in excess measure or weight; in other words, he is punished twice for the same offense. A system somewhat similar, but less unjust, obtained in a portion of the bituminous coal field many years ago, but the miners are now paid by weight on the basis of a legal ton; they are not only permitted, but are encouraged, by the operators, to employ check-weighmen to see that the product of their labor is properly weighed and a correct record made thereof.

Mr. Mitchell then took up the fourth demand of the miners for a trade agreement, with the necessary machinery for the adjustment of local grievances. He outlined the history and policy of the United Mine Workers of America, and explained that by its constitution the anthracite and bituminous mine workers had home rule for the local government of local affairs. He said:

Responsibility of Union.

The only matter in which the national organization as such is permitted to interfere is that, before a strike is inaugurated by the district organization, the approval of the president of the national union must be obtained; but the president of the national organization has no authority to inaugurate a strike. Thus the coal mine operators are afforded a greater measure of protection against strikes than they would have under a separate and independent organization. The United Mine Workers of America is affiliated with the American Federation of Labor; it is formed upon precisely the same lines and for the same purposes as other trade unions; it is numerically the strongest single trade organization in the world.

As to the responsibility of the mine workers' organization, Mr. Mitchell said:

At the present time the United Mine Workers of America has contracts with the operators of fourteen states and districts, fixing the amount the miners shall receive per ton, the amount the various classes of labor shall receive per day, the number of hours that shall constitute a day's work, and the methods and machinery for the adjustment of local grievances, by joint conference with the mine owners. These are mutual contracts which are advantageous to both miner and operator, and protect the public against the effects of strikes or lockouts. The reports of the United States government upon strikes in the mining industry show that the number and duration of strikes have been materially reduced each year since the system of joint conference and mutual agreement has been introduced.

Where the United Mine Workers of America is recognized and contracted with, it assumes the responsibility of disciplining its members. The trade agreement has proved effective in restraining workmen from engaging in local or general strikes. There have been no strikes of any magnitude in any of the coal mining states in which trade agreements exist. We seek to establish the same method of adjusting wage differences in the anthracite field.

We make this demand because we know that permanent peace and friendly relations can be best maintained through a trade agreement with the organization which our people have elected to join. Fuly ninety per cent. of the employes of the anthracite coal mines are members of it from choice; they desire to retain their membership in it. It was the United Mine Workers of America that conferred with the president of the United States in relation to the submission of the issues involved; it was the United Mine Workers of America that was requested by the president to end the strike; it was the United Mine Workers of America that declared the strike at an end; it was the United Mine Workers of America that sent the men back to work, and it is the United Mine Workers of America that is pledged to accept the award of this commission.

Failure to recognize the organization was the cause of many of the local strikes against which operators and mine workers jointly complain. There have been many local strikes during the past year, the fault of which rests upon the operators and miners alike. The miners, failing to secure redress for their wrongs (the companies having refused to treat with their representatives) had no choice but to submit to injustice or inaugurate a strike.

Recognition of Union.

Recognition of the union does not mean dictation or interference by men not employed by the companies; it simply means that officers selected by the mine workers shall exercise supervision over the organization and shall counsel with the mine workers as to how their trade affairs shall be conducted. The miners have as much right to select spokesmen to act for them, to present their grievances, to manage their affairs, as have the stockholders of any one of the anthracite coal companies to elect officers to perform like functions.

Mr. Mitchell concluded with a plea for the children. He said:

Our little boys should not be forced into the mines and breakers so early in life; our little girls should not be compelled to work in the mills and factories at an age when they should be in school. These children are future citizens of our nation; their parents should be enabled to give them at least a common school education, so as to equip them to bear the grave responsibilities which will ultimately devolve upon them. The wealth and the future of the nation are not to be measured by its palaces and millionaries, but rather by the enlightened contentment and prosperity of its millions of citizens, who constitute the bone and sinew of our land.

After the counsel for all parties had agreed with Judge Gray that the witneses should be sworn, Mr. Mitchell took the stand and subscribed to the oaths as administered by Clerk of the Courts Daniels.

Fifty minutes was taken up by Mr. Willcox with the reading of excerpts from Mr. Mitchell's testimony before the Industrial commission in 1897. He preceded the reading by asking Mr. Mitchell to interrupt him and state if he has changed any of his views expressed at that time. Mr. Mitchell did not interrupt him once.

In his testimony before the industrial commission, Mr. Mitchell declared the sliding scale feasible, if the "minimum

scale was a living wage;" that restrictive immigration laws were desirable, as many of the southern Europeans brought here were undesirable from a trades union standpoint, and that he opposed labor saving machinery when it displaced men.

DIRECT EXAMINATION.

It was 11.05 when Mr. Mitchell's direct examination began and 12.12 when it was concluded. Appended is the testimony substantially in full.

After stating that he was 33 years of age, and that he had worked in the bituminous mines in all positions, door-boy to miner, Mr. Mitchell proceeded to answer questions, as follows:

Q. How many members are there of the United Mine Workers of America? A. There are approximately 250,000 paid-up members in the national organization. There are about 110,000 or 115,000 in the anthracite field; the remaining 130,000 or 135,000 are in the bituminous field. It is numerically stronger than any other single trade union. Q. How is it divided as to its government? Tell us briefly, so the commission may understand what it is. A. It is divided into eighteen separate districts, usually the state lines define the limitations of our district organizations, except where the mining population is very thick, and in that event we form districts ourselves within a state. There are five districts in Pennsylvania. Q. What proportion of the Mine Workers of America are members of your organization?

Mr. Wolverton: Mr. Chairman, it has been suggested by counsel for the respondents, at this time, that we should state to the commission that the answers of some of these respondents deny the relevancy of this character of testimony. We do not wish to be considered as waiving that position by not stating a formal objection.

The Chairman: We note your exception.

Mr. Willcox: You would not note our exception, Mr. Chairman, because there are no exceptions.

The Chairman: I understand; but we will not be particular about words. We note what Mr. Wolverton said.

A. There are about 70 per cent. of all the mine workers of the United States members of our local unions. I wish to say that the paid-up membership and the actual membership are not the same; to account for what may appear to be a discrepancy in the two statements I make.

The Chairman: I did not hear that.

A. (Continuing). I said about 70 per cent. of the mine workers in the United States are members of the United Mine Workers of America; but my statement that two hundred and fifty thousand were paid up members would have to be explained, the two statements are contradictory. We have a very large membership that we have no record of on our national books.

Have Some Dodgers.

By Mr. Darrow: Q. You carry only paid-up members on your national books? A. Yes. We only carry the membership that the local unions pay us up; in other words, we have in the labor movement like you have among property owners some tax dodgers.

Q. And that accounts for that. Now, Mr. Mitchell, how many orders or bodies are there in the anthracite coal field? How many separate organizations? A. There are three district organizations and about 350 local unions. Q. Do you know about what proportion of coal mined in the United States is mined in Pennsylvania? A. About 51 per cent. of all the coal mined in the United States, both anthracite and bituminious.

Q. What proportion of the anthracite mine workers are members of your organization? A. About 90 per cent. Q. What was the name of their organization up to the time they came into the United Mine Workers? A. It was District 135, National Trades assembly 135, Knights of Labor.

Q. Mr. Mitchell, in the bituminous coal fields has your organization contracts with the owners? A. Yes, sir. Q. In what states? A. In Arkansas, Kansas, Missouri, Iowa, Illinois, Indiana, Ohio, Western and Central Pennsylvania, Michigan, Kentucky, Tennessee, Alabama, parts of Indian territory and parts of Colorado.

Q. When did you make your first contracts with mine operators in the bituminous region? A. The first joint contracts that were made in recent years were made in the spring of 1898. Q. How long since there has been any general strike or any extended strike in the bituminous region? A. In 1897 there was a general strike through the south coal fields. Q. Has there been any strike of any importance since the contract has been made? A. Not in any state where contracts were made. There may have been some strikes of considerable magnitude in states where there were no contracts. Q. For how long have your contracts existed? A. From year to year, one year at a time. Q. What date do you make them? A. We make them between the first of February and the first of April. They go into effect on the first of April. Q. By joint conference between the owners and the organization? A. Yes, sir. Q. Have you had any difficulty with it since 1898? A. We have never had any disagreements except in the state of Michigan. At each conference we have made an agreement.

Q. What has been the effect of the organization and your joint contracts upon the wages of the miners in the bituminous region? A. The miners' wages have increased materially. Q. How much have they increased since 1898, roughly speaking? A. An average of fifty per cent. Q. What effect has it had upon hours? A. There has been a reduction of two hours a day. From ten hours to eight hours. Q. Is the eight-hour day general in the bituminous region? A. With few exceptions, that day rules in all the states. Q. Has it had any effect on the employment of children? A. Yes. Q. And the safety of mines? A. It has reduced the number of children employed, and through the organization of miners, better mining laws have been enacted and the laws more thoroughly enforced.

The Two Fields.

Q. As to mining, what is required as to skill and experience to make a good miner? A. In the anthracite fields? Q. In the anthracite field. Take both of them. A. In the bituminous field it does not require a very high degre of skill; in fact, there is no law in the bituminous fields that restricts the employment of men skilled as miners. A person who has never worked in a mine may go into a bituminous mine and start at once to mine coal. In the anthracite fields, the laws provide that an applicant for a position as miner must have had two years' experience as a mine laborer. He is required to answer a list of questions, showing him to be a practical and experienced man, having technical knowledge, etc. Q. Independent of the law, Mr. Mitchell, as a matter of fact, does it require experience and training to be a miner? A. The anthracite miners all tell me that it requires a great deal of skill, that it is extremely hazardous and requires a high degre of skill.

Q. Generally speaking, what do you say about the hazard of the mining business? A. It is extremely hazardous; it is the most hazardous employment in the United States in any important industry. Q. How is it as to health? A. It is extremely unhealthy. Q. In what way does it affect the health of the miners? A. Usually in attacks of miners' asthma—a disease peculiar to men who work in anthracite coal mines. Q. Do you know anything about the statistics or reports upon the question as to the number who have miners' asthma? A. No; I understand that every miner has it to a greater or less degree.

Q. You are not informed as to the fatalities? A. The report of the inspector of the Pennsylvania Bureau of Mines for the year 1900 shows that 515 persons were killed in the anthracite mines. Q. And do you know about the accidents? A. Twelve hundred non-fatal accidents, I believe.

Q. Do you know the possibilities of obtaining insurance for miners? A. I have made inquiry. Q. Through what sources have you made inquiry? A. From the reputable insurance companies. Q. What have you learned in that regard? A. That reputable companies will not insure miners. Q. Where any insurance is granted by any sort of companies, what are the rates? A. They are very high. One company would charge twenty-six dollars for carrying an insurance policy of five hundred dollars, which would mean fifty-two dollars a year to carry one thousand dollars' insurance. This was an accident policy.

Not So Many Deaths.

Q. Mr. Mitchell, is there any difference between the bituminous regions and the hard coal regions,as to accidents? A. Yes, sir. The numer of deaths in the bituminous fields is not as great as it is in the anthracite fields in proportion to the number employed. Q. How about health? A. Work in the bituminous mines is not as unhealthful as work in the anthracite mines. Miners' asthma is not as prevalent. Q. How do wages in the bituminous regions compare with the wages in the anthracite regions generally speaking? A. The wages in the bituminous fields are generally about 50 per cent. higher—from 40 to 50 per cent. higher—than some classes of labor in the anthracite fields, and 20 to 30 for other classes of labor. That is particularly true of men employed by the day or by the hour. The wages of men who work by contract are, generally speaking, from 20 to 30 per cent. higher in the bituminous fields than they are in the anthracite fields. Q. The mining in the bituminous regions is done by the miners, by the piece or by the ton or car, is it, as a rule? A. In the bituminous fields it is performed by the ton. In all of the states where coal is consumed or shipped west, 2,000 pounds constitute a ton. In those states shipping to tide water, 2,240 pounds constitute a ton. Q. Now are you referring to

the ton for which the miner gets paid? A. Yes, sir.

Q. How does the general condition compare in the anthracite and bituminous regions? A. The conditions in the bituminous fields are, generally speaking, better than in the anthracite fields. The houses are, on the whole, better. That is especially true of houses owned by the coal companies.

Q. What was the origin of the recent strike? A. Failure or refusal on the part of the companies to advance wages or improve conditions of employment, or refusal to submit the issues to a board of arbitration. Q. In the first place, what I mean is, your organization had some agitation in the way of these grievances that they afterwards formulated? A. Yes, sir. The anthracite mine workers have been constantly demanding increased wages and improved conditions of employment, asking that their coal be weighed, and so forth. Q. In a general way, this agitation was for increased wages, either by extra money or by shorter hours? A. Yes, sir. Q. Shorter hours with the same pay; and for a different system of ascertaining their compensation, by weighing? A. Weighing their coal, and some method whereby the grievances that arose from time to time might be adjusted without forcing them to engage in strikes. Q. And that latter meant something in the way of recognition of the union, perhaps, to put it that way? A. Yes, sir, they preferred to have that. Q. Or contracting with the union? A. Yes, sir. Q. How long had the agitation been specifically proceeding up to the time of the strike? A. Well, it had been continuous as far as I know, or as far back as I know—as far back as I have known the anthracite miners. Q. There had always been that difficulty here and those claims made? A. Ever since I have known or them. Q. How long have you known of the dissatisfaction of the mine workers with reference to the method of ascertaining how much pay they should have? A. I have known of it of my own information since the fall of 1898. Q. And that has, generally speaking, crystallized itself into demand for payment by weight, has it not? A. Yes, sir; as far as they have ever given expression to the system they wish it to be put upon, it has been weight. Q. Is that general now, in the bituminous fields? A. The system of paying by weight is general in the bituminous fields.

The Principal Reason.

Q. What were some of the reasons, briefly, advanced by the men, why the companies should pay by weight? A. The principal reason advanced by the miners is that payment by weight is the only honest method of determining the amount they earn. The miners know and believe that they are not paid for the coal they mine. Q. Has there been any claim alleged where they are paid by car, that the size of those cars has been increased without increasing their pay? A. Yes, sir. The miners generally complain that the cars themselves have been made larger within recent years, and that there has been a constant and continuous demand by the companies that the miners shall place more coal in the cars; in other words, they shall put more topping on. The question of topping in those mines where men are paid by cubical measure, or by the box, rather, has been a source of more trouble than any one thing I know of. Q. Tell us what you mean by topping. A. The companies require that the miners shall have a certain amount of topping on the car when it comes to the breaker. That is to say, the rule may require that there be six inches of coal above the water level of a car when it comes to the breaker. If it has not got six inches on top at the end of the mine the miner is docked. Now this car is sometimes hauled in the mine a distance of a mile. As a consequence, the coal shakes down in transit; and while the miner may have placed six inches on that car at the place he loaded it, when it reaches the breaker the coal has settled down or has been knocked off the car in transit. The consequence is that the miner is docked for failure to have six inches of coal or whatever the rule may be. Q. In order to get six inches on the top at the breaker, the car has to travel a mile or two or three, or whatever is required, and they must place more than six inches on top at the end of the mine? Is that what you mean? A. Yes, sir; it would be necessary, because the coal would settle or be knocked off. Q. And that exact amount could not be ascertained? A. There would be no way of determining it exactly. If they place a considerable amount, more than six inches of topping in mines where that would be required, they simply increase the danger of falling off or being knocked off on its way to the breaker. Q. Supposing that a miner had placed so much coal on a car that at the top of the breaker there were seven or eight or ten inches, would he get anything extra for that? A. No, sir. Q. He is simply docked if he has less than six? That is as you understand it? A. That is my information about the system. Q. Has that been a grievance that they have had? A. Yes, sir; a very serious grievance. Q. Well, all these grievances, real or fancied, whatever they were, were brought together at your convention, were they not? A. Yes, sir.

Efforts at Agreement.

Here Mr. Mitchell told the story of the strike preliminaries and the efforts to effect an agreement on the Shamokin demands through the Civic Federation. He told, among other things, that during the strike $1,500,000 was distributed in aid to the strikers.

Q. Two or three more questions and then I shall have finished. What would you say as to the ability, on account of your organization, and judged by your experience, to maintain discipline and assist in the settlement of questions and help in the harmony of the management of the coal industry? A. I should say that our experience as an organization demonstrates conclusively that discipline can be maintained where trade agreements exist. As a matter of fact, in those states where we have trade agreements, if any of our local unions were to attempt to violate the agreement; if they refused to go back to work when we instructed them to do so, we would put them out of the union. We would revoke their charters. Our agreements take precedence to our laws. If our laws were in conflict with the trade agreement, the trade agreement would be given precedence and we would set the law aside rather than the agreement. The agreements must be kept inviolate. Q. Mr. Mitchell, some complaint has been made, and I refer to it for that reason, in reference to the strike of pumpers You know what I refer to, do you—pumping men? A. Yes, sir. The steam men went on strike on June 2nd. The miners' strike was on May 12th. The instruction to the steam men to ask for a reduction in the hours of labor was issued on May 21. Q. That was for a reduction to eight hours, was it? A. Yes, sir; the instruction was issued some twelve days before they were to inaugurate a strike if the companies failed to give them an eight-hour work-day. They were told in the instruction issued that they were to remain at work and protect the properties of the companies, if the companies would permit them to work eight hours a day without any reduction in their pay. Q. They were to remain at work while the others went on a strike? A. Yes, sir. Q. And that was because the pump men and the engineers were necessary to keep water out of the mines? A. Yes, sir. Q. And matters of that sort? A. With few exceptions. Some few in some mines have granted the eight-hour day. Q. And did they stay at work where the eight-hour day was granted? A. Yes, sir. Q. One other matter that I overlooked, Mr. Mitchell. Do you know anything about the variety of contracts that exist in this region, specifically, and as to any cause of complaint on that account? A. Contracts? Q. That is, a variety in the payment or price for mining coal and the method in which it is mined? A. Yes, sir; only in a general way, that all the companies operating in this Lackawanna and Wyoming region pay either by the box, by the car—by what is called a ton. Q. Is it uniform among the various companies? A. No, sir; it is varied. Q. State whether or not that has been one of the causes of complaint. A. It has made it impossible for the men working to determine how much coal they were loading for the amount they were receiving. Q. In what way? A. They could not determine how much coal they would have to load, because of the topping required. Q. I refer now to the question as to whether different companies have not paid different rates of wages for substantially the same work. A. I know that in a general way, and by comparing the pay, the statements issued by the companies. Q. Mr Mitchell, you referred to the question of a local violating any agreement, and stated in that event their charter would be revoked? A. Yes, sir. Q. What about other men who continued to work? Would other union men continue to work?. A. Yes, sir.

Mr. Darrow: I think that is all that occurs to me now.

CROSS EXAMINATION.

Mr. Willcox began the cross-examination about twenty minutes before the noon recess was taken and continued it during the two hours of the afternoon session.

By Mr. Willcox: Q. Mr. Mitchell, how long did you act as a bituminous miner? A. Thirteen years. Q. And was it continuous? A. Yes, sir. Q. At what time, would you mind telling? A. I started when I was between 12 and 13 years of age, until I was about 26 years of age. Q. Have you done anything else except to act as an official of this organization? A. I have not performed any work outside of that, since that time. I worked before that time, however, on a farm, when I was ten years of age. Q. I thought you had studied law? A. I did at night, when I came home from work in the

mines. Q. I thought you were a professional brother? A. I have never been admitted to the bar, however.

Q. The mine workers' union is a voluntary association, as I understand it? A. Yes, sir. Q. And it is not incorporated in any state or anywhere? A. It is not an incorporated organization, but is organized the same as all other labor unions. Q. When did these anthracite miners first come into it, did you say? A. They were formed of the members of District assembly, 135, which joined with the Miners' Progressive union in making the United Mine Workers of America. Q. How many of them were in that District 135, do you know? A. no, sir; I do not know how many were in here. Q. It was quite a small number, was it not? A. I could not say. I might say, both of these two national unions that joined together only had a few thousand. Q. What I mean to get at is this; so far as this organization of Knights of Labor is concerned, it had practically expired, had it not? A. I cannot answer the question accurately, but I understand that a considerable number of its total membership were anthracite mine workers. Q. Of this particular district assembly, or what? A. Yes, sir; of No. 135. Q. You do not know what the total membership was? A. I do not.

Q. Now, I understand that under the constitution of the United Mine Workers, the convention in their body has power to order a strike in all the coal-producing regions, is not that so? A. Yes, sir. Q. Has the national executive board that power also? A. They have that authority given them by the law, but they cannot do it in violation of any existing contracts. Q. Why not? A. Because the contracts themselves are superior to our law. Q. Do you mean by virtue of any definite provision? A. No, by virtue of the policy and precedents established by the organization. Q. But so far as the constitution is concerned, the executive board has the power to order a strike? A. That is our law. Q. Now, I understand that a convention must be called on the application of five districts? A. Yes, sir. Q. And that such convention may order a general suspension of work everywhere? A. It may, except in the event of agreements existing between the oprators and miners. Q. How many districts are there? A. There are eighteen districts. Q. There are eighteen districts, and only three of them are anthracite districts? A. Yes, sir. Q. And each district elects one member of the board, does it? A. Yes, sir. Q. There is a great deal of difference as to the size of the districts, as to membership. I understand? A. Yes, a very great difference. Q. For instance, in Michigan, I believe, there are only two or three thousand. A. Yes, sir. Q. And in those three districts, you say there are one hundred and ten thousand? A. Yes, sir. Q. But the power is divided according to the number of the members; that is, the district representatives? A. No, each district is given one member on the board. Q. Yes, A. However, in our conventions their voting power is in accordance with the number of members. Q. But in the national board, for the purpose of calling a convention, for instance, the state of Michigan would have as much power as this District No. 1 here, would it not? A. That is true. Q. And the powers of the body generally between conventions are exercised by the national board? A. No, sir. Q. Is that so? A. The law provides that they shall have power between conventions, but the regulation of a district is by the district executive board, which is empowered to make laws for its own government. Q. Yes, but does not the national board have power over the district board? A. It has power to inaugurate a strike.

Q. You spoke of disciplining the miners for violating contracts? A. Yes, sir. Q. Is there anything in the constitution in regard to that? O. No, sir, except that the officers are empowered to exercise supervision over the workings of the organization everywhere. Q. Yes? A. And under that our district constitutions in some states do make provision for revoking or disciplining the members, applying penalties and fines and so forth. Q. Have you got the district constitutions of this particular region? A. I have not got them right with me. I am trying to get some which will be furnished when they arrive. Q. Do they have any such provision in them? A. I do not recall that they have. There have been no agreements in these districts. Q. And are there any provisions in the constitution regarding the enforcement or carrying out of the contracts? A. There are in the agreements; yes sir. Q. I know, but are there any such provisions in the constitution of the body? A. Of the national organization? Q. Yes? No, there are none. It is provided by agreement with the operator. Q. The only provision there is on the subject is contained in the agreement itself? That is right? A. The provision is in the agreement itself; yes, sir.

Q. What does your constitution provide in regard to sympathetic strikes? Anything? A. There is no provision at all in it, except that in a case where a strike in one district might have the effect of lowering the wages in another district. Then the organization would have power to extend the strike so as to protect the men whose wages would be affected by a failure in the first district. Q. Now, perhaps, I had better read the provision. Section 4 of article 10: "National officers shall, at any time they deem it to the best interests of mine workers in a district that is idle, have power for just and sufficient reasons, to order a suspension in any other district or districts, that would in any way impede the settlement in the district affected; provided that such action would serve to the best interests of the United Mine Workers of America." That is the provision is it not?

A. Yes sir. That provision is to be enforced in the event of one company operating mines in one district where they might attempt to reduce wages—in which there would be no agreement always—by continuing operations in other mines in another district. That power is invested in the executive board, so that they might stop the mines of the company in both districts; always with the condition, however, there is no agreement existing in either of them.

Q. That statement of yours does not seem to be contained in this section.

A. What statement is that?

Q. That which you have just made.

Mr. Darrow: The purpose of it.

Mr. Mitchell: That is what I am trying to explain; just what our laws mean.

By Mr. Willcox:

Q. That is not contained in the section itself, is it? Thos is a statement of your own as to the purpose of that section, is it not, Mr. Mitchell?

A. Yes, sir; and that is what it means, because in our organization the president of the organization determines what the law means, and a decision as to what the law means in our organization makes it the law. That is, the laws are interpreted in that way.

Q. So that, as you testify, the law is being made, is it?

A. I have just given you what that law means.

Q. Yes, so that as you speak, the law is being made, as you are president of the organization?. (Laughter).

A. No, not necessarily; but the construction or meaning of our laws is determined by its chief officers.

D. Does the constitution give them any such power as that? A. Yes, sir. Q. Where is that? A. Under "The duties of the president." Q. Can you point that out to me? A. See if you find this language: 'He shall decide all disputes as to the meaning of this constitution."

The Chairman: Perhaps you can take the constitution, Mr. Mitchell, and point it out to the commission.

Mr. Mitchell: Yes; I have it here, I think.

Mr. Darrow: The portion of the constitution you are looking for is at the bottom of page 6, or the top of page 7, I think, Mr. Mitchell.

Mr. Mitchell: Yes; I find, Mr. Willcox, that you have not been reading from our constitution.

By Mr. Willcox: I have not had the pleasure of having one furnished to me. Have you it now? A. Yes. Q. The one I had is not up to date? A. No; I will furnish you with one of our constitutions as soon as I can get some copies. Q. Have you the right place? A. It reads: "He shall devote his time and attention to the affairs of the union; decide all questions in dispute concerning the meaning of the constitution, and exercise the duties of the president."

By Mr. Willcox: Q. Suppose a man violates an agreement, and the constitutions contains no provision regarding his expulsion for that reason, do you think that would constitute a dispute arising which you would have the power to decide? A. If a person had violated this law, do you mean? Q. If a person had not violated the constitution, but had violated an agreement. A. If he had violated an agreement, we would have authority to turn him out. Q. You think you would? A. Yes, sir. Q. Although there is nothing of the kind in the constitution except that you have the right to decide disputes as to the meaning of the constitution? A. Yes, sir. But he would not be turned out because the language of the constitution provides for his punishment in that way. We would do it because that is the established policy of the organization, as it is of nearly all trades unions. Q. Well, it is outside the constitution then, is it not? A. Usually the process of enforcing the agreement is a part of the agreement itself. Q. The constitution contains no provision to turn a man out because he violates an agreement, does it? A. Not specifically, but it does confer power on its officers to exercise supervision under it. Q. To decide disputes as to its meaning? A. Yes, sir.

Q. Now you remember the Indianapolis convention of July 18, 1902?

A. Yes, sir.

Q. That was called for the purpose of determining whether there should be a national suspension of coal mining, was it not?

A. Yes, sir.

Q. And it had the power to consider that?

A. It had the power to consider it; yes, sir.

Q. And the bituminous miners could at any time order a strike in the anthracite region, although none of the anthracite miners wanted it, could they not?

A. They could not do so without violating their agreements.

Q. No, but I do not think you catch my question. I say the bituminous miners could order a strike in the anthracite regions, although the anthracite people did not want it?

A. No, sir.

Q. Why not?

A. Oh, no. A convention of bituminous men could not order a strike of anthracite men.

Q. I am asking about the national convention.

A. A national convention would have authority to determine that there should be a national strike.

Q. Yes.

A. But they could not do that where they had agreements.

Q. Although the anthracite people were opposed to it, the bituminous people might enforce it?

A. They could not make a man go and strike. (Laughter.)

At this juncture recess was taken for luncheon.

The cross-examination of Mr. Mitchell was resumed at 2.10 without anything intervening.

By Mr. Willcox:

Q. Taking up for a moment what we were at when the commission took a recess, do you remember publishing a statement of this character on or about May 16, 1902, in reference to the Indianapolis convention, referring to the proceedings of the Hazleton convention of May to which you testified at this morning's session; that the convention directed the national officers to call for a national convention of all miners employed in the United States for the purpose of considering the situation in the anthracite fields. (Reading) "If the desire of the anthracite miners is sustained a national suspension of coal miners will be inaugurated." That was signed by yourself. Do you remember that? A. I recall the statement substantially as you read it; I cannot say that is the language of my statement.

Q. That is substantially the language? A. That is a newspaper statement, I believe. Q. I read that from the Scranton Tribune. A. Yes, it may be exactly correct. I do not recall the exact language. I have a copy of it, however. Q. It purports to be signed by you? O. As I say, it may be correct; I am not sure of it. Q. As I understand it, the workers in the bituminous field are under contract? A. Yes, sir. Q. And you say those contracts are superior to the constitution? A. Yes, sir. Q. How, then, could that convention have considered the question of inaugurating a national suspension— A. It did not inaugurate a national suspension— Q. Excuse me until I finish my question. (Continuing). If the majority of the members were under contracts and the contracts prevail over the constitution how could it consider the question at all? A. It did not consider it, because by a unanimous vote it decided they would not inaugurate a national suspension. Q. But your call says it is going to consider it? A. It has a right to meet under our law for the purpose of consideration; but under our agreements they could not call a national suspension, and they did not do it for that reason.

Q. It was called, then, merely for the purpose of considering that it could not call a national suspension? A. It was called for the purpose of considering the application of the anthracite coal miners that a sympathetic strike be inaugurated in the bituminous coal fields. The convention, by unanimous vote, decided that they would not inaugurate a sympathetic strike, the anthracite miners' delegates, voting with the bituminous miners in opposition to that policy.

Q. My point is this, that here was a convention, which under your statement was called for the purpose of considering the question of a national suspension, and you now say that they had no power to decide in favor of such a suspension.

A. No, not under our agreements with the coal operators.

Q. What was the object in calling the convention, why did you not tell them at the Hazleton convention that the national convention would have no such power?

A. I had my own reasons for not telling them. They knew it. The real purpose of the national convention was carried and fifteen hundred thousand dollars was gotten from them to help sustain these anthracite men while they were on the strike.

Q. But that purpose is not stated in the call at all? A. The purpose of the convention was to consider the advisability of the strike of the anthracite miners, among other things, the wish of the anthracite men to have it extended into other fields and that was not its only purpose.

Q. When you spoke at the opening of the Indianapolis convention, did you not speak of it as a convention called for the purpose of considering the suspension of work?

A. Yes, sir.

Q. The anthracite districts, as I understand, have only three representatives, out of a total of twenty-one, on the national board?

A. They have only three representatives on the national executive board.

Q. And how many are there on the board?

A. Twenty-one altogether, including the national officers themselves.

Q. Let me call your attention again to this section of the constitution, Article 10, section 4, which was read before the recess: "The national officers shall at any time they deem it to the best interests of mine workers in a district that is idle for just and sufficient reasons, order a suspension in other district or districts that would in any way impede the interests of the district affected." Now, suppose that there was a strike in the Western Pennsylvania bituminous district, and it should turn out to be the fact that anthracite coal was going there, could not the national officers order a strike in the anthracite districts?

A. No, they could not. The purpose of that law can only be understood by explaining what it was intended to do. I might more clearly illustrate what would be done under these circumstances by reading from our agreements. For instance, this is in substance the same agreement that we have in every district; it is the Illinois agreement. I will read from this: 'This contract is in no case to be set aside because of any rules of the United Mine Workers of America now in force, or which shall hereafter be adopted; nor is this contract to be set aside by reason of any provision of their national, state or local constitutions."

The provision you have reference to, Mr. Willcox, is intended to apply only to an emergency of this character—that if one company operated mines in different districts and they were to attempt to depress wages in one district while supplying their own contracts and trade from another, then the organization claims the right, in the absence of contracts, to extend the strike into the mines operated by that company, regardless of what district those mines are located in.

Q. That does not seem to be in the language of the section. A. It may appear not; but I am explaining what the purpose of the section is. Q. The constitution requires a good deal of construction, does it not? A. That is true of every constitution. Even the constitution of the United States. Q. Were there any contracts in existence at the time this constitution was adopted? A. Yes, sir. Q. Which ones? A. This constitution that you have reference to now was revised in the year 1902—last January. There have been some changes made in our law at each annual convention. At the time the organization was originally formed, there were no contracts that I know of. Q. That is, when the constitution was first adopted, of course? A. Yes, sir; but I am not sure that the constitution is at all similar now to what it was then. I do not know about that. Q. Do you know whether there has been any change in that particular section? A. I do not. Q. There has not been any that you recall? A. I don't know anything of it, because I was not a delegate at the early conventions.

At this point Mr. Willcox read the excerpts from Mr. Mitchell's testimony before the industrial commission, referred to above.

Following this Mr. Mitchell was asked if he had figured out how much the granting of the demands of the Hazleton convention in 1900 would increase the cost of mining. He replied that he understood it would be about 20 per cent.

"Would it surprise you, if you were told the increase in cost of labor alone would be 70 per cent?" Mr. Willcox asked.

Mr. Mitchell said he had not done the figuring. That work was done by a committee of the anthracite miners. He admitted the strike was settled upon the granting of a horizontal increase of 10 per cent. in wages.

Then the examination proceeded, as follows:

Q. Now, what methods were adopted for the purpose of getting the men out in that strike, as you had only eight thousand when it began?

A. The officers of the organization and the mine workers who were employed held metings and asked the men to come out. They were notified through the newspapers that a certain day was set for the strike, as decided by their convention, and they came out on strike in accordance with that notice.

Q. Were there not various marches around? A. Yes, in some parts, the men were out marching, and held meetings with men at other places. Q. And you

went around and made speeches yourself? A. I held three or four meetings during the entire strike. Q. I believe it is a matter of history that you held two of them at the Markle operation, is it not? A. Yes, sir; I held two meteings in that part of the region, one, I believe, at the Markle property.

Q. You made a statement in regard to the number of men now enrolled. I do not know whether I caught that correctly. Will you just repeat it? A. I said that there were approximately 110,000 or 120,000 of the anthracite men in the organization. Q. Can you state how many of them are under age, minors, minor children? A. I understand that there are employed in the anthracite mines about 21,000 persons under 21 years of age. Q. Do they belong to unions? A. Yes, sir; most of them do. We have a separate branch for boys under 16 to belong to, so that they will not have control of our metings, a juvenile branch. Q. Over 16 years of age, they have a right to vote, have they not? A. Yes, sir. Q. And under 16, a half a vote? A. Yes, sir.

Q. Can you state how many of the members are miners and how many laborers? A. There are some 37,000 miners and 26,000 miners' laborers.

Q. How are votes ordinarily taken in the locals? A. Ordinarily by a show of hands or a yea and nay vote. Q. Some times by tellers, I suppose? A. They may be. That I do not know. We have no established rule. They are permitted to vote as they decide themselves.

Q. Do these demands that you are making now contemplate any increase to the miners' laborers? A. Yes, an increase of 20 per cent. Q. In their pay, or a reduction in their hours? A. In their pay. Q. And a reduction of their hours, too? A. The demand for a 20 per cent. increase of wages is applcable to the miner and his laborer. Q. The question of hours for the miners' laborers, then, does not enter into this controversy? A. the miners' laborer would necessarily stop at eight hours if the breaker stopped and the mine stopped. Q. That is the way you reach it? A. That is what we think will be the result of it. We have not said how long the miner or his laborer shall work, however, except that if an eight-hour agreement were made, then they would each have to work eight hours.

Q. Of the present enrollment have you stated how many are anthracite and how many bituminous, or can you state? A. I say that the paid-up membership of the organization is approximately 250,000, on the only record which we have, of which number 110,000 or 120,000 would now be anthracite mine workers. Q. But at the Wilkes-Barre convention, the last convention, you voted on a basis of 86,500 members in good standing, did you not? A. I do not know that we had any way of determining what the membership in good standing was. The vote was taken on the membership as shown by our books prior to the strike. Owing to the fact that there was a strike, dues were not paid to the district organizations, or to the local union, and consequently there was no record in the district of the increase in membership.

Q. Yes. What methods do you adopt to prevent interference of non-union men where union and non-union men are working in the same operation? A. Well, ordinarily, in the bituminous fields all the mine workers in the states where they have contracts are members of the organization. In parts of Central Pennsylvania and in Western Pennsylvania, they are not. They work together in harmony. There is no difficulty between them. The organization tries by persuasion to have the non-unionists come into the organization. In the anthracite fields they work the same way. Q. There is no definite method of preventing interference? A. Nothing has been done on that subject particularly. There is generally no interference and consequently no necessity of having laws to prevent it. Q. Now, you know there have been a good many resolutions on that subject in the anthracite region, do you not? A. Yes, I know there have been resolutions adopted in the anthracite field. Q. Let me read you a few. I read what purports to be an extract from the proceedings of a convention of District No. 1, United Mine Workers of America, January 14th, 15th and 16th, 1901, at Edwardsville, Luzerne county, Pennsylvania. It reads as follows: "Regularly moved and seconded, that it becomes compulsory on the men of any mine employed in and around the mines, to become a member of the United Mine Workers of America. Carried." Have you any knowledge about that? A. I have no knowledge of it; I was not at the convention. Q. You have heard of it, have you not? A. I have not heard specially of that resolution. I have heard of various resolutions of that character.

Q. What action have you taken about them; anything? A. They were never enforced that I ever know of. They were passed for the purpose of preventing the companies from discharging men because they belonged to the union. The companies had at various places adopted a policy of opposition to the organization, and the members of the organization, fearing that they would all be discharged or driven from the union, adopted resolutions of that character to protect themselves.

Q. With the idea that if they adopted a resolution of that kind the companies— A. That the companies would cease their hostility to the men that belonged to the union for belonging to it. Q. For the reason that they would think that if they discharged any union men there would be a strike? Or how was it to work? A. It was simply intended to give the men the right to protect themselves against discharge on account of membership in the union. At least, that is my information from those who are more familiar with it than I am. Q. That is, by making everybody join the union? A. I do not think they ever did do that. Q. That was the purpose of their resolution, was it not? A. It was the hope that it would induce everybody to come into it, but primarily for the purpose of protecting the men who were in it. Q. Insisting upon everybody else joining it; that was it, was it not? A. The resolution, of course, speaks for itself. As for its purpose. I have tried to explain that as I understand it.

Q. Now let me call your attention to the proceedings of the Shamokin convention, March 18 to 24, 1902: "Proceedings of the joint convention of Districts No. 1, 7 and 9, of the United Mine Workers of America, March 18 to 24, 1902, Shamokin, Pennsylvania." You were at that convention, were you not, and presided? Q. (Reading). "Resolution No. 7. To the officers and delegates of the convention, asembled: Brothers—Having from past experience proved that the notices posted by the operators at the different collieries are only a bluff, and that the operators have not lived up to the spirit of such notices in settling local differences with the committees chosen to settle such differences; therefore, be it resolved, that we demand recognition of such grievances. The committee (on resolutions) concurs in the above resolution. Moved we concur in the report of the committee. Motion carried. Resolution signed by James Walters, President; William Cook, secretary. Local No. 899." Was that passed by the Shamokin convention. A. I do not remember. If it was, the minutes will show it, if you are reading the minutes. I do not know whether it was or not.

Q. Let me ask you about this resolution: "Resolution No. 9. To officers and delegates in convention assembled: Brothers—Whereas, we, the miners in the vicinity of Nanticoke, having by past experience proven that the working card or button is very little benefit to us in its present mode of working, therefore, be it resolved, that the U. M. W. of A. at any colliery where employes refuse to become members of our organization and wear the working button, the local governing such colliery, after using all such persuasive measures to get such employes to join, and failing in such, have full power to suspend operations at such colliery until such employes become members of our organization." Do you recall that resolution?

A. I recall that resolution, and my recollection is that such resolution was adopted, but I would not be sure without referring to the minutes of the convention.

Q. Will you produce those minutes? A. I shall look them up, sir; certainly. Q. Can you produce the original constitution of the United Mine Workers, and any changes which have been made? A. I shall try to secure it. I have not got it here. If I have it, it is at Indianapolis.

Q. Mr. Mitchell, during the last strike, there were considerable violence in the region, was there not?

A. There was some violence. To what extent, I am not fully informed.

Here Mr. Willcox read the procalmation of Governor Stone, of October 6, when the whole division of the National guard was called out, in which it is declared that mob law regined; that trains were being held up, men killed and assaulted, etc.

Mr. Mitchell was asked if he had read that proclamation. He answered in the affirmative.

Q. In your letter to the president, of October 16th last, you stated that there have been a few crimes and a number of misdemeanors chargeable to those on strike. You recall that, do you not? A. Yes, sir. Q. Has anything ever been done to discipline these people? A. I understand that where the miners were guilty of lawlessness, they have been arrested and are under indictment. Q. I mean, of course, has anything been done by your organization? A. We have no means of punishing a man who has committed a crime, except by expulsion from the union. We have no record that any man that has been arrested is a member of the United Mine Workers of America. Q. What did you mean, then, by saying that there had been crimes and misdemeanors chargeable to those on strike? A. Because any amount of non-union men were on strike. Q. You think it was the non-

union men who got up this state of affairs? A. I do not know. I think my information is that it was not members of our union. Q. What methods have you taken to inquire into the subject? A. The examination of our books, as to any serious crimes that have been committed, fails to show that they were committed by members of the union. Q. You have not found a single one who was a member of the union? A. I have not investigated all those charged with crimes. There have been very few strikers arrested for serious offenses. A large number of them have been arrested for minor offenses, such as picketing, or alleged boycotting but none of them have been convicted of lawlessness. Q. You have not done anything about that, then? A. We take the position that the courts are the proper persons to determine the innocence or guilt of a person arrested and that until the courts have determined that, we have no right to proceed against them. We have in every way possible endeavored to restrain our men from committing acts of violence. Q. But there are no rules of the association on the subject, you say? A. Our organization has no rules governing it, because few of our members ever commit crime.

Q. On this question of violence, generally, I would like to ask whether you approved of the methods pursued at the St. Bernard colliery, at Irvington. Kentucky, as reported in the Wood case, 113 Federal Reporter?

Mr. Darrow: Tell him what it is that you are asking him about. He may not be familiar with that case.

Mr. Willcox: He can say so if he is not.

Mr. Mitchell: I do not recall the conditions prevailing in Hopkins county, Kentucky, any more than that I know some of our people were arrested there and some were killed by the employes of the company. I do not know of any lawlessness committed by strikers or union men.

By Mr. Willcox:

Q. the report of the case states that there were camps maintained down there for some little time? A. The strikers who were thrown out of the company's houses because they were on strike, were maintained by the union. We hired grounds and bought them some tents and kept them that way until the coal companies, through process of law, had our tents taken from us and our people thrown into jail.

Q. Do you know the case of the United States vs. Weber, in 114 Federal Reporter? A. Yes, sir; I know something of it.

Q. The case which was decided by Judges Simonton and McDowell? A. I know in a general way of the case.

Q. Did you approve of what was done in that case?

Mr. Darrow: I object to that question.

Mr. Mitchell: Of what was done by Judge McDowell?

Mr. Willcox: No.

Mr. Mitchell: I certainly did not.

Mr. Willcox: I understand that, but I mean what was done and laid before Judge McDowell for his action.

Mr. Mitchell: I understand.

Mr. Darrow: Just a minute. If counsel wants to ask him whether he would approve of such and such a fact, that would be all right, but what is printed in a book the witness may not know. I do not know. The commission may not know. It does not seem to me fair to the witness or to throw any light on the controversy.

The Chairman: Mr. Mitchell seems to be very competent to take care of himself. I take it for granted that when he says he is familiar with the case he means that he understands something of the facts upon which the case is founded. If that is not so, Mr. Mitchell, of course, you need not answer or (I will put it this way) we will not expect you to answer the question.

Mr. Darrow: If you will indulge me for a moment, to be familiar with a case from a lawyer's standpoint and from a layman's standpoint, are very different propositions. If the witness understands, it is all right.

The Chairman: He can state, if he is familiar with the facts out of which that case came, and if he is, he will be willing to answer the question, no doubt. If he is not, we will not expect him to do so.

Mr. Darrow: The report of the case in the books, as you and I read it, might not be as the witness understands it, that is all.

The Chairman: Certainly.

Mr. Willcox: You can examine the witness again when the time comes.

The Chairman: Of course, gentlemen, you will understand that we are supposed to extend the greatest liberality in the presentation of testimony and in the cross-examination of witnesses. Counsel themselves will have to prescribe largely the limitations to both, because we must trust to their good faith and to their knowledge of these questions in the presentation of their cases. The witness now on the stand does not require any special protection, and if you will make plain to him exactly what you mean, I have no doubt you will get an answer. I am not familiar with that case, but Mr. Mitchell probably is, and if he is familiar with the facts, he will give you an answer. I think the question is a proper one.

Mr. Darrow: I would not object to it; the only thing is to have it understood.

The Chairman: I thought we might save time; we are traveling a good ways outside of the record.

Mr. Willcox: Where do you stand on that?

The Witness: I might say that I have a record of a brief of that case, although I have not had opportunity to read it. I understand that Mr. Weber and Mr. Paddle were sent to prison for violating the restraining order issued by Judge McDowell. At any rate, they were sent to jail. I appealed the case to the president of the United States, who directed the attorney general to make an investigation. Just as soon as the investigation could be made, the president pardoned those who were convicted.

Mr. Darrow: I withdraw my objection.

By Mr. Willcox: Q. That does not state whether you approve of what happened in that case. A. I understand that they were restrained from holding public meetings on the company's property or on the roads approaching the company's property, or in any way interfering with the employes of the company or persuading them or interfering with them going to work. We have many cases of that kind. I should certainly approve of any organizers in our employ holding meetings in public halls, in public places; doing that which under the law they have a right to do. We deny that the courts have any reason to restrain members of labor unions from doing anything that is lawful when done by some other citizen; in other words, a member of the union proposes to exercise all the rights that are exercised by other citizens of the country.

Q. I do not think anybody will differ with you on that. I shall not. A. (Continuing). But in these cases we feel that we have been interferred with unjustly. For instance, miners have been sent to prison for holding meetings on our own grounds. Q. What case is that? A. Judge Jackson sent miners to prison for holding meetings on grounds owned, by lease, by the United Mine Workers of America.

Q. Have you ever known of an injunction being granted against any organization which you thought was proper? A. Yes, sir; there have been provisions in injunctions restraining our people from violating a law that have been proper. The only reason we objected to the injunction was because it restrained us from doing things we had a legal right to do, and in any event, we believe we should not be restrained from a commission of acts that we might be punished for by simply enforcing the law. We feel that men ought not to be sent to prison for contempt of court when they could be sent for simply violating a law; that the law is ample, it is far-reaching enough, to restrain and punish those who violate the law.

Q. I want to ask you something about your views on the subject of boycotting. There was more or less of that during the recent strike, was there not? A. I understand from the newspapers that there was considerable boycotting. Q. What newspapers do you mean? A. I have seen it in the daily papers; I know nothing officially or personally of that matter. I never authorized a boycott. Q. Did you ever hear of this resolution, pased by the executive committee of the United Mine Workers of America, and is from the New York Tribune of June 18th—I think it is—1902: 'Having considered the difficulties now presented by the introduction of scab labor into our town, we do here respectfully request all storekeepers, butchers, ice merchants and others not to supply any of these imported scabs with any necessaries of life, as in so doing it will show that they have a little sympathy with our cause and so help us a little to fight this, our fight in right against might."

Do you remember that? A. No, I have no recollection of even hearing that, although I may have read of it in the papers during the strike. If I did, that is all the knowledge I have of it. Q. Your association took no action on the subject, did it? A. Our association recognizes the right of its members to petition storekeepers to sell to people, if they want to; or to refrain from selling to them, if they want to. In other words, membership in our organization would not deny or prevent any of our members from doing anything they might do if they were not members.

Q. Do you remember making a speech on the subject of boycotting? A. Yes, sir. Q. During the street car strike, on the 12th of December, 1901? A. I recall having spoken at that time; yes, sir. Q. I will read from the Scranton Tribune what purports to be a correct report of that speech. It was delivered at a mass meeting, December 12, 1902, and reported in The Scranton Tribune of December 12th:

"I do not know whether you were right or wrong when this strike began, but I do know that the refusal of the Scranton Railway company to confer

with you places the burden of the responsibility for this condition of affairs upon the company. It has come to my notice that the business and professional men have been building up an organization with the idea of breaking up this strike and breaking up this boycott of the cars. I want to say on this occasion, for the 30,000 members of my organization, that they will not patronize the cars as long as the company refuses to meet with its men or their representatives with reference to this trouble. This strike means more than the defeat of the men who are now engaged in it. I know that if the street car men are defeated now, some other organization will be next selected as a victim. I know not but that the Mine Workers may be the ones against whom the fight may be waged. This strike is not alone the strike of the street car men; it is the concern of us all. The company has its cars running. It has them manned, and if the business and professional men of this city think that their interests are to be best subserved by combining to break this strike, then indeed are they blind to their own interests. If they think the patronage of the Scranton Railway company is the most desirable thing for them to have, let them have that patronage. I am opposed to a strike until every means of maintaining peace is exhausted; but when this is done and the workers have no other choice, I say strike, and when you do strike, like the miners a year ago, strike until you win. As far as I can speak for the wage-earners of this vicinity, they will not patronize the street cars until the Scranton Railway company meets and confers with your representatives. The fact that they refuse to meet you is to me indisputable evidence that they fear an investigation; that you are right and they are wrong. Keep up this strike until the company concedes your right to confer; keep it up, but be law-abiding, and I believe you will win. I am told that no Mine Worker has entered a car since the strike began, and as far as I am concerned, not one of them will until this strike is honorably settled."

Q. Do you remember that speech? A. Yes, I recall it very well. I spoke entirely extemporaneously and I do not know that I am reported verbatim. I am sure of that. However, the views as you quote them are not much at variance with the views I hold upon the question of the right of men to ride in a street car or not to ride as they see fit, to spend their money with whatever merchants they choose. In other words, a boycott is simply a strike.

Q. I notice that in your speech which you delivered to the Citizens' Alliance of Scranton, July 10, you used the expression boycotting rather as a term of reproach You said: "Is it not rather strange that this organization was not formed at any time during the past twenty-five years in which the anthracite coal companies were black-listing and boycotting and driving from their homes and families all men who dared to assert their rights to join labor organizations?" Do you remember that? A. Yes, sir.

Q. Do you remember a letter which was written to the Evening Leader of Wilkes-Barre? I will read it. "Whereas, the Evening Leader of this city has published reports of riots, etc., as occurring in and around this city, which has done injury to the just cause of the striking mine workers be it therefore resolved, that the delegates accredited, etc., to the Wilkes-Barre sub-district headquarters demand that the Wilkes-Barre Evening Leader retract its statements and in future treat the U. M. W. of A. fair. Should the management not do this, all union men in the city of Wilkes-Barre and vinicity will be ordered not to buy, read or otherwise support the Evening Leader, and all merchants will be asked to withold all patronage from the Evening Leader from this day forth.

"William Carne, President,
"E. L. Barrett, Secretary."

Do you remember that? A. I recall having seen that statement published in the papers. Q. Did you ever express any disapproval of it in any way? A. I did not express either approval or disapproval. Q. What is the meaning of a man being unfair? A. Are you quoting from something now? Q. It is an expression which I noticed has been used. A. We regard a working man unfair who takes another man's job when he is on strike for better wages or in resistance to a reduction in wages. Q. Suppose you take an employer; what does it mean as applied to him? A. We would regard a merchant as unfair if he would oppose the right of men belonging to unions securing for their labor a reasonable rate of wages. Q. Suppose he sells goods to a non-union man; how would you regard that? A. Well, I never had occasion to pass upon the matter myself. If I were spending my own money I should feel I had a right to spend it with him or some one else if I choose, and I feel that every member of the United Mine Workers of America has the same right.

Q. Suppose he declined to grant some demand of the United Mine Workers; would you consider it proper to put him on the unfair list and send people around to notify his customers that he was on the unfair list? A. I should say this: That the members of the union would have a right to advertise their friends and they would have an equal right to notify their neighbors who were not friendly to them. Q. That is to say, they would have a right to send around and tell people not to deal with him? A. They would have a right to do whatever the law gave them a right to do—I mean as far as the legal right is concerned.

By the Chairman:

Q. Excuse me, Mr. Willcox; there is no question about that—about the right of a man to deal with whom he pleases. What the commission would like to know is more directly whether you organization, Mr. Mitchell, as you are representing it, approve of using the boycott as a weapon to the extent outlined in the resolution read a while ago, of which, of course, I can only quote the substance from memory; that where what you call 'scab" labor is in question all persons, provision dealers, those who furnish the necessities of life, are warned to refrain from furnishing such necessities to those so-called scab laborers or their families upon pain of the displeasure of the members of your union?

A. I should say, Mr. Chairman, that the union, as such, has not sanctioned any such action on the part of its members.

Q. Did they encourage it?

A. They do not. There are times during great excitement, such as prevails in a strike when the tension is strong, that members, local unions, and mass meetings, may at times feel justified in advising their friends and members not to purchase from a storekeeper who supplies goods to the non-union men. Q. That is not the question; I think the commission agree about that. I would like to know whether you justify the temporary withdrawal from the men referred to of the necessities of life, the things by which men live and which is their life? A.I say emphatically no. Q. That was the purport of that resolution read, and I expected the question to be brought down to that. I wanted that question answered.

Mr. Willcox: The commission has asked the witness the question and I cannot say anything more; I am glad the commission has done so. Is there anything further the commission would like to ask on the subject?

The Chairman: We were very much interested, and we expect to come up to that point. The question was founded upon a resolution read by yourself as passed by one of the district conventions?

The Witness: No, by a local board.

The Chairman: The substance was that all persons were, in effect, warned not to furnish the necessaries of life to the scabs, so-called, or their families, which would be taking away the means of sustenance—their living. That is what the commission wanted to be informed about, and as this is for the information of the commission, I thought it worth while to ask the question.

By Mr. Willcox: While we are on that, I will read from the New York Herald of June 11th, 1902: "The executive committee of the United Mine Workers of Nanticoke publish the following resolutions: We ask all our union clerks and teamsters to cease serving or delivering goods to any non-union men now working in and around the mines. Having received information of two men selling milk around our town, and not in favor with our cause, who have expressed that 75 cents a day was enough for any men to live upon. Be it resolved, that the two men—Smith and Hale—be declared unfair, and that they be dealt with accordingly.' " Do you remember hearing of that resolution?

A. I do not. I may have read it in the papers at the time, but I do not recollect it.

Q. Did you ever do anything to investigate as to whether these resolutions had the effect they were intended to have?

A. I had neither time nor opportunity to investigate matters that came to my notice through the newspapers. I will say that I issued statements repeatedly and in my public addresses repeatedly declared that the men must not violate the law; that the man who transcended the law was the worst enemy the strikers had. That is a part of my public addreses everywhere.

Mr. Willcox: I know, you have said that a good many times.

The hour of four having arrived, Judge Gray interrupted the examination with the announcement the commission would now rise and adjourn until 10 o'clock this morning.

The only questions asked by members of the commission outside of the few related above were one by Mr. Watkins inquiring as to what Mr. Willcox was reading from, and one from Bishop Spalding as to something about an answer he did not hear:

General Wilson, Mr. Clark, Recorder

Wright and Mr. Parker made no inquiries.

A conference of the commission was held at the Jermyn last night, but nothing was given out as to what was done.

Proceedings of Saturday, Nov. 15.

[From The Scranton Tribune, Nov. 17.]

Saturday's session of the mine strike commission was replete with interesting features. President John Mitchell, of the United Mine Workers, was on the stand all day under cross-examination for two hours by David Willcox, general counsel for the Delaware and Hudson company, and two hours and a half by Hon. Wayne MacVeagh, of counsel for the Erie's coal properties. It was a trying time for the miners' young leader, but he made a remarkably good showing in the battle of brains with these two legal giants.

Mr. Willcox continued his examination along the lines pursued the day before, devoting attention almost exclusively to an exploitation of the reasons the operators have for not wishing to recognize the mine workers' union, to the extent of entering into a contract with it as representing their employes.

Mr. MacVeagh also dwelt at length on this same subject, but more particularly devoted himself to proving by admissions from Mr. Mitchell that the detailed grievances of the miners do not justly lie against the Erie company.

There were numerous interesting tilts between Mr. MacVeagh and the witness, in which both lawyer and miner scored some telling points. By frequent use of the prefatory phrase, "Would it surprise you to know that, etc.?" Mr. MacVeagh succeeded in presenting a large quantity of information which his side of the case would have the commissioners hear. Mr. Mitchell would invariably tell that he was not surprised to hear that this, that or the other one, as the case might be, had said the thing in question, and then, would proceed to do what he could to belittle the effect of the lawyer's testimony by adding to or qualifying it with a little information favorable to his side.

Never at a Loss.

Mr. Mitchell was never at a loss for a reply to the questions, but his replies were not always responsive. At one time Mr. MacVeagh was moved to "compliment" the witness at his great adroitness in "begging the question." Several times, he insisted Mr. Mitchell was not answering his question, and persisted in repeating it until an answer was forthcoming or the witness admitted he did not know.

Mr. MacVeagh, also, in indirect but nevertheless effective manner, spent no little energy in getting Mr. Mitchell to advertise his ignorance of anthracite conditions, and having done this to his full satisfaction, drew attention to the fact that it was John Mitchell's signature which appeared under the set of grievances which came to the companies.

Each lawyer was armed with a big scrap book and volumes of data from which copious extracts were made for the concoction of questions. Minutes of mine workers' conventions, letters from the miners' headquarters, a raft of other such material, was in the lawyers' possession. It was very evident that the companies, in their preparation for the hearing, had not contented themselves with what information could be gathered from their office books.

By the use of "Would it surprise you?" as an interrogatory preface to his declarations, Mr. MacVeagh brought out that the Illinois operators are not wildly enthusiastic about the United Mine Workers, as Mr. Mitchell would have it understood. He intimated that members of the operators' association from that state would be here to corroborate his contention that the conditions into which Mr. Mitchell would have the anthracite operators enter are not considered a "seventh heaven" by operators now enjoying them.

Chairman Thomas Present.

Practically the same parties were within the bar enclosure as on the opening day. Chairman E. B. Thomas, of the Erie board of directors, was the most prominent of the new comers. He sat with the company's attorneys while Mr. MacVeagh was cross-examining Mr. Mitchell. Once when Mr. MacVeagh made the statement that the Erie miners could have their pay every Saturday, if they petitioned for it, Mr. Thomas nodded his head in assent.

At the opening of the morning session Chairman Gray announced to Attorneys Lenahan and O'Brien and their clients, the non-union men, that the commission would ask them to submit to them a statement showing whom they represent, by what authority, and what points other than those that are already made issues between the formal parties to the controversy, they wish to interject into the hearing; also a concise statement of what they may claim, and what their position will be in regard to the general disputation between the formal and logical parties to the submission. He further said they must guarantee that they will submit to the decision of the commission.

Mr. Lenahan said these conditions would be complied with, with all possible despatch.

Substantially, all the testimony of the day is given below.

Saturday night the commissioners were entertained at dinner at the house of Commissioner Watkins. Yesterday the most of them attended services at the church of each's denomination, and last evening they occupied boxes at the lecture on "Success" given by Bishop Spalding at the Lyceum, for the benefit of the House of the Good Shepherd.

Resume This Morning.

The commission will resume its sessions at 10 o'clock this morning. The cross-examination of Mr. Mitchell by Mr. MacVeagh will be proceeded with, and at its conclusion counsel for some one of the other companies will examine him. It is likely he will be on the stand all of today and tomorrow. Mr. Mitchell said, last night, he did not know who would follow him on the stand. The belief now is that both the miners' and operators' sides will be heard in this city. The commissioners favor it, and as yet no one has come forward to seriously oppose the plan.

SATURDAY'S EVIDENCE.

By Mr. Willcox: I wish to read in evidence some of the resolutions which as I understand were passed at the Shamokin convention, and I will ask you to be kind enough to follow them with the minutes, so that you can correct them, if they are not correct. Have you resolution No. 9?

Q. (Reading.) "To officers and delegates in convention assembled. Brothers: Whereas, we, the miners in the vicinity of Naticoke, having by past experience proven that the working card or button is very little benefit to us in its present mode of working, therefore, be it resolved, that the U. M. W. of A. at any colliery where employes refuse to become members of our organization and wear the working button, the local governing such colliery, after using all such measures to get such employes to join, and failing in such, have full power to suspend operations at such colliery, until such employes become members of our organization." That is correct, is it? A. Yes. Commissioner Clark: Was that resolution adopted? A. (After consulting paper). The resolution was finally adopted.

Q. Let me call your attention to resolution, No. 18: "Resolved that it is the sense of this convention to most heartily endorse colliery locals, and to insist that the said employes of said collieries be members of said locals. Frank Marchinski, president; Stanley Debeck, secretary. Local 110. Moved the resolutions be adopted. Carried." Is that right? A. Yes, sir.

Q. Have you resolution No. 27? A. Yes. Q. (Reading). "Whereas, the D., L. and W. company have discharged the firemen of Woodward, Avondale and Pettebone collieries for refusing to accept a proposition to change conditions regarding Sunday shift; and whereas, they base their refusal upon the claim that the notices posted last March stated that the conditions of employment should remain the same until April 1, 1902; therefore be it resolved that we demand the rein-

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Chairman Thomas Present.

Practically the same parties were within the bar enclosure as on the opening day. Chairman E. B. Thomas, of the Erie board of directors, was the most prominent of the new comers. He sat with the company's attorneys while Mr. MacVeagh was cross-examining Mr. Mitchell. Once when Mr. MacVeagh made the statement that the Erie miners could have their pay every Saturday, if they petitioned for it, Mr. Thomas nodded his head in assent.

At the opening of the morning session Chairman Gray announced to Attorneys Lenahan and O'Brien and their clients, the non-union men, that the commission would ask them to submit to them a statement showing whom they represent, by what authority, and what points other than those that are already made issues between the formal parties to the controversy, they wish to interject into the hearing; also a concise statement of what they may claim, and what their position will be in regard to the general disputation between the formal and logical parties to the submission. He further said they must guarantee that they will submit to the decision of the commission.

Mr. Lenahan said these conditions would be complied with, with all possible despatch.

Substantially, all the testimony of the day is given below.

Saturday night the commissioners were entertained at dinner at the house of Commissioner Watkins. Yesterday the most of them attended services at the church of each's denomination, and last evening they occupied boxes at the lecture on "Success" given by Bishop Spalding at the Lyceum, for the benefit of the House of the Good Shepherd.

Resume This Morning.

The commission will resume its sessions at 10 o'clock this morning. The cross-examination of Mr. Mitchell by Mr. MacVeagh will be proceeded with, and at its conclusion counsel for some one of the other companies will examine him. It is likely he will be on the stand all of today and tomorrow. Mr. Mitchell said, last night, he did not know who would follow him on the stand. The belief now is that both the miners' and operators' sides will be heard in this city. The commissioners favor it, and as yet no one has come forward to seriously oppose the plan.

SATURDAY'S EVIDENCE.

By Mr. Willcox: I wish to read in evidence some of the resolutions which as I understand were passed at the Shamokin convention, and I will ask you to be kind enough to follow them with the minutes, so that you can correct them, if they are not correct. Have you resolution No. 9?

Q. (Reading.) "To officers and delegates in convention assembled. Brothers: Whereas, we, the miners in the vicinity of Naticoke, having by past experience proven that the working card or button is very little benefit to us in its present mode of working, therefore, be it resolved, that the U. M. W. of A. at any colliery where employes refuse to become members of our organization and wear the working button, the local governing such colliery, after using all such measures to get such employes to join, and failing in such, have full power to suspend operations at such colliery, until such employes become members of our organization." That is correct, is it? A. Yes. Commissioner Clark: Was that resolution adopted? A. (After consulting paper). The resolution was finally adopted.

Q. Let me call your attention to resolution, No. 18: "Resolved that it is the sense of this convention to most heartily endorse colliery locals, and to insist that the said employes of said collieries be members of said locals, Frank Marchinski, president; Stanley Debeck, secretary. Local 110. Moved the resolutions be adopted. Carried." Is that right? A. Yes, sir.

Q. Have you resolution No. 27? A. Yes. Q. (Reading). "Whereas, the D., L. and W. company have discharged the firemen of Woodward, Avondale and Pettebone collieries for refusing to accept a proposition to change conditions regarding Sunday shift; and whereas, they base their refusal upon the claim that the notices posted last March stated that the conditions of employment should remain the same until April 1, 1902; therefore be it resolved that we demand the rein-

statement of all the discharged men in their former positions; and further, be it resolved, that in the event of the company refusing to reinstate them, we order a strike of all employes of the company. T. D. Nicholls. The committee concurs in the above resolution. Moved we concur in the above resolution. Moved we concur in the report of the committee. Motion carried." Is that right? A. Yes sir.

New System in Force.

Q. Have you resolution No. 29? A. Yes, sir. Q. (Reading): "Whereas, the D. and H. company, at Plymouth, have introduced a new system of forcing the miners to place the road on one side of the place instead of in the center, as heretofore, causing almost double labor in leading coal, and in moving all rock and gob to one side of the place, and whereas, the company saves money by keeping the pillars free from gob, and are able to rob pillars at less expense; therefore, be it resolved, that we demand that the company shall pay extra price for the extra work entailed by the new system. In the event of the company refusing to agree to either one of these terms all the employes of the company be ordered out on strike. Signed—T. D. Nicholls. The committee concurs in the be adopted. Motion carried." That is right? A. The committee concurred in the resolution. It was moved that it be referred to the committee on scale. The motion to refer was carried. Q. Was there any motion by the committee on scale on the subject? A. In the closing of the convention all the resolutions you have read that appear to be adopted, were reconsidered and referred to the executive boards of the three districts, in-so-far as they directed the calling out of any men.

Q. Have you resolution No. 35?

A. Yes, sir.

Q. (Reading). "Whereas, the district convention of No. 1 decided to insist upon forcing all men in and around the mines to become members of the union, and that we be authorized to refuse to work with non-union men; and, whereas, two members of a card committee at the Nottingham colliery have been discharged for examining cards; therefore, be it resolved, that we insist upon the reihstatement of those members to their former positions, and if the company refuse, that a general strike be ordered at all collieries of the company. Signed—T. D. Nicholls. The committee concurs in the above resolution. Moved that we concur in the report of the committee. Motion carried." Is that right? A. That is correct.

Darrow's Suggestion.

Mr. Darrow: May I ask the witness just to look at the back of the book there? There were some of these matters that were reconsidered, and I am not sure myself what they were.

Mr. Willcox: We will come to that.

Mr. Darrow: Just as you please. I thought I would mention it.

Mr. Willcox: We will come to that.

Mr. Darrow: Just as you please.

Mr. Willcox: Q. Have you resolution No. 42?

A. Yes, sir.

Q. (reading). "Whereas, it is a well-known fact that in many sections of the anthracite region there is a system of contract in vogue which is, and has been, very obnoxious and vicious in its fulfillment, inasmuch that in many cases one man employs from four to twenty laborers, and in some cases the contractor seldom enters or comes near the work for one or two weeks at a time, and this in itself is not the cause or principle advocated by the U. M. W. of A.; therefore, be it resolved, that any member of the organization who shall contract for such work as will necessitate the employment of more than two laborers, excepting such contracts as shaft sinking, slope sinking or tunnel driving, shall be expelled from the U. M. W. of A.; and we, the members of the U. M. W. of A., absolutely refuse to work with any man so expelled from the union; and be it further resolved, that we condemn the employment of laborers in chutes and headings, or monkeys and breasts, as is now practiced in some parts of the anthracite region, and we recommend the abolition of such employment. The committee concurs in the above resolution. Moved we concur in the report of the committee. Motion carried." Is that correct. A. Yes, sir.

Q. Now, you have said, that after having adopted all these resolutions, they were all reconsidered. A. I am speaking entirely from memory in saying so; that in the closing of the convention a motion was made to refer all the matters of that kind to executive boards. I will try to find it in a minute. I wish to call attention to it later on.

A Magazine Offered.

Mr. Willcox: I want to offer the American Federationist for September, 1902.

Mr. Darrow: Do you mean the whole magazine?

Mr. Willcox: I think we might as well offer the whole magazine.

Mr. Darrow: I do not think we want to object to anything.

The Chairman: Let me suggest that, in view of the immense load of documentary testimony that we are likely to have, you had better point out what parts of that magazine you wish to call the attention of the commission to. My suggestion is simply in regard to the volume of testimony. We do not want to have to weigh this testimony, actually, on either side. (Laughter).

Q. On yesterday there was some reference to the matter of picketing. I understand that the operations of the pickets are directed by the locals. A. Yes, sir. Q. In the different vicinities where the pickets act? A. They may be directed by the local unions or they may be directed by mass meetings of mine workers.

Q. I want to read the statement made by Mr. Gompers, president of the American Federation of Labor, at the Chicago Trust conference, in September, 1898. It is as follows: "It has been said that organized labor is a trust, and I want to say in connection with this, that to our minds that is an absolute misnomer. Organized labor throws open its doors to all who work for wages, and asks them to come in and share the benefits. We try to prevent, by all means within our power, any one from leaving or going outside, the union. You cannot break into a trust, and for this reason I want to say that any legislation proposed by this conference, or by any legislature, or by congress, which does not eliminate or specially exempt organized labor from the operations of the law, wil meet the unquestioned opposition of all the labor forces of our country." Does that express you views? A. Mr. Gompers is there expressing his own views, and they are entirely independent of any views I have. If you care to have an expression of my opinion on the subject of trusts, I wil be very glad to give it.

Missed the Point.

Q. No. I think you missed the point. Whether in any legislation in regard to trusts, organized labor must be excepted or the legislation will be opposed. A. I should say that the United Mine Workers of America would very strenuously oppose any legislation that would deny them the right to organize, in their present form or any other lawful form. It would not look with favor upon any law that would legislate them out of business. (Laughter).

Q. No, I suppose that is natural; we would all agree on that. I notice that you use quite frequently the expression, "living wages." A. Well, I would regard a living wage for a coal miner, the amount necessary to give the coal miner or coal worker a living wage, to be not less than $600 a year. Q. And would that apply to the country generally. A. No, I think not; it would depend very largely upon people's environment. I presume a person living at one point might require a little more than at another, but I think in the mining regions it would require $600 to purchase the actual necessities and permit the mine workers to educate their children.

By the Chairman: Will you allow me to ask, merely for my own information, precisely what you mean by saying such a wage as among other things would permit the miners to educate their children; do you mean to permit them to avail themselves of the public schools or to spend a portion of their income directly for education? A. I just mean a wage that would permit them to send their children to the public schools and give them a good common school education, Q. Such a wage as would not put the necessity upon them of employing their labor to increase their income; do you mean that? A. Yes. sir.

By Mr. Willcox: Q. Right there, as the commission has asked it, is it your view that there should be no employment of labor under a certain age? A. Personally I do not believe that any child should work until it has obtained a reasonably satisfactory education, and in no event until it has attained 14 years of age.

Here it was brought out from the law books and the witness that in the anthracite mines a boy must be 14 years of age to work inside and 12 years to work outside a mine, and that in the bituminous region of Pennsylvania the minimum age for both outside and inside work is 12 years.

Employment of Boys.

By Mr. Willcox: Mr. Mitchell, have the mine workers ever taken any action with reference to modifying this statute as to employment of boys in the anthracite mines? A. They have made a part of their declaration of purposes the enactment of laws prohibiting the employment of boys until they are fourteen years of age. Q. They have not done anything but that? A. I do not know what steps they have—what has been done in the legislature of the state of Pennsylvania. Q. So far as you are aware, no effort has been made to change this law?

A. I might say that I would be in a condition to know very little about what our legislative committees were doing while attending sessions of the legislature. We have several other witnesses who are very familiar with what they have done in that respect.

Q. Would you advocate changing this law so as to raise the age at which boys should be employed? A. Yes, sir. Q. To what age? A. Fourteen. Q. You think fourteen would be the proper age? A. No, I do not think it would be the proper age, but I think it should be the minimum age at which boys are employed under the present conditions. Q. That is on the breakers? A. Yes, sir. Q. Is it not a fact that there are a great many breaker boys who are supporting their mothers or sisters or relatives who are dependent on them? A. Yes, sir, it is true. Q. Is it not also a fact that there are a great many breaker boys at work who have fathers earning good wages? A. As to that I do not know. Q. You do not know about that? A. No, I do not know about the part as to their fathers earning good wages. (Laughter). Q. Good wages as wages go—average wages? A. No. The fact of the matter is that my information is entirely to the contrary. Q. That there are very few of the breaker boys working whose fathers are earning average wages? A. I do not know. I presume there are quite a number of the boys working whose fathers are earning the average wages paid in the anthracite mines. Q. Yes? A. Yes, I understand that is true. Q. Do you know whether those boys can earn more anywhere else? A. Do you mean by securing employment anywhere else in the anthracite field? Q. Yes. A. I do not suppose there is employment for them. Q. And would it be a hardship to cut off this source of income from them—this source of income to those dependent upon them? A. I should say that unless the wages of their parents are made sufficient, that it would be a hardship to cut off the earnings of their children.

Proper Age for Work.

Q. But I say, you would not advocate the introduction of such machinery, and in that way the cutting off of employment from these boys? A. I should say that, personally, I believe that they ought to be in school until they are sixteen; but I say the principles of our organization are that they should remain in school until they are fourteen.

Q. Now, Mr. Mitchell, coming back to where I was, has there been any demand for recognition of the United Mine Workers, as your demands have been heretofore presented? A. Yes, sir. Q. Well, now, take you telegram of the 8th of May to the presidents of the coal companies; there was no demand for recognition of the union, was there? A. The telegram itself does not say there is a demand for recognition of the union, but the telegram is sent by the union, and the union is speaking through those who are negotiating with the railway presidents. Q. Yes, but there is a statement there of three demands which the union makes, and recognition is not one of them, is it? A. Not in this particular telegram; but it would be necessary to say, Mr. Willcox, that this telegram was sent just before a strike was to be inaugurated, and referred to demands made prior to that time.

Q. It does not seem to contain any such reference in the body of the telegram. A. The letters that were directed to the railway presidents in last March, or during February, asked them to meet in conference with the mine workers for the purpose of adjusting wage differences and making agreements, and this telegram is sent in reference to our failure to agree. Q. Yes, but the demands are stated in this telegram? A. Part of the demands are. Q. Mr. Mitchell, I call your attention to the article which you wrote, published in Collier's Weekly, September 6, 1902, entitled "The Voice of Labor." That seems to contain this statement: "We make no formal demand for recognition of the union." You published that statement, didn't you? A. Yes, but the article goes on to say: "We merely argue that if an agreement could be reached between employers and employes which would be binding on both for a certain period of time, say three or four years, it would do away with local strikes." And so on. So it provides for an agreement.

Q. But it says also that there is no formal demand for recognition of the union, does it not? A. It is true that that statement appears there, but the explanation of it must go along with it. Q. What is the explanation? A. I might say that a considerable number of people were under the impression that the strike was simply for recognition of the union; and recognition of the union was not by any means the important issue in the strike, or the paramount issue, I might say, or had better say.

The Specific Demand.

Q. Now, in this report of the department of labor, on page 1150, the statement is contained that

"The specific demands, as given to me in writing, by Mr. John Mitchell, the president of the United Mine Workers of America, were as follows:

"1. That there shall be an increase of 20 per cent. to the miners who are paid by the ton—that is, for men performing contract work. These men involve about 40 per cent. of all the miners.

"2. A reduction of 20 per cent. in the time of per diem employes. The mines are operated about 200 days per year, 10 hours per day. This demand, if granted, would result in reducing the day to 8 hours (20 per cent.) so that the mines would be operated 240 days at about the same pay; hence an equivalent of 20 per cent. increase in the earnings, no increase in the rates of per diem employes being demanded.

"3. That 2,240 pounds shall constitute the ton on which payment is based for all coal mined where the miners are paid by weight. This would apply in any district where weighing of coal would be practicable, and to those miners who are paid by the quantity and not those paid by the day.

"These constitute the specific demands of the coal mine employes, and there is no disagreement as to the substance of the demands."

Q. That is correct, is it not? A. Yes, sir.

Q. Then the report further states: "These demands being rejected, the miners subsequently offered to accept one-half that—that is to say—10 per cent. increase in the pay per ton where mining is paid in that manner, and 10 per cent decrease in the working day."

That is correct, is it not?

A. The miners did not offer to accept that amount. Their representatives in the conference with the railway presidents proposed that in order to avert a strike, that that be recommended.

Q. I notice that you state in this article in Collier's Weekly that for more than twenty-five years the coal mine workers of Pennsylvania had chafed under the most intolerable and inhumane conditions of employment; and I think you have stated that on other occasions. What period did you refer to? A. I mean the period running back twenty-five years from now. Q. From now or from 1900? A. From the beginning of the strike of 1892. The strike of 1900 improved the conditions of employment somewhat. Q. What knowledge have you of any reduction of wages ever having been made in the anthracite region in all that time? A. I have a very general knowledge of reductions having been made by increasing the size of the cars the men were compelled to load; requiring more topping; increasing the size of the ton; cutting off of pay for dead work; allowances, and so forth. Q. Your knowledge is general and founded on what people have told you? A. Necessarily, it was the recult of reports made to me. Q. But you do not know of any general reduction in the rates of wages in the anthracite region in that time, do you? A. I do not know of any general reduction; no, sir; any more than as I have informed you.

A Fall in Wages.

Q. As I understand, there was in the bituminous region an average fall as low as 70 cents a day. Is not that so? A. I do not know that that is so. Q. Did you not so state before the industrial commission? A. I might say, for your information, that at the time of my testimony before the national industrial commission, I was speaking on information then in my possession that I presumed to be correct. A. reference to the coal reports of the same year indicated that I had included in my calculations thirty per cent. of the employes out of the mines, who were not directly engaged in mining coal, and necessarily that my testimony would indicate that wages were forty-two per cent. lower than they really were at that time; and since that time there have been further increases of some sixty per cent. Q. Now, what have been the increases in the anthracite wages? A. There has been an increase of ten per cent., generally speaking. Q. What, since 1898, have been the increases in the bituminous region? A. Since 1898? Q. Yes. A. There was an increase of eighteen per cent. in the spring of 1898, and an increase of twenty-one one-hundredths per cent. in the spring of 1900. There was also an increase of eleven per cent. paid in the fall of 1897—at the close of the strike of 1897. Q. Were those in the districts which are organized, or were they general? A. They were in the districts where we are organized. Q. You do not speak about the industry generally— or do you? A. Very generally, because we are organized in the industry very generally.

Q. I noticed that you stated in Collier's Weekly that the earnings of the anthracite workers are less than those of any other class of working men in the United States. Now, upon what comparison do you base that statement? A. Reference to the income of different classes of workingmen, from the scales of wages made by their organizations, and the scales prevailing in the communities. Q. And do you intend to produce those data? A. Yes, sir.

$1.01 Per Work Day.

Q. What are the wages of the anthracite workers with which you make the comparison? Will you state them? A. The wages of the anthracite mine workers, using Mr. Baer's published statements as a basis, are a little less than $1.01 for each day in the year. He says that the income of his employes—that his employes receive $1.89 a day for each work day, and I used his statements in my calculations. Q. That is, you apply his statements to the whole region? A. Yes, sir. Q. And then do you divide the total amount earned by the total number of employes? A. I simply took his statements of wages and applied it to all the men. I assumed that it was a fair average—a fair criterion—as to what they were earning in all the other companies' mines. I believe that to be true, because that company pays as high a rate of wages as paid by other companies. Q. Do you know that? A. I know by comparison of the tables of earnings that the Reading company's wages are up to the average. Q. As I say again, when you get at this matter, do you make the total number of men employed, irrespective of whether they worked every day, or whether as one of the members of the industrial commission suggested to you, some of them have died, or what? A. Well, I say that I simply took the statement of Mr. Baer—yes, certainly. I divided it among the 365 days in the year. Q. And you regard the yearly earnings as the proper criterion? A. Certainly. Q. And not the daily earnings? A. Certainly. I regard the annual earnings of a man as the only fair basis, as he has to eat 365 days in the year.

Q. Now, let me ask you, in reference to your demands, what they amount to. The first demand is for a horizontal advance on all contract work, an advance of twenty per cent., as I understand it, irrespective of present earnings? A. Yes, sir. Q. And the second is for an increase in the case of all day work, of twenty per cent., irrespective of present earnings? A. Yes, sir. Q. Now, the third is weighing and paying for coal by the ton of 2,240 pounds, at a minimum of sixty cents per ton. That is it, isn't it? A. Yes, sir. Q. Now, is this included in the first demand, or is it merely a different method of demand? A. The twenty per cent. would be added to the present prices, under the present methods, and the methods would be changed, and the reduction made to the sixty cents as a minimum price per ton. Q. Then it is not a demand that the contract work shall be further increased and the miners shall be paid at the rate which you suggest, not for merchandise coal, but the substance which they send out of the mines? A. The demand is for sixty cents a ton for run of mine coal. I presume that everybody is familiar—

Run of Mine Coal.

Q. When you say "run of mine coal" you mean coal before it is cleared of its impurities by being put through the breakers? A. It is before it passes through the breaker. Q. Before it passes through the breaker? A. Yes, sir. Q. Then would not that really mean a demand for a very considerable addition to the amount payable for contract work over and above the twenty per cent.? A. I am not aware that it would, although I have not—I will say that the matter has been very carefully calculated by the anthracite mine workers themselves, and I am not entirely sure as to what the difference would be; but on what information I have. I presume that sixty cents a ton is not a high price to pay the miners for mining anthracite coal. It is the same price that is paid for mining bituminous coal. Q. You regard it really, therefore, as a branch of the first demand? A. It is. Q. Not as a demand for something in addition? A. I do not understand that it is asking for more than an increase of twenty per cent. Q. Well, suppose it should turn out that it were to that extent, you would be inclined to withdraw it. Is that the idea? A. That depends entirely on how your calculations were made. If the companies have during recent years forced men to put on more topping, and have increased the size of their car arbitrarily, of course the increase in the wages of the miners should not be calculated upon the basis of the additional coal they have been compelled to load. Their increase ought to be twenty per cent. upon the wages paid for the established ton and the standard car—not the car that has been introduced the past few years.

Q. That standard, you think, ought to be re-adjusted, so as to bring it to twenty-two hundred and forty pounds. A. I think that whatever was the standard car, the standard weight should be used as a basis of the advance in wages. Q. Now, one of your arguments which you use in your demands is that when the companies load and sell coal, or rather, when they ship and sell coal, they ship it by a ton of twenty-two hundred and forty pounds. Yell, that is merchantable coal, it is not? A. Yes, sir. Q. That is coal which has gone through the breaker?

A. It is coal, some of it coming from the washeries; coal of all characters. Q. I am referring to fresh mined coal now? A. Yes. Q. That is what your demand refers to—fresh mined coal, is it not? A. Not necessarily. If coal is marketed that first goes to the culm piles, the miners should be paid for it. He should be paid for any part of the coal that the companies market.

Merchantable Coal.

Q. If a man mines coal and sends out a car of coal that has to be put through the breaker in order to produce merchantable coal, does it not? A. Yes, sir. Q. And therefore the ton which the companies sell and ship is merchantable coal, while the substance which the miner sends out contains a large amount of impurities, or a considerable amount of impurities, and therefore it has to be put through the breaker? A. Yes, sir. Q. So that they are really two different substances, are they not? A. Yes, it is true that the foreign substance that is sent out with the miners' coal should not be paid for. We do not ask that, and we propose to reduce the general price of mining so as to compensate the company for it. But the coal that is sent to the culm piles, and that is afterwards marketed through the process of washing, the miner should be compensated for that. Q. Is there any sent to the culm piles now? A. I understand there is. Q. To any extent? A. I am not sure to what extent. Q. To a very small extent, is it not? A. I do not know.

Q. Well have you computed the result of these demands with reference to the operation of any particular colliery? A. Personally, I have not. Our committees from this district or the district where we hope to have it applied, and where we believe it is practicable, have made calculations, and of course will be able to explain that better than I can myself. Q. Well, the result of the twenty per cent. demand would be, of course, an addition of twenty per cent. to the wage cost, the labor cost of the coal, would it not? A. Yes sir.

Q. Do you know that the wages that are paid now in the region here are about sixty million dollars? A. I have not seen that statement made. Q. Do not you, or your committees, know it? A. No. sir; we do not. Q. If it is sixty million dollars, this is a demand of twelve million dollars to be added to the cost of production, is it not? A. Yes, sir, on that calculation, that is true. That would be about twelve or thirteen cents a ton. Q. You say you will furnish to the commission and to us, a statement of these demands, worked out with reference to some of the collieries? A. We propose to ask Mr. Nicholls to testify upon that very phase of it, as he is thoroughly familiar with the subject, and he would probably be able to explain it much better than I can myself.

Q. Now, you spoke of the average pay per day upon which you are basing your testimony and your views as $1.01. A. No; I simply said that on a calculation, taking the statement made by Mr. Baer, it amounted to $1.01 a day for 365 days in the year. Q. It is upon that you are basing your——. A. (Interrupting.) Not by any means. I do not know whether that is correct or not. It may not be as high as that, or it may be more. I have examined the earnings of the anthracite mine workers—all classes of them—and find they are insufficient. Q. To what point do you expect to bring them up, if these demands are granted? A. At what time?

A Twenty Per Cent. Increase.

Q. To what point do you expect to bring them up? A. We ask to have them brought up twenty per cent. Q. If the wages average only $1.01 now, do you mean that 1.21 would strike you as proper? A. I do not think that the miners have asked for enough. I suppose if they had known that the matter was going to be submitted to a board of arbitration, they would have asked to have the wages fixed right when they are doing it. (Laughter.)

Q. Well, I suppose that we will all agree that that would have been likely. (Laughter.) But you testified, and you put out these statements, that the average earnings are $1.01 per day, and you say there is a demand for a twenty per cent. increase. Now, I want to know up to what point you expect to bring the wages in order to make them what would be considered sufficient? A. You must remember that I took Mr. Baer's statement; quoted it, and then analyzed it. Q. Yes. A That it is his statement that I am treating with in my articles; that I simply analyzed the statement given out by the president of the Philadelphia and Reading Coal and Iron company, and analyzed it. It amounts to $1.01 per day, at 365 days in the year, so that the average income of the miners is $368, and that is insufficient.

Q. Your computation includes Sundays also, does it not? Yes, sir; I explained that. My statement itself is fully explanatory of all that.

Q. The 365 days include Sundays, of

course. (Laughter.) And holidays. (Laughter.) Now, how much do you think that the average pay ought to come up to? A. I think it ought to come up to $600 a year for each adult employed in the anthracite mines. I think that every boy under sixteen years of age ought to have not less than $1 a day for eight hours work.

Q. And 365 days?

A. No, sir. For each day that the mine works, the boy should receive, for eight hours' work, not less than $1 a day; that is, boys under sixteen years of age—your breaker boys, I mean.

Q. Do you think that all day laborers ought to have $600 a year?

A. I think that all heads of families ought to have $600 a year.

Q. You make a distinction between heads of families and those who are not married?

A. I would ask that for all adult employes.

Q. All the laborers of every kind, you think ought to have $600 a year?

A. I think that should be the minimum wage of all men working.

Q. Now you have your ideas as to Mr. Baer's statement not being high enough, or low enough, or whatever it is?

Slate Pickers' Wages.

A. I do not know about it. The statement itself is susceptible of several interpretations. For instance, Mr. Baer says that the lowest wage paid is boy slate pickers, at 85 cents a day. That would appear to be an incorrect statement, although I have no doubt that Mr. Baer can explain it satisfactorily. We know that they do not pay 85 cents a day for boy slate pickers. We do know that some boys receive that, but they receive much less than that also.

Q. Then you think the average is less than $1.01 a day?

A. I do not know.

Q. Well, if the wages are $368, don't you think your statement that the average wages were less than $300 was not altogether correct? A. My first public statement was made upon information from other sources. It was not upon Mr. Baer's statement. In my first statement I had made that calculation by dividing what I understood to be the total amount paid in wages—I forget now just how much it was, but it was sometning like $45,000,000. I do not know whether that was it or not. Q. You make a comparison between the wages in the anthracite field and the bituminous field or regions. You say that the wages are 40 to 50 per cent. higher in the bituminous regions? A. Yes, sir. Q. What bituminous regions do you refer to? A. I refer to the bituminous regions of Pennsylvania, Ohio, Indiana, Iowa, Illinois, Kansas, Missouri, Arkansas, Indian Territory, Michigan—

Q. Does not your organization in some respects restrict the quantity of work? A. No, sir. On the contrary, our organization has increased the intensity of work. Q. I mean the work of each individual? A. No sir. Q. Suppose a man should desire to improve his circumstances by working additional hours for extra pay, by producing more than the average in a given time, what would be your view as to that? A. We regulate the hours of labor by agreement. Q. You would not allow men to work over hours? O. We would not allow them to violate the agreement.

Q. But suppose he wanted to produce more than the average quantity, what would be your position as to that? A. We do not fix the amount of work any person shall do—that is, within a given number of hours. We have no restrictions or limitations upon the amount of work a man shall perform, although in all coal mines, the man's labor is regulated very largely by the distribution of cars, which is within the hands of the company, where they usually give each man or set of men the same number of cars.

Q Well, this paper regarding the Hazleton convention of August 27, 1900, which I showed to you, giving their resolution, provided that no miner shall have at any time more than one breast, gangway or working place, and shall not get more than an equal share of cars to work? A. Yes, sir.

About Extra Work.

Q. Now, suppose that a miner were able to work more than one breast or gangway in his eight or ten hours, as the case might be, you would be oposed to that, would you not? A. Yes, sir.

Q. And if one man could do more work than another, by reason of greater industry, or greater capacity, you would be opposed to that, would you not? A. I should say that it would be necessary to explain the scale you are reading, and give an exact and clear understanding as to what it meant. The resolution was simply intended to prevent some men who were more favored than others by the companies from getting all the coal they could load and employing extra labor to do it for them, while some other man not so fortunate would remain in the mines all day without getting his share of coal.

Q. I do not think you have answered my question exactly. A. I should be opposed to it; yes; for the reasons I have just stated.

Q. Suppose it was not a matter of favoritism. Suppose these reasons did not exist; you would be opposed to one miner getting the chance to do more work than another? A. I should be opposed to his getting the chance to do more work than another if it were taking part of the work from the other man. I should not oppose, and I do not oppose a man's performing all the work he can, expending all the energy he pleases, within a certain number of hours. We do believe, however, in regulating his work by fixing the hours of labor.

Q. Yes, but suppose that by reason of his physical capacity he is able to perform a greater amount of work than another man, to load more cars, this resolution would seem to be opposed to that? A. I should think not. If he were strong and able to load more cars than another within a given number of hours, he would be permitted to do so. The resolution prevents somebody else from loading them for him. That is to say, it would prevent him from hiring several laborers, if he wanted to, and carrying on his contract work as rapidly as he could.

A. It would prevent him from hiring a large number of laborers to work for him.

Q. Yes, although he is a contract worker?

A. Yes. sir.

Judge Gray Inquires.

The Chairman: Does that mean that if I can in eight hours blast out and throw down enough coal to load ten cars, and you can blast out and throw down only enough to load six cars in the same time, that I shall not be permitted to do it?

Mr. Mitchell: No, it does not mean that. It would not place any restriction upon the amount of work you would do under those conditions in ten hours at all. It would simply provide that you would do it in ten hours.

The Chairman: Exactly. If I had blasted out and threw down enough coal to employ two, it mans that I should not be allowed to employ the third laborer.

Mr. Mitchell: Yes, that you should not be allowed to employ the third laborer, because they could not load your coal in one place; when they do that it would be necessary for you to have more than one breast, and necessarily you could not comply with the law of Pennsylvania in looking out for the safety of your laborers. You can only take care of the safety of your laborer, and comply with the law by being with him and working with him.

By Mr. Willcox: Q. Do you know it is the fact that the miners do not stay in where the coal is being blasted? A. They do go out somewhat earlier in the evening at times. Q. Do you know enough about it practically to know that they almost always do, and leave the laborers to load the coal after they are gone? A. I do not know that that is always true. The fact of the matter is, a very large number of anthracite miners work partners—do it voluntarily—and they do not have the contract and labor system that is very largely followed in this region right here. In other places, the contract miner goes into the mine earlier in the morning than the laborer, and leaves him at night, after he has fired all of his shots, protecting his place by props and everything like that, that is necessary.

Q. He does not wait to look out for his laborer's safety, does he? A. He has already done it by leaving the place secure before he goes home.

Q. I thought you stated the law of Pennsylvania required him to stay there to look out for the laborer's safety, while he was loading the coal. You may withdraw that statement if you do not mean it, of course. A. I do not wish to withdraw it, but I wish to reiterate it. I spoke of a man in the first instance who was working more than one breast and necessarily if he were loading coal and had several different laborers working, he must be blasting coal during the day, and he could not protect his laborers. It was a different thing than his staying in there until after quitting time at night, setting all his props and protecting his place, and then going home. Those would be entirely different conditions.

Has Worked in Mines.

Q. How do you know he could not protect his laborers? You have not worked in the mines, have you? A. Yes, sir. Q. In anthracite mines? A. No, sir. Q. That is merely your argument? A. I am speaking from my general information on the subject.

Commissioner Watkins: Would your organization permit a miner to engage three laborers if he could employ them with safety and load ten cars, say?

Mr. Mitchell: No. The organization is opposed to miners employing more than one laborer. The anthracite miners find that the other system introduced in this field has done them a great deal of harm. I might say that this matter is entirely local to the anthracite field, and regulated by the anthracite mine workers themselves. It is no well defined policy of the United Mine Workers of America. It is simply a regulation that the miners

of the anthracite field find is necessary to protect themselves against favoritism, and against the one man going out and hiring a lot of laborers and bringing them in and having them work for him, he being unable to protect them properly against the dangers of mining.

By Mr. Willcox: Q. I think this question and answer before the industrial commission perhaps expresses your attitude on that subject. It is on page 48 of volume 12. I read it yesterday. Q. Do you think it is hoggish for a man to want to get along in the world? A. If he does it at the expense of somebody else. Working long hours on the part of one man necessarily means that some other man may have to work long hours." You remember that? A. I recall that. That, in effect, expresses my opinion now.

Q. What would you think of discontinuing contract work and the operators hiring all the men by the day? A. I am not able to answer what the effect would be in this field. Q. You have not considered that question? A. I have not. Q. It would do away with all questions of docking and weighing, would it not? A. Well, that would follow, I presume. Q. Then, if it would enforce efficiency among them it would be extremely simple, because the friction that I speak of would disappear? A. I do not know enough about how practicable it would be in the anthracite field.

Q. Suppose that were done, what would you consider proper day wages for a miner? A. I do not know enough about the practicability of it; in fact, I suppose it would be impracticable. Otherwise, it would have been done some time ago. Q. That is you only reason for your answer, is it? A. Well, I do not know anything about it.

The Right to Hire.

Reading from the working agreement between the Illinois Coal Operators' association and the United Mine Workers, Mr. Willcox sought to show that the right of the employer to hire and discharge was surrounded with such limitations imposed by the union that the right was practically nullified.

After referring to Mr. Mitchell's declaration that the bituminous operators generally were well satisfied with their contract agreements with the United Mine Workers, Mr. Wilcox read from an interview with the Illinois Coal Operators' commissioner, Herman Justi, in which he declared the commission had refused to accede to the request of the mine workers to give testimony, by means of written answers to questions propounded by the union regarding their views of the mine workers' union in that state. Mr. Willcox also announced that members of the Illinois association would be here to testify to the contrary from that which the union would have them state.

By Mr. Willcox:

Q. You have testified in regard to the number of accidents occurring in the mine. Do you know what proportion of those accidents has been due to negligence on the part of the unfortunate people suffering them? A. I do not know that any of them were. Q. Do you not know that the mine inspectors' report specify a great many of them as having been caused by negligence of the parties who suffered the accidents? A. I do not know that that is true; I have not been able to see in that inspector's reports.

Q. You testified that you distributed about a million and a half dollars of relief?

A. Yes, sir.

Q. Do you know that when the mines are running the wages are over a million dollars a week?

A. Well, I do not know that. Possibly—

Q. You understand it, don't you, like a good many other things you have testified to—you have heard it?

A. Yes, sir; I have heard that statement.

Q. Can you give the names of any non-union men who were relieved? A. I cannot give you their names myself, but I presume our district officers can supply their names.

Q. Now you testified that no strike was ever called on account of refusal to work with non-union men; you mean no general strike, I suppose? A. I do not know of strikes being called at all by the organization for refusal to work with non-union men. Q. But you know of strikes having taken place on that precise ground, don't you? A. I have heard that strikes have taken place of that character. Q. Do you know of the strike at the Maltby mines? A. Yes, sir, I have heard of it. Q. Was not that for that reason? A. That among other reasons. I understand. Q. And that lasted twelve months? A. Yes, sir.

Wouldn't Express Opinion.

In response to a question as to his position regarding members of labor unions being members of the National guard, Mr. Mitchell declined to say whether or not he sympathized with various resolutions that were passed by labor unions calling on union men to refrain from joining the guard, saying he would not want to criticize resolutions without knowing their exact language. He believed members of labor unions should exercise the same rights and privileges as every one else in that respect.

With this, Mr. Willcox concluded his examination, and the witness was turned over to Hon. Wayne MacVeagh of counsel for the Pennsylvania Coal company and the Hillside Coal and Iron company. While this cross-examination proceeded, E. B. Thomas, chairman of the Erie board of directors, and W. A. May, general manager of the Erie's coal department, sat near at hand. J. C. Brownell, of New York, and Major Everett Warren, of Scranton, who are also counsel for the Pennsylvania and Hillside companies, frequently suggested questions that Mr. MacVeagh should put to the witness. The cross-examination continued during the last twenty minutes of the morning session and all the afternoon.

By Mr. MacVeagh: Q. Mr. Mitchell, I assume you heard the statement made to the commission that Major Waren, Mr. Brownell and I represent the Pennsylvania Coal company and the Hillside Coal and Iron coampany?

A. Yes, sir.

Q. Now, it is with reference to those two companies that I particularly wish to cross-examine you, and in order that there shall be no misunderstanding between you and me, I do not want you to imagine for a moment that I am opposed to the proper organization of working men and the protection of their interests, especially when employes of a considerable corporation, I not only firmly believe in their right, but I think in very many instances it is their interest; and I do not want you to suppose for a moment that the gentlemen whom I represent think they are infallible, or that they have managed these two properties in the best possible manner. They are quite aware that they may have been guilty of derelictions of duty toward the people in their employ, and, if so, they believe you wish to assist the commission in learning the truth about those derelictions, so that the commission can reach just conclusions. Now, what I wish you to do is to state in your own way and order to the commission wherein you think the owners of the Pennsylvania Coal company and the Hillside Coal and Iron company have failed in their duties to their employes.

Not Familiar with Conditions.

A. Why, I am not familiar, of course, with the local conditions under each separate company. I think that the Hillside company and the other company represented or owned by the Pennsylvania Coal company have been in about the same position that other companies have; that they have failed to pay wages sufficiently high; that they have failed to establish conditions of employment that were fair; that they have a wrong system of measuring the earnings of the miners, and that their opposition to the treatment of the men, as organized men, has not been for the best.

Q. If you had not personal knowledge sufficient to enable you to formulate these demands for changes in our relations to our employes, who did formulate them?

A. The representatives of the various coal companies, among them representatives from the mines operated by this company.

Q. Who were they, as to the two companies we represent?

A. I am not familiar with their names. I presume—

Q. Anybody may answer the question.

Mr. Nicholls will probably be able to, or he may have represented them himself—Mr. Nicholls, who is the district president in this particular section.

Q. Mr. Mitchell, I wish you could fully assure me that if I ask you any question which can be better answered by somebody else, you will promptly appeal to him for an answer. My only object is to get at the facts for the commission.

Mr. Darrow: Mr. Nicholls and Mr. Collins had special charge——.

Mr. MacVeagh: Of making these demands?

Mr. Darrow: Yes, as the delegates——.

Mr. MacVeagh: Covering the district in which these two collieries are located?

Mr. Darrow: Yes.

Witness: It will help matters very much, possibly, if I explain how they make those scales. We have a delegate convention, in which representatives attend from every local union, which means every mine. They then select a scale committee, who are to formulate the demands. Each delegate can appear before that committe and tell them exactly what he thinks would be necessary at the mine he represents, so that the

committee have information direct from the employes of the company.

After considerable questioning Mr. MacVeagh succeeded in getting Mr. Mitchell to admit he did not know, just then, what wages the Erie company paid its employes.

The First Demand.

Q. Now, I say, as to the first demand, as to the increase of wages, whatever you may be prepared to do this afternoon, you are not prepared now to ask for an increase of those wages, because you do not know what the present wages are?

A. Yes, sir; I am perfectly prepared to ask for an increase in wages, although I have not got the tables of the present earnings here. (Laughter.)

Q. Well, I quite admit you can be prepared to ask for them, but are you prepared seriously to ask other responsible gentlemen to grant them?

A. Well, I can only say that I have not the statistics here to submit at this time.

Q. And therefore at present you are not prepared to substantiate that demand?

A. I do not say I am not prepared, except that I am not prepared to state the figures as to the Hillside and Pennsylvania Coal companies.

Q. And therefore at present you are not prepared to substantiate your demand?

A. Well, I should say simply that I am not prepared to submit the evidence to substantiate it, that is all.

The remainder of the morning session was taken up in an examination of the witness regarding his claims that mining conditions are substantially similar in the anthracite and bituminous regions. Mr. Mitchell admitted that the demand for bituminous is growing more rapidly than that for anthracite, but denied that bituminous mines worked more steadily than anthracite mines.

At the opening of the afternoon session, Mr. Mitchell made the following correction to his testimony of the morning, regarding the disposition of the resolutions of the Shamokin convention:

The Witness: 'Moved the four resolutions calling strikes at different collieries on April 1st be referred to the three district executive boards. Motion carried." These were the resolutions which had been formally adopted, authorizing strikes.

By Mr. MacVeagh:

Q. Before I leave that question of the bituminous market and the anthracite market, I would like to ask whether you are aware of the fact that substantially there is no market for anthracite coal for manufacturing purposes except the refuse sizes, and that the whole market, the exclusive market for anthracite coal of a profitable kind is for domestic purposes, or largely so? A. I understand from the statements of Mr. Baer that 40 per cent. of the coal is sold for steam and manufacturing purposes.

Q. And that, you know, is, as he has stated, of the sizes below the domestic sizes? A. He so stated; yes, sir.

Comparison of Wages.

Q. You assumed to compare the wages we are paying in our two companies with the wages of bituminous miners in this state. I wish you would state to the commission what the average earnings per annum are of the men employed in a representative bituminous mine in Pennsylvania. A. I have tables prepared and in course of preparation on that subject; but they are not yet completed. I have here the wages paid the various classes of workmen under the companies operated by the Erie—

Q. Operated by what?

A. By the Pennsylvania and the Hillside Coal companies. Q. But you have not the rate of wages paid by any bituminous mine in Pennsylvania? A. I have not the tables with me, because they are not completed. I konw, however, in a general way, the difference in the wages paid. Q. Then what do you say they are? A. They are practically 50 per cent. greater in the bituminous fields for the same classes of workmen.

Q. Then your sixth reason is: "The annual earnings of the mine workers are insufficient to maintain the American standard of living? A. Yes, sir.

Q. Now, what percentage of the miners in our two collieries are American born? A. I do not know.

Q. What percentage of them do you believe wish to maintain what we call the American standard of living? A. I believe all of them do. Q. What is the basis of that belief of the workers at the Hillside Coal and Iron company, and the employes of the Pennsylvania Coal company? A. I have no special information as to any difference in the standard, or the desire for a standard of living in those companies, as compared with the mine workers generally.

Q. (Reading:) "Seventh. You say the increased cost of living has made it impossible to maintain a fair standard of living upon the basis of present wages, and has not only prevented the mine workers from securing any benefit from increased prosperity, but has made their condition poorer on account of it." Yes, sir. Q. Did you formulate that reason? A. Yes, sir. Q. That was after you had secured an advance of 10 per cent. in 1900? A. Yes, sir.

Fair Standard of Living.

Q. And now what would you define to be a fair standard of living for the workmen employed about these two collieries? A. I should say that an income of six hundred dollars a year would permit them to live in a manner comfortable to American standards. Q. What do you believe to have been the earning capacity of the foreign element who have come to these mines from other lands? A. Their earning capacity in their own countries? Q. Yes. A. I do not know. Q. Would you be surprised to learn that it was less than a hundred dollars per annum? A. Well, it is possible that man on a hundred less would earn a hundred dollars less in the country that he comes to; it is also true— Q. You mean a hundred dollars less, but that the average wages for such class of labor as these emigrants perform in and about the mines does not net them in the country from which they come over a hundred dollars a year? A. No, sir, I do not know that. No. Q. The anthracite mine workers, as I understand, represent in all, about 147,000 people. Have you ever calculated what percentage that is to the wage earners of America, the men who are earning their living by manual labor? Would you be surprised to learn that it is only about 8 per cent.? A. I do not know that I would be particularly surprised. Q. Then have you ascertained what proportion of the people who have heretofore been maintaining what they regarded as a fair standard of American living, which they have earned by their manual labor, have been earning $600 in America per annum? A. I have never made any calculation.

Q. So that you are absolutely incompetent to inform this commision why we should be required to pay our employes $600 a year, except your sentimental opinion that a man ought to have $600 a year?

Now, as to the general wage earners, do you wish the commission to understand that the average earnings are $600 a year, for American born and American bred men, enjoying American schools, and their families enjoying American religious instruction and privileges? A. No; I have not said that the average is $600 for all men who work for wages. I do not know what it is. I do know that the men who work under exactly the same conditions, or substantially the same conditions, and in the same industries, earn considerably more wages than they do in the anthracite fields.

Q. Do they earn $600 a year? A. I do not think the average of the bituminous miners would be $600 a year, but I am not sure of that.

Q. Well, you were testifying that these breaker boys from 12 to 16 years of age ought to earn $1 a day? A. Yes, sir.

Messenger Boys' Wages.

Q. I asked a messenger boy from the telegraph office, who came here, whether he worked eight hours a day and he said he worked ten hours. I asked him what he got and he said thirteen dollars a month. Would you consider that an indecent or an improper rate of pay?

A. That is more than the breaker boys get.

Q. Yes, but they do not work every day for ten hours.

A. No, but they live every day. (Laughter).

Q. Oh! yes. They live every day, undoubtedly, and we are very glad they do; but the question is, who is to pay them for living every day when they do not work every day?

A. They must earn their living in the industry where they are employed.

Q. Yes, but must they earn it at an increased cost of the product with which they deal to the poor elsewhere?

A. If an industry will not pay living wages to its employes, then the industry itself of no benefit to the country.

Q. Therefore, you say unless the anthracite industry can pay the wages which you designate as proper in your judgment, it ought to cease.

A. No; I say if it will not pay reasonable living wages, a wage sufficient to educate children and improve citizenship, then it should cease to exist.

Q. Do you know what the average wages of farm laborers are in the United States? A. If he works on an ordinary farm, a laborer's pay is from $18 to $25 a month, and he works from eight to nine months. He is paid his living in addition to that. I have worked on a farm. Q. Yes; so have I. (Laughter.) But I never got the wages you indicate. (Laughter.) I only wish that rate of wages had been in force when I was working on a farm. (Laughter.) Do you know of any ordinary farm laborer who, working ten or twelve hours a day, earns $600 a year? A. No, sir; I do not.

Q. What do you say the average pay per month and their board amounts to? A. As far as my information goes, it

varies from $18 to $25 a month. Q. would you be surprised to find that it was below fifteen dollars? A. It would be different from my information; contrary to my information. Q. But you have no idea that the average earnings of a farm laborer in the United States is $600 a year? A. No, I do not think it is. Q. You say, then, as the eighth reason, that the wages of the anthracite mine workers are so low that their children are prematurely forced into the breakers and mills instead of being supported and educated upon the earnings of their parents. Do you not know that a great many of these parents are temporary residents here? A. I understand that some of them are.

Ambition of Foreigners.

Q. Do you not know that their ambition is to amass a considerable sum, to them, of money, with which to return home? And in pursuance of that object they utilize the earnings of their children as much as possible? A. I do not know that they ever realize their ambitions.

Q. You also asked for shorter hours of labor. You say that demand is similar to the first, and you say that the ten-hour day is detrimental to the health, life, safety and well-being of everybody employed about a mine? A. The work itself is unhealthful, and the work is very difficult, and, necessarily, the ten-hour work-day is hard for people.

Q. I now ask you for information you obtained from your associates as to the length of time the contract miner works in the collieries of our two companies. A. My recollection of the returns from the mines is not sufficienty clear at this time. Q. That is right; that is satisfactory. Now, would you be surprised to learn (reading): "It is strange, but it is a fact, nevertheless, that where the vein is good and blows well, it is seldom that a miner, excepting when he has bad luck, is found in his working place after 10 o'clock in the morning?" (Laughter from the miner's representatives.) A. I do not know what you are quoting from, but that is not correct. Q. You may be sure I am not quoting from my own knowledge. A. I know that; it is well to know, in connection with contract men, that they start to work earlier than the other workmen. Q. How early would you say they start to work? A. We have records of men going to work as early as 5 o'clock in the morning and 6 o'clock in the morning, and they perform two hours' work before the ordinary work of the mine starts. They have prepared their coal which is finally loaded, and they go home early in the afternoon.

Q. Would you be surprised, in contradiction of that, to be told by an official authority, not on my own authority, that they reach their places of work about 7 o'clock or a little later? A. I should be surprised very much, in view of the information I obtain from the men who do the work.

Q. I ask you this, because it is from the re-port of the Bureau of Mines of the state of Pennsylvania for 1899, an official document which I, with other citizens of Pennsylvania, have been taxed to pay for compilink and publishing that I am getting this information. A. If you will permit me to say this much in connection with it; that it frequently occurs that a mine is not producing a sufficient amount of coal to distribute, to furnish each of the miners with cars. Sometimes there may be only two or three cars in a day, and, of course, that only means a part of a day's work—he could load more than that; and while his laborer is waiting for the company to deliver the cars to him, he returns home. You will understand that in that event he would not obtain in the whole day more than a half a day's wages. Q. But his average would be required to be brought up to this $600? A. Those are exceptions that I speak of.

Not an Exception.

Q. This is not an exception. It reads: "It is seldom that a miner, excepting when he has bad luck, is found in his working place after 10 o'clock in the morning," and the reason is given. "For very likely his home-shot has been fired long before this, and he is at home, or, perhaps, somewhere else with his friends. In such mines they reach their places about 7 or a little later, and for two or three hours—it may be an hour more occasionally—they 'pitch in' with all the vim and vigor they have to 'cut' enough coal for the day, and oftentimes in good places accomplish this with two or three shots. Then, instead of taking time to prop or otherwise secure a seemingly bad piece of roof, which may be discovered near the face, they go home, leaving this work for the next day, when, as they say, I'll stick up a prop under it. But when they arrive on the next day they find that their coal has all been loaded, and they must go at it, as it were, hammer and tongs again, to cut enough coal for that day, as they cannot afford to lose a car."

Mr. Darrow: Will you tell us what that is, what the article is about?

Mr. MacVeagh: A report of the Bureau of Mines of the First anthracite district—that is our district—for 1899, published by the department of internal affairs of the state of Pennsylvania. I have been reading from page 10 of that volume.

By Mr. MacVeagh: Q. So, if this official report has any basis, the contract miners must receive, under your assumption, $600 a year at least, even if they seldom arrive at the mine until after 7 and finish generally at a little after 10? A. Well, I do not want to assume that the report is accurate. Q. But if the report is accurate? A. And even the report would indicate that if they had loaded all the cars they could get by remaining there all day. they would not have loaded any more coal.

Q. He says they go out voluntarily and spend the rest of the day with their friends. Now, I am asking you, is it a fair proposition to ask this commission to compel us by their order to pay everybody at least $600 a year, when the rule is that they go into the mine a little after 7 and generally get out a little after 10; and I ask that in comparison with what other wage-earners are able to earn in the United States?

A. Yes, but it is necessary for you to state it all—more than you read there.

Q. I wish you would state it all.

What the Report Said.

A. The report says that they return the next day and start to work hard again, because they cannot afford to lose a car, and that would seem to indicate that even if they had remained at their working place all day they would not have earned any more money in the end than by doing as it appears they do.

Q. Let us read a little further: "Then, instead of taking time to prop or otherwise secure a seemingly bad piece of roof, which may be discovered near the face, they go home, leaving this work for the next day." Now are such men, in comparison with the other men who have to make their living by manly labor, fairly entitled to be paid in every instance $600 a year, in your judgment? A. I should say that if men only work three hours a day that they would not be entitled to $600 a year.

Q. What is the price of board per month in our two properties? A. I understand that board is usually $18 per month. Q. So if the average farm wages were $15 a month—and it is below that—and you added $18 a month to it, and they worked nine or ten months, that would be, only $33 a month, making $330 for ten months. Is $330 equal to $600 do you think? A. No, sir; I do not think the conditions are at all comparable. Q. Does not the average farm-hand work at leaast twice as much—twice as many hours—as the average man at any of our collieries? A. No, I think not; not the average man.

Q. Of course, Mr. Mitchell, you are aware that, any increase in the cost of coal, would, if possible, be unloaded upon the consumer. You have yourself recommended that course to the operators, have you not? A. I have not.

Q. And, of course, you know that anthracite coal is a necessity to the very poor of a great portion of the eastern states and seaboard. A. Yes, sir. Q. And you are familiar with the old truth—very old and always true—that the curse of the poor is their poverty, and that a great many of those unfortunate people have to buy their coal by the exercise of the extremest possible economy, and even then very nararowly escape, if they escape at all, from the bitterness of cold? A. We do not fix the rates of coal, where the poor buy it. Q. That is not at all an answer to my question; I must ask you to answer, then you may supplement it. A. Yes, I understand that it is very difficult for the extremely poor to purchase coal, and, in connection therewith I would say that when the ten per cent. advance was paid to the miners—upon the authority of experts it amounted to five cents a ton given to the miners—and that the consumers paid much more than that for it.

Putting Expenses on Cities.

Q. And you expect therefore any advance will not only be added upon the bowed back of the poor of our great cities of the eastern states, but will be multiplied by the operators? A. I expect that the operators will do that if they can.

Q. And you are willing to be a party of that increased burden?

A. Not willing to be; we may be forced to be, but we are not willing to impose upon the consumer of coal; we have nothing at all to do with it.

Q. You have not?

A. No, sir.

Q. You have no public duties, no social duties, with reference to this?

A. We have no way of controlling it.

Q. No; but have you not aspirations and duties of a social and religious character with you organization?

A. Certainly; I say we have no way of controlling it, that the operators charge the consumers as much as they choose for the coal. We are not consulted in the matter at all.

Q. No; but when you demand an advance in your wages and secure it, you know, as well as you know your name, that an additional burden will be put upon the poor people who have to buy it.

A. The operators must be entirely responsible for that.

Q. But you are the start, you start the stone rolling which is to roll upon their back and break it, in some cases. I have here now a demand from Philadelphia, for the poor of that city. Fortunately the weather has moderated recently. They were panic-stricken last Saturday by the news that a cold wave was coming, for they could not get their coal. Now you make it harder for them to get it if you add to the cost of producing, do you not? It may be right to do so, I do not say it is not right; I only want you to face the consequence of your action.

A. I should say that if an advance of 20 per cent. was paid to the miners and if the advance amounted to 20 cents a ton on coal, which is 100 per cent. more than the experts who have made calculations heretofore have said, it would increase the cost to the consumer about 20 cents a month, the poor man would be out of his earnings 20 cents more a month. He would not be out more than that because he does not use more than a ton a month. I do not think that 20 cents a ton ought to be added to the price to the consumer; I think the operators might pay that out of their profits.

Q. But supposing they have no profits?

Mitchell's Quick Wit.

A. Then they might pay it out of their freight rates.

Q. Suppose their freight rates do not pay any profit, then where are they to pay it from? A. I presume they would charge it up to the consumer whether it pays or not.

Q. I was going to ask if they had any other place to take it. If you demand an increase and they have no profits where are they going to place it except upon the bowed backs of the poor?

A. They might put it on the bowed backs of the rich.

Q. The rich do not mind it. They are ready to agree with you to make a trust for them and a trust for you; but I am not, I am asking about the other classes.

A. I can only say that they have done that already without paying the miners one cent in wages. They have increased the price of coal 50 cents a ton without solicitude for the public.

Q. For how long?

A. It is going into effect now.

Q. For how long?

A. I understand it is announced to be for a few months.

Q. Do you not know it will terminate the first of January?

A. Probably so, I do not know.

Q. That is a month and a half. Do you know the reason given for that advance?

A. I understand to compensate the companies for the additional cost of mining coal incident to a long idleness.

Q. And the destruction of property which has been incident to that cessation?

A. I understand so.

Q. In one of your other reasons you state that shorter hours increase the intensity and efficiency of labor? A. Yes, sir. Q. Have you had experience to justify that? A. Yes, sir. Q. Have you noticed the publication in today's newspapers in New York of an additional estimate of the cost of some work there by reason of the reduction of the hours of labor from ten to eight, showing that the increased cost is 25 per cent? A. I have not seen that. Q. Would you be surprised to learn that employers of labor in very many cases have estimated their loss at as much as 30 per cent. by reason of the reduction of the hours of labor from ten to eight? A. I do not know what the employers have estimated it at; I know from experience in coal mining what effect it has had.

Additional Cost of Work.

Q. Do you know what the chief of the bureau of construction in the navy department officially reports as to the additional cost of work in government navy yards where the eight hours system prevails over private yards where the ten-hours system prevails? A. No, I do not know—— Q. Would you not be surprised to learn that it is 33 per cent.? A. I would not be surprised to learn a considerable difference in any line of employment in the amount paid by the government and some private concern. Q. Nor I. All the same you allude to the action of the government in reducing the hours of labor of its employes as an argument in favor of the reduction of the hours of labor in coal mining? A. Yes, sir. Q. You see that argument is not valuable? A. I do not see where there is any comparison between my statement and the fact of the increased cost of government work.

Q. As the world has gone on through these long years of stress and strife, has any industrial community in its history been efficient and successful in competing for the markets of the world upon a day of eight hours labor? A. I think the most prosperous and most highly civilized nations on earth have the shortest hours of labor.

Q. That is not an answer to my question. I asked in the long course of human history whether the laboring classes have ever succeeded in competing for the commerce and business of the world on an eight hour day? I do not mean to say they may not do so in the future, I am asking only whether there is such a record or whether this is a new step we are asked to take? A. I do not know that the eight-hour day has been established for a sufficient number of years to enable me to say what its effect will be. I do know that the most prosperous industries in America are those that are operated under the eight-hour day.

Mr. MacVeagh here read from the New York Evening Post the following excerpts from an article on the constitution of the Operative Plasters' association, of New York:

The Foreman's Duty.

"The duty of the foreman is primarily 'to see that all men working under him are in good standing in this society;' the foreman, should he employ a non-member becomes immediately responsible for his initiation fee.' Should he fail to report a non-member put upon a job, the same penalty applies. But the most grievous sin which a foreman can commit is 'insisting on rushing the men,' or similarly 'bringing about a condition of affairs that would be detrimental to the members of this society.' This, if proved against him, is punishable by a fine, suspension, or at the second offense by degradation to the ranks. 'It shall not be allowable for members to work single-handed at any part of the trade of plastering where two men can work to advantage. Foremen will be held strictly responsible for the violation of this rule. * * * After working eight hours, a member shall receive his wages if he demands it, and if the member's demands are not complied with, he shall receive the regular rate of wages for all working time he is waiting.' "

Q. You are not familiar with this organization at all, are you?

A. I do not know anything about it.

Q. But do you think that eight hours in that organization adds to the efficiency of the labor and enjoyment of the employer?

A. I do not know anything about that organization. Q. I credit you, and sincerely credit you, Mr. Mitchell, with the desire you express, to establish permanent peace and friendly relations between employers and their employes. I feel you are working to that end, and I am also, although we may be pursuing different paths.

Now, a subsequent demand is as to our system of weighing coal. Do you know how we do measure the wages of the miners at our collieries? A. I understand you weigh the coal. Q. Is there any further demand upon us in respect to that? A. Yes, we ask that you pay for a legal ton of coal. Q. Don't we do that? A. No, sir. Q. What do we pay for it? A. Your ton is, I understand, from 2740 pounds to 3190 pounds—I will not be sure of the exact figures—it is one of those special tons.

A Legal Ton of Coal.

Q. Let us clear up this obscurity in it, which appeared to me in your language this morning, or perhaps resulted from my inability to understand what you said. What do you mean by a legal ton—a legal ton of what? A. Coal. Q. Do we not pay every man for every 2240 pounds of coal we can sell—merchantable coal? A. You possibly pay for some 2240 pounds, but there are some you do not pay for. Q. Some of the merchantable coal? A. Yes, sir; some of marketable coal. Q. Marketable and merchantable, you know, are two different things. If we are selling coal below what it costs to produce it, we are substantially giving away our capital, and if we average such wages as we think you will discover when you have the entire tabulation of our collieries before you, ought we also to pay for producing coal which we sell at a loss? A. You ought to pay the miner for very pound of coal that he mines that is marketable.

Q. Your next demand is that we should make an agreement with you, representing the United Mine Workers of America, and I wish to ask you if you have prepared a proposed form of agreement, which you ask this commission to compel us to execute. A. No, I have simly suggested in my opening address to the commission a form that I thought would be practicable and acceptable to all the interests in this field. Q. That was a form for settlement of disputes. A. Yes, sir.

Q. But that did not go into any detail. You say: "An agreement between the United Mine Workers of America and the anthracite coal companies, of the wages which shall be paid and the conditions of employment which shall obtain, together with satisfactory methods for the adjustment of grievances." Now your proposals was wholly limited to the adjustment of grievances? A. No, sir; I had suggested that the wages which the

commission should award would become a part of the agreement, and then that provision should be made for the adjustment of any grievances during the life of the agreement, on general matters.

Q. Would you kindly have sketched out a form of agreement, for instance, that you would wish the gentlemen that I represent to sign with you? A. I would say I have the sketch I make in my opening statement, which I think will cover the matter very fully.

A Long Question.

Q. You think it does. I read it, and it did not seem to me to be such a proposition as we could intelligently discuss. I will read it again, and if it is, I will be glad to say so. Now, your reasons in support of that demand that we should make an agreement with you are, first, that they should not be compelled to make or sign individual agreements, but should have the right to form such organizations and choose such agents and officers as they desire, to act collectively instead of individually whenever they deem that their best interests are subserved thereby. As to that, I am in cordial agreement with you. As I stated in the beginning, I have not the slightest desire to interfere with the right of any employes to form an association and to be represented by such of their number and by such outside assistance as they se proper to secure—yourself, or anybody else—to assist them in the adjustment of any grievances of which they complain. Your second reason is that agreements between employers and employes through workingmen's organizations, and the ordinary method of regulating production and wages in the bituminous coal fields and in other large industries are beneficial, successful, and in keeping with the spirit of the times; and your third is: Unions of workingmen tend to the better discipline of the men and to the improvement of their physical, moral and mental condition, and to the preservation of friendly relations between employer and employe; and your fourth is; Experience shows that the trade agreement is the only effective method by which it is possible to regulate questions arising between employer and employed in large industries, and that a trade agreement is the only possible way to establish the relations between employers and the wage-workers in the anthracite field on a just and permanent basis, and as far as possible to do away with any causes for the recurrence of such difficulties as those the present anthracite coal commission have been called in to settle. Now, there is nothing in that, Mr. iMtchell, distinctly declaring that we must be parties to a partnership with the United Mine Workers of America, and I wish to ask you whether that is one of the demands you make upon us? A. Yes.

The Chairman: What is one of the demands?

Mr. MacVeagh: That we should enter into a definite agreement with the United Mine Workers of America, and not enter into such trade agreements as are sketched in these reasons.

A. There are four demands, four issues in the strike. One of them is that an agreement be made, that the wages and conditions of employment be incorporated in an agreement between the organization and the operators.

Q. You stated in your examination in chief that your agreements with the bituminous coal operators had worked successfully and harmoniously. A. Yes, sir.

Q. And that the operation of them furnished the best possible reasons why the owners of the two companies we represent should be asked to enter into a like agreement? A. Yes, sir.

Q. You further stated that the only difficulties that had arisen under those agreements was as to the legal construction of some of their phrases, and that they had been settled amicably between the parties? A. There has been very little difference— Q. And what there was was confined to the construction of the language of the agreement? A. No, I say that at times there has been differences of opinion as to the interpretation of these agreements. There have been differences between the miners and the operators locally on rare occasions on account of other matters, but they have always been adjusted amicably. Q. And those were rare occasions, as you say? A. Yes, sir. Q. And were slight matters? A. Very few serious differences.

Q. Not going at all to the effective working of the mines, or the discipline of them? A. I think that the discipline in the mines have been very satisfactory in the soft coal fields.

Q. In what states have these agreements been most successfully carried out, in your judgment? A. Well, I think that they have been more successful, because they have been more complete, in the states of Iowa, Illinois, Indiana and Ohio. I think there they have been more complete.

Q. Would you be surprised to learn that the bituminous operators or a considerable number of them reported that as a result of those agreements, so far from any improvement being noticeable in consequence of them (reading): "On the contrary, in many mines there has been a considerable increase in the proportion of the fine coal (waste). We have reports from nearly all the larger operators in the mine scale districts of the state and the burden of their testimony is that there is no improvement in the methods of mining, and consequently no decrease in the proportion of fine coal and no improvement whatever in the quality of the lump coal. Things have grown worse instead of better." Would you be surprised at such a statement as that from one of the best states, one of the states you have named as the best? Would you be surprised to learn that a considerable body of the bituminous coal operators in the state of Illinois made that statement?

A. No, I would not be surprised that they made the statement, for I can explain the conditions under which they made it.

Q. I wish you would.

A. I understand that they were about to enter a convention with the miners in which they were going to ask for changes in their prices, and were preparing an argument in favor of a change in conditions of work. However, the very statement they make is not sustained by the official reports of the mine inspection bureau of Illinois. In fact, the contrary is true, showing that there has been a very decided improvement.

Q. But we have discarded the reports of the mine inspection bureau. Your friends in the rear of the room laughed and jeered at it. A. They were men that worked more than three hours, Mr. MacVeagh.

Q. Mine inspection bureau reports in Illinois are very good; mine inspection reports in Pennsylvania are worthless. Now would you be surprised to learn that these operators declare: "In the shooting there is still the same tendency to over-shoot the coal that prevailed under our previous agreements. You need not be reminded that the operators complained of this excessive use of powder at our several state conventions, and in all of our joint meetings that have taken place since the interstate movement was inaugurated. In many instances the reports to this office show clearly that large consumers of coal have complained as never before of the inferior quality of coal produced in the state of Illinois."

Q. Would you be surprised to learn that their commissioner said, "I have myself visited every scale district in the state, and while there is less friction than formerly prevailed between the coal operators and coal miners, and while I am satisfied that the relations between the employer and employe are more cordial than ever before, still I find that everywhere the complaint is made that the quality of coal produced under the mine run system has steadily deteriorated. At the joint convention of operators and mine workers the coal operators of the state were assured that the mine run system would make better miners, which would result in a better quality of coal being produced. I sincerely regret to say that this promise has not been fulfilled as the results conclusively prove; for no one can dispute the fact, whether on the side of the operators or miners, that the quality of coal produced at the time the mine-run system was adopted became bad and has gradually but surely grown worse from year to year. It is due to the officials of the state organization"—and I want to give you the good side as well as the bad —"and I believe also due the officers of the local unions generally to say that an honest effort has been made to correct the abuses of which the operators complain" —and I have not the slightest desire in the form of question I put to question you perfect good faith and the good faith of the gentlemen associated with you—"that an honest effort has been made to correct the abuses of which the operators complain, but as yet they have been powerless to produce the desired change, and their efforts, besides being vain, have tended to make them unpopular with a few men at every mining camp whose chief mission in life, it seems, is to give trouble. This state of affairs seems to me most deplorable, and discouraging in the extreme, for the reason that mine labor is nowhere else so well organized as in the state of Illinois." That is true, isn't it? A. It is as well organized there as elsewhere. Q. And as well paid? A. Their wages compare favorably with other states.

Q. Now, Mr. Mitchell, frankly, considering that as the experience of the bituminous operators in the favorable state of Illinois, which you select as one of the favorable states, do you still ask this commission to compel us to enter into an agreement with your organization? A. I think that possibly in order for the commission to know the conditions in Illinois it would be advisable to invite the operators who make that statement to come here.

Q. "Should you ask me, as I have been frequently asked, why do we not discharge such offenders"—this is the operators asking the question of you, Mr. Mitchell, and as the representative of the

owners of these two inconsiderable properties, I ask it—"why do we not discharge such offenders, I will reply that it is well nigh impossible to discharge a miner in Illinois mines without laying the mine idle in which the offender has been employed. To discharge a member of your union for any cause gives offense, even when his offense is admitted, which the miners very generally resent. This being the case, your organization must find the remedy for our trouble, the owners of the mines themselves being powerless to act." Is that true, or not?

A. I think by referring to the Illinois agreement you will find that whatever objections they had were overcome by inserting in the agreement the right to hire and dismiss the men. Q. Under the limitations which Mr. Willcox explained this morning. A. Yes, sir. Q. Well that is one of the things I wish you would offer to put in this agreement, and see what privileges you propose to afford us. We will be very thankful for small favors. I have been reading—Mr. Darrow requested me to state—from a letter transmitted by you under date of August 3, 1901, to gentlemen generally designated as "brothers," and I hope I come within that designation. It is addressed to you and transmitted by you to the brothers of the organization. Would you be surprised to find that the same conditions exist today in the bituminous mines of Illinois as that letter describes?

Proceedings of Monday, Nov. 17.

[From The Scranton Tribune, Nov. 18.]

Practically all of yesterday's session of the mine strike commission, like the sessions of the two previous days of the hearings, was devoted to a discussion of the proposition of the expediency and desirability of the operators entering into contract relations with the United Mine Workers of America.

President John Mitchell, of the miners' union, continued on the stand all day, under cross-examination by Hon. Wayne MacVeagh, of counsel for the Erie company's coal properties. Properly speaking, it was not an examination of a witness by an attorney, but rather a discussion between the two of subjects the latter chose to introduce. Mr. MacVeagh would present a statement of a condition and ask Mr. Mitchell for an expression of opinion on it, or something to that effect. Mr. Mitchell's reply would be an effort to belittle the effect that the recital of the lawyer might have on the commissioners.

It was a pretty contest, interesting at all times, and occasionally really exciting. So well did the young leader of the miners fence with the shrewd, experienced ex-attorney general that the latter was moved to remark at one of the retorts of the witness: "Mr. Mitchell, you are the best witness—for yourself—I have ever faced in my life."

Skillful parrying on the part of the witness saved him frequently from the alternative of refusing to answer or making an admission detrimental to his side of the case.

One Incident.

Once Mr. MacVeagh related an incident from Forest City, where a hotelkeeper refused to board non-union men, and wound up by asking the witness if he thought that was right. The witness could not very well say it was wrong, as that would be censuring a strike sympathizer, and, of course, could not say it was commendable, as it would be giving approval to a palpably illegal boycott. Quickly, with scarcely a momentary pause for thought, Mr. Mitchell said: "Why ask me about that? Our union is not running hotels." The answer, while not designed to make very much of an impression on the commissioners, served most admirably in saving the witness from unwillingly committing himself.

This was only one instance. The examination was replete with them. In dealing with the application of the opprobious epithet "scab" to non-union workmen, Mr. MacVeagh remarked: "Having designated one as a 'scab', what else would you do?" Mr. Mitchell thought a while, and said with a smile: "That's all." The audience, which knew that that would be all that was necessary in the premises, laughed long and heartily at the sally.

How necessary it was for Mr. Mitchell to summon to his aid all the skill he may possess as a disputant can be gathered from a contemplation of the three subjects which formed the burden of the day's discussion between himself and Mr. MacVeagh. One was the right of a man to work where, when and as long as he chooses; the second was boycotting, and the third the violence which prevailed during the strike.

After reciting some of the many ills to which the "non-unionist" was heir to, during the strike, Mr. MacVeagh asked Mr. Mitchell if he approved of that sort of thing. Mr. Mitchell replied that he would content himself with refusing to have anything to do with him.

Said Boycotting Was Wrong.

On the question of boycott the witness said it was wrong to deprive people of the necessities of life, by inducing merchants not to deal with them, but defended the right of union men to deal or refuse to deal with a friendly or an unfriendly merchant, as the case might be, and to induce others to do the same.

For the last hour of the afternoon, Mr. MacVeagh read from a 73-page pamphlet containing briefly mentioned accounts of the violence that occurred throughout the region during the strike. Occasionally he would pause to ask the witness what steps the union took to prevent this sort of thing or discipline the members of the union who were guilty of the acts enumerated.

Mr. Mitchell admitted that if such things were true it was deplorable, but he refused to admit that the conditions described by Mr. MacVeagh were true.

After considerable questioning, Mr. MacVeagh succeeded in getting Mr. Mitchell to admit that intimidation as preached by those who murdered, dynamited, boycotted, beat and threatened workmen had the effect of deterring men from going to work, but the witness insisted on adding that lawlessness was not necessary to the success of the miners; that the union discountenanced it, and that it was his oft-declared belief that lawlessness on the part of the strikers not only did not help, but hurt their cause.

To prove his declaration that men were not deterred from returning to work by fear of bodily harm, Mr. Mitchell told with much stress how, when the whole National Guard was called out, he had the strikers, union and non-union express themselves by vote as to whether or not they were deterred from going to work by fear of bodily harm and how every man of the more than 100,000 voted that it was not this that kept them from work, but their determination to stand for their rights.

Still Looking for Them.

Mr. MacVeagh laconically told of a recent election in Mexico, where Diaz received all but two votes and then added: "They are still looking for the two men who voted against Diaz."

Mr. MacVeagh was particularly aggressive in showing that the strike could never have been terminated except in a complete victory for the operators, if it had not been for the intimidation practiced by the strikers, and that President Mitchell was responsible for it. Once he declared unequivocally, "Mr. Mitchell, you could have prevented this intimidation and you didn't." Between the lines Mr. MacVeagh would have the commissioners read that the union and its officers, not only do not discourage, but actually encourage the violence which Mr. Mitchell admitted deterred "some men" from returning to work.

Mr. Mitchell did not make reply to the accusation that he "could have prevented the intimidation and didn't." He declared, however, that the operators could not have won if not so much as a single lawless act had occurred during the strike. The miners, he said would have stayed out all winter and all summer.

Mr. Mitchell was on the stand at adjourning time and will be cross-examined further today by Mr. MacVeagh.

The court room was crowded again at both sessions, a number of ladies being among the spectators. Mrs. T. H. Watkins, Mrs. Downs, of Philadelphia,

and Mrs. Law, of Pittsburgh, accompanied by Rev. J. H. Odell ,and Law Watkins occupied seats in the rear of the witness box. Many prominent citizens were occupying the seats inside the bar exclusive.

Door Smashed.

A lot of excitement interrupted the session just after the beginning of the afternoon proceedings. The tipstaves had allowed enough to come in to fill up the spectators seats and then blocked the swinging door. The crowd massed on the outside could see through the long glass panels that there was considerable standing room left and clamored for admission. The tipstaves paid no heed to them and becoming exasperated the crowd pushed against the door till they forced them open and then piled in pell mell until no more could fit in the room.

The commissioners treated the matter good naturedly, and Judge Gray suggested to the tipstaves to keep no one out as long as there was even standing room left. "When any leaves, now, let another one in," he advised.

A minute later the remnant of the crowd on the outside began pushing again and a man standing against the glass panel was pushed completely through it, but fortunately without being injured. The crash of the falling plate glass startled everybody and caused another short interruption, but the commissioners once more laughed the matter off. They evidently could appreciate the extreme anxiety that caused the adoption of such extreme measures to gain admittance.

Mr. MacVeagh began his cross-examination of Mr. Mitchell by reading further extracts from the constitution of the Operative Plasterers' Association of New York, and about some of the association's high handed methods of attempting to regulate conditions of employment. Pointing out what he considered the iniquities of this branch of unionism, Mr. MacVeagh asked Mr. Mitchell if he could consistently ask the commission to force the operators to deal with unionism. Mr. Mitchell said he knew nothing of this association, its rules or the causes which led to the adoption, and therefore would not care to pass upon them, but on the surface, he would say the association in question was not acting in a fair manner.

Must Use Anthracite.

Mr. MacVeagh spent some time in showing that 500,000 poor, in the cities of the Atlantic coast, who must use anthracite if there was any fuel, are, today without means of buying it, and pointing out that these poor number three times the members of the anthracite miners' ranks, asked Mr. Mitchell if he would favor increasing the difficulty to those people of securing coal by adding to its cost. Mr. Mitchell replied that the cost of coal was entirely regulated by the operators, and the union, not being consulted in the matter, was in no wise responsible.

Mr. MacVeagh repeated his question in this form: "Are you in favor of insisting in your demands despite the fact that 500,000 poor people will have to deprive themselves of bread to help accord you your demands?" Mr. Mitchell replied that the miner has a right to have living wages for his labor. This, Mr. MacVeagh characterized as a repetition of the old question, "Am I my brother's keeper? which the devil has been inducing human selfishness to ask always through the lips of Cain."

Taking up the demand that coal companies shall not have authority to hire private guards for their properties, Mr. MacVeagh asked why the coal companies should thus be discriminated against. Mr. Mitchell's answer was to the effect that the system had grown generally pernicious and because it was only right and proper the regularly constituted authorities of the state should select the men who are to act as guards.

In defense of the charge made by Mr. Mitchell that the coal and iron police were "criminals," Mr. MacVeagh read the occupations and reports on conduct and habits of the men who served as guards at the Erie collieries. They were clerks, inspectors, surveyors, agents, students, farmers, and the like, and only in one or two cases did those who had supervision of them have occasion to report any misconduct on their part.

They Live Here.

Questions by Commissioner Watkins developed the fact that every one of these guards were men living in this community.

Mr. Mitchell insisted that the regularly constituted authorities were amply capable of protecting the property of all classes of people in the state.

"Mr. Mitchell," said Mr. MacVeagh, with earnestness, "do you not know, as well as you know your name is John Mitchell, that in spite of the constituted authorities of this state, of this country, of this city, this whole region has been treated for five months to a veritable foretaste of hell?"

"I don't know anything of the kind," replied the witness.

"Well, you will know it before we are through with you," declared Mr. MacVeagh.

The examination then proceeded to the eight-hour-day question again.

Q. I want for a moment to ask you whether you still adhere to the proposition that no one of our employes in the mines or about them shall be entitled or allowed to work beyond eight hours, no matter what the purpose of that working may be, if it is not a charitable purpose or a purpose of emergency or something of that kind? A. I do not ask that the hours of labor of your employes be limited at all, except so far as they are limited by the decision of the commission, or by the agreement that you might make, limiting the hours of labor yourselves.

Q. But you do insist that that limitation shall be uniform? A. We favor a uniform eight-hour day.

An Eight Hour Day.

Q. Don't you go a little further than that? I do not mean that you do so now, but have you not gone to this extent: "Not more than eight hours"—you must excuse me for being insistent about this, because the commission is being asked to put what we believe to be this yoke about our necks, and we must examine into the character of it before they can intelligently impose it. We have agreed to abide by it if they do, and we will loyally abide by it; but before they put you upon our back we must know what weight you bring with you; and here is one weight which seems to me so brutal, so un-American, so indefensible that I ask you again whether you stand by it: "Not more than eight hours shall be worked in any one day by any mine worker?" A. We favor a maximum eight-hour day.

Q. Do you mean to say that a father working in that mine who believes he has a son that may be president of the United States—and your father had a son that may be—is not at liberty to work as long as he chooses in order to help that son to the position you occupy today? A. Mr. MacVeagh, your company regulates that now by making a day ten hours. We differ with them there. We say make it eight hours. There is no disagreement about having a maximum number of hours. We have disagreed as to what the maximum shall be. We say eight, they say ten.

Q. No, Mr. Mitchell, we never have accepted, and we never will, except under the compulsion of this commission, such a principle as that. We will accept it, but we will continue to protest against it until we are relieved of it. I say that Mr. Lincoln had a right to work in the coal mines of Illinois, if he had had the chance, fourteen hours a day, if he wished to do so, to buy another spelling book and another reader in order to enfranchise the laboring men of the world. You say he had not that right? A. I have not said anything about what Abraham Lincoln had a right to do. Q. Well, but if he was a coal miner you say he would not, and there are Abraham Lincolns in your coal mines today? A. If Abraham Lincoln was digging coal now, he would be a stronger advocate of the eight-hour day than I am.

Did Not Limit Himself.

Q. That he might be; but he was splitting rails, which was a tolerably arduous occupation. He did not limit himself to eight hours; and you demand it, not only for the men in the mines, but for all the men above the ground as well. Abraham Lincoln was doing infinitely harder work than nine-

tenths of the men employed about our mines above ground. So was Mr. Garfield, when he was as a boy trudging along the path of the canal, and so was Mr. McKinley in his early life. I only mention them because they are the three victims of the sort of anarchy which is the curse of this country today, and the only serious curse affecting it.

Mr. MacVeagh here brought out that the executive board of the miners' union has eighteen soft coal and three hard coal members. He also inquired, in detail, as to administrative workings of the union, how organizers are employed and paid and the assessments levied on members. In answer to a question by Commissioner Watkins as to levies, Mr. Mitchell told that during the strike he contributed $54.75 a month in assessments to the strikers' cause.

Mr. MacVeagh inquired into the settlement of the 1900 strike to show that its settlement was brought about through the instrumentality of the politicians, and having, in a way, shown this, made the statement that if it was not for this the strike would not have been settled as it was.

Enumerating the petty strikes that followed the 1900 settlement, and emphasizing the fact that in the Erie company's collieries in six months following that settlement there were eight strikes as against one in the twenty-three years preceeding the coming of the United Mine Workers into this region. Mr. MacVeagh asked the witness: "Would you not think, naturally, that the owners of these collieries would hesitate before they would wish to continue that condition?"

Mr. Mitchell replied that the union sought to enter into a working agreement with the companies so that it might be able to prevent just such difficulties.

Conclusive Condemnation.

Mr. MacVeagh pointed to the fact that Illinois has such an agreement and then alluded to the letter of the Illinois operators read on Saturday, which he characterized as the most surprising and conclusive condemnation of the agreement that mortal men could pen.

"If in a colliery, when an employee was complained of for inefficiency and laxity, he said to the representative of the employer, 'You go to hell!' John Mitchell is my boss.' Would not that interfere with efficiency, in your judgment, if that spirit existed to any extent?" asked Mr. MacVeagh.

"I should say," said Mr. Mitchell, that if any man said that, that particular man was in the wrong, and if I had known that he said so, I would be the first to tell him."

Mr. Mitchell explained the letter of the Illinois association referred to above saying it was written by the operators' commissioner, Mr. Justi, at his suggestion, that he might transmit the operators' complaints in a forcible way to the miners. "The letter is very much overdrawn in consequence of this purpose," said Mr. Mitchell.

Then Mr. Mitchell proceeded to make a plea for the recognition of the union by the anthracite operators.

In no speech, or other public utterance has he displayed such earnestness or eloquence as he displayed when he broke forth in this appeal. Deserting his usually unimpassioned, placid, composed manner, he leaned out far in his chair and with the index finger of his right hand resting in the palm of his left hand, which was extended before him, argued with all the persuasive force he could command for the recognition which he had declared, previously, was not a paramount issue. His words and manner would have fitted a man pleading for his life.

"Trade agreements," said he, "have prevented these local disputes, these local strikes, against which our union is as much opposed as any of the coal operators can be. We do not want them. They injure us all. Supposing we do not have a trade agreement. Supposing that is not the result of this investigation, and the award of the commission, the union will still be here. It is not within my power or the power of the coal companies, nor the province of the commission, nor is it possible to legislate men out of the union unless they want to go.

Union Will Be Here.

"The union will be here. It will have all the power for good or evil that it has now. The coal operators, if they desire to, could not crush the union. They cannot wipe it out. I hope they would never try to do it. Then it is going to stay here. As long as it is going to be here, why not have an arrangement that will place limitations on its power as far as the effect of the discipline of a working force is concerned? Let us agree in contract what these powers shall be, and I dare say that if our union violates the contract, the people of this country will take good care that we have no union left. There will be no question about that, and if the operators violate it, the people of the United States will see that they regret it. That is my view of the situation. I think we will not have the very things that you complain of, and the things that I complain of too. We ought to agree not to do those things."

"So far, we are in hearty agreement," said Mr. MacVeagh, "except as to the method of reaching that result. If anybody ever attempts to deny to an American workingman the right to associate himself with other working men, and be represented in collective bargaining by you—and they could not get any better representative—or by Mr. Nichols, or anybody they choose to select, you may call upon me to stand side by side with you in opposing such legislation. But my objection is that that is one question, and my question is not answered at all by your explanation, though you undoubtedly intended to answer it. Let me read the crucial point of the question: "We are frequently asked why we do not discharge such offenders. I will reply that it is well-nigh impossible to discharge a miner in the Illinois mine, without laying the mine idle in which the offender has been employed. To discharge a member of your union—and this is addressed to John Mitchell, president of the United Mine Workers of America—for any cause, gives offense, even when his offense is admitted, which the miners very generally resent. This being the case, your organization must find the remedy for the trouble, the owners of the mines themselves being powerless to act."

Mr. Justi to Testify.

Chairman Gray stated that it was the intention of the commission to invite Mr. Justi to give testimony as to conditions in Illinois. Mr. Justi is the commissioner of the Illinois Coal Operators' association. Mr. Mitchell provoked laughter by describing him to Judge Gray as "the agitator of the operators' union."

Some interesting exchanges took place in a discussion of the boycotting question, as will be noted from the following:

By Mr. MacVeagh:

Q. We have had only two radical and irreconcilable differences: The limitation of the hours of labor upon the men desiring to work longer, and the right to employ such people as the owners of property think fit to resist unlawful attack upon them. Now we come to the third weapon, and perhaps the most objectionable feature which results from your organization—and in saying that I do not mean to say that you cause it, or that any other gentleman in it causes it—I say that it flows from the present temper or your organization as water runs down hill. You undertook to explain your attitude about boycotting, and I could not quite understand you, and yet you were very lucid, as you always are. Will you please tell me what are the rights of a man who does not wish to work in one of our collieries at the wages we are willing to pay him, against another man (and the members of his family) who does wish to work in our collieries at the wages we are willing to pay him?

A. We regard him as an unfair worker. We think the man is blind to his own interests. We think he is joining forces with the employer to defeat the fair ends of those who go on strike. In other words, he is usually termed by the working people and others, a "scab."

Q. Now, Mr. Mitchell, do you know that I just as honestly think your present organization and your influence in it, and your inuflence with the country is injurious to the true interests of the working cases, but I should always despise myself if I went around saying: "John Mitchell is a scab." Why should you say that of me? A. I should not say it of you, Mr. MacVeagh, because you would not take another man's job when he was on a strike. (Laughter.)

Why Call a Man Scab.

Q. I am not talking about that. Why should you call a man a "scab" who differs from his fellow workmen as to the

wisdom of continuing to earn a living for himself under such condition as he thinks are reasonable, even though he may be mistaken in that opinion if you choose? A. It is simply a general appellation for every man who works when another one is on strike. He is looked upon, and I think justly, in the same light that Benedict Arnold was looked upon, or any traitor.

Q. Why should you call me "scab," if I prefer to work, to continue to earn my living rather than to lose my wages for five months? A. Because that is the general term that applies to that class of men to destroy the objects of their movements.

Q. Suppose I continued at the lawful occupation I had theretofore been pursuing at wages which had been satisfactory to me before the organizers appeared, what are the limits of the treatment you would feel justified in extending to me? You say you would call me a "scab." I must bear that as well as I can. What else? A. That is all. (Laughter.)

Q. If, as a matter of fact, in consequence of the eruption of your organization in this district, a strike were declared and opprobrious epithets are hurled at people because they are exercising a lawful right in a lawful manner, do you not think the influence of your organization is evil? A. No; I do not think so. It is not a consequence of our organization. Q. Does it follow when your organization does not exist? A. Such things will follow the organization, the same as outrages followed the Army of the Potomac as it went down South. The United States government was not responsible for the atrocities, or the wrongs, that followed in the wake of the army. I know that in all great movements, regardless of their character, there is a certain element that is not directed by the movement itself, and that contains men who do things that the movement itself does not stand for. Q. No; but does the movement reprobate them, as with other great criminals? A. It would if it knew them, if it were the agency that should do it and would do it, but, in the case you speak of now, if there is any violation of the law in the treatment of the non-unionists, or scabs, so-called by the unionists, they have redress in the courts. We do not seek to save our people from deserved punishment. We have no way of regulating the individual acts of our members——.

About Boycotting.

Q. No, no, Mr. Mitchell; do not misunderstand me. I am asking you for your judgment as the head of this organization, of boycotting. I understand you to say that you accepted it, in part, the other day, and I want to know how far? A. I believe that they have the right to exercise the rights given them by the courts and by the laws. Q. Has it ever been decided in any court that they have a right? A. To boycott? Q. To boycott. A. Yes, I think so; I think there have been quite a number of decisions which hold that boycotting is not illegal. I am not able to give the decisions offhand.

Q. Haven't you seen in the newspapers —because you read the newspapers, and ought to—recent decisions in England; I think there are two of them, in which individuals have been held to be responsible for consequences, for damages, to a very great extent resulting from boycotting? A. I have reference to decisions of American courts.

Q. Very well. Is there any American court that has ever justified what you call, what we mean by boycotting, as you described it the other day; and, if so, I would be very glad to have Mr. Darrow answer. He will answer that question better than you will; you terminated your legal studies too early. You say that boycotting is simply a strike. You do not mean that do you. A. Yes, I mean it is a strike. It is a refusal of people to spend money at certain places, to patronize certain people; it is, in effect, a strike against a merchant. It might be against a man holding a public office, a refusal to patronize him.

Q. Suppose a grocery store keeper has a license to conduct a grocery store. Do you say he has any right, legal or moral, to decline to sell to me because I am pursuing a lawful occupation, against which you protest? A. Well, I do not know what the law is in its application to store keepers; I do not know whether they have the right to sell to whom they please. Q. Do you think you have a moral right to tell him not to sell to my wife because I am pursuing a lawful occupation in a lawful manner? A. No; but I have a right to tell him that I do not propose to deal with him any more.

Q. That is your privilege, but if you conspire with three or four other men to do that, then you are applying a terrorism to him, which you still think you have a right to do, do you? A. I think that a man has a legal right to spend his money wherever he pleases, and he has a right to tell the merchant his reasons for——.

Has the Legal Right.

Q. Has he not the legal right to work where he pleases? A. He has a legal right—yes; I think an American has a legal right to spend his money wherever he chooses.

Q. Has he not a moral right to pursue a lawful occupation in a lawful manner? A. He has not a moral right, if his work destroys the hopes and aspirations of his fellow men.

Q. Suppose he thinks he is helping? A. He never does. (Laughter).

Q. Oh, I beg your pardon, he is as liable to do that as you are to think the other way. But now, you say you may join with other men to notify a storekeeper that if he sells the necessaries of life to a man who is performing his lawful occupation in a lawful manner, that you will cease dealing with him? A. I have the right to tell him that I will cease dealing with him if I want to, under any circumstances

A. Yes, yes, but have you a right to tell him you cease dealing with him because he is supplying the necessaries of life to any other citizen, your equal in every respect, who is pursuing a legal occupation in an lawful manner? A. I say I would regard it as a great extreme to deny the storekeeper the right to supply necessaries of life to anyone, and I should not sustain any such action. I do not believe in starving men, even if they are scabs.

Q. Do you think it is an American system which ought to be extended upon us, the owners of these properties, that whenever a majority of our workmen differ from a minority in opinion as to the hours of labor or conditions of employment the majority shall be at liberty to intimidate the minority and the members of their families into abandoning their honest convictions on the subject? A. It depends entirely on what you mean by intimidation.

Q. You know perfectly well what it is; you know you would be intimidated and your family would be intimidated if the grocery man in your village was notified that he would deal with you at his peril; if your children when they went out of the gate were called by this epithet which you think not commendable but admissible; if the wife, when she appeared on the street were treated as if she were a leper —that is intimidation, and we all know what it is. Now, why cannot your organization come up like American men and say that it is a cowardly practice, that it is un-American, that it is brutal and unmanly and that you will abolish it; why cannot you do that? A. Well, to begin with, I should be very much opposed to our organization taking a position that would place the non-unionist, the man who worked, the man who sought to destroy the hopes and aspirations of the great bulk of the men, the man who sought to destroy the hopes of the children, on the same plane of respectability as the man who fights for those American principles.

Intimidation of People.

Q. Have you the right to practice the cowardly and unmanly course of intimidating me into abandoning my convictions as to the propriety of my working by making the lives of my wife and children unendurable? That is the question. A. It depends on what you mean by making their lives unendurable.

Q. You know how they can be made unendurable; how easy they can be made unendurable. Take your best judgment of what makes a good wife's life unendurable, and what wrings a father's heart to breaking by the treatment of his children. You know what it is; why don't you stop it? A. I have not advised our people to do this thing that you say; I do not know that they do. Q. Of course you have not advised them— A. I do not know of a case that would be the parallel of cases that you have cited.

Q. If such cases are shown you until you are weary of them, as I will show, will you then agree to take drastic, thorough-going, effectual measures to root it out, as you would any other deadly, unmanly, un-American, cowardly practice? A. Well, I would have to know exactly what you mean. Q. We will get it? A. Do you mean that we propose— Q. Very well, you will get it. A. (Continuing.) That we propose and advise our people to ask the wives of the non-unionists to came and have tea, that we receive them with open arms, that they be taken in and become—

Q. Not at all; there are lots of non-unionists who would not want you to meddle with their wives, who would not want you to take them in your arms at all. (Laughter.) I mean figuratively, of course, but you know what I mean. Ought their lives and the lives of their wives and children to be made unendurable? A. I think those wives and children had better ask their fathers. Q. That is your answer— A. I think it is they who have made their lives unendurable.

Q. That is your answer? Well, I am glad to have it—No, I am sorry to have it. Do you think a physician ought to be warned not to attend a sick child of a father who is working for his living? A. No, sir; I do not. Q. Have you taken any method to prevent such an outrage? A. I have never heard of such an instance

except the statements made by a paper of the character of the New York Sun. Q. Do you mean the good or bad character of the New York Sun? A. I mean the extremely friendly character of it towards the union men.

Q. Do you think a clergyman should be prohibited from administering the sacrament to a non-union workman? A. No, sir; I do not. Q. Do you think a funeral should be stopped because the driver of one of the carriages is not a member of the union? A. No, sir; I do not.

Does Not Favor It.

Q. Should a physician be intimidated from attending his patients because they are non-unionists? A. He should not. Q. We have heard a good deal here of the character of the life here and the destitution and unfortunate conditions of the children of the mine workers. I want you to look at a couple of photographs preliminary to asking you a question and whether you think they fairly represent the average attractiveness of American girls—and there are no girls in the world more attractive? (Two photos shown witness.) A. Yes, I think so.

Q. I will ask you if you think girls of that character ought to be boycotted by being deprived of their employment in the public schools because their fathers continue to help to contribute to the support of their families? A. I presume that a public position, such as teacher in the public schools, is like any other public position, and that citizens of the city or commonwealth or school district have a perfect right to petition the directors to appoint or dismiss any one they choose. That is done not only by workmen, but, I think, quite often by employers

By the Chairman:

Q. Is it fair, Mr. Mitchell? A. To ask for their dismissal because their parents are working? Q. Yes. A. I should say as a general proposition, no, that that is going to an extreme. No labor organization advocates that, but, in addition, it is fair to say that neither one of those girls if she was teaching school and her parents, or her father, was working, would be an efficient teacher; because the children would not obey her. That would be a condition that no one could control. The children would look upon the teacher disrespectfully, unfortunately, because of the fact that the parent was working during the strike; and the interest of the school would be better subserved by having some one there whose father was not a non-unionist, until things quieted down again. That may not be a good thing—

By Mr. MacVeagh:

Q. Would you say that it is a bad thing? A. Not the best thing.

Q. What I wanted to ask is whether you have any reprobation for visiting a penalty upon the girl who teaches school, whose father chooses to remain at work, at the work upon which he has been engaged for five years, where she is discharging her duties acceptably. A. I say that neither myself nor my union, so far as I know, had ever encouraged anything of the kind; that both myself and the union, as such, as far as I can express its policies, have declared that over and over again, that our people must obey the letter and spirit of the law. I have not picked out one thing and said they must obey that and not another thing; I have said they must obey all the laws.

His Duty to Go.

Q. What is the proper treatment of a member of a militia company who is ordered out to suppress violence during a strike, who is also a member of a labor organization? A. It is his duty to go.

Q. And what is the duty of the labor organization to which he belongs? A. I should say it has no particular duty to perform in the matter. Q. Suppose they expel him? A. I should say that was wrong. Q. Therefore, you oppose that unhesitatingly? A. I say that a member of a labor union should exercise all the right, perform all the duties, and accept all the obligations that any other citizen would. I want to say that we have thousands, hundreds, of miners who are members of the National Guard—that our members were out on duty during the strike; there was no question about it. They gave part of their earnings to the strike. So we have no quarrel on that.

Q. You have no objection whatever, therefore, and you think it an outrage for any labor union to expel a member who does go out in obedience to his duty. A. As far as I am concerned myself, I think each union has a right to its own law, to do as it chooses, although I think it is a bad policy; personally, I think it is bad policy. I would rather have members of a trade union on guard than any one else.

The Chairman: This is very important—I want to get at it. Not only as a trade union man would you rather have members of your order in the militia, if wanted to preserve law, because they were friendly to you, but as a citizen you do not object to their performing their public duty?

The Witness: Not at all; no sir. As I said, a member of a trade union enlists and he ought to willingly perform all the duties of citizenship; he ought to accept all their responsibility that goes with them, and the trades union that seeks to stop that is wrong.

At this juncture recess was taken until 2 o'clock. Mr. Mitchell resumed the stand in the afternoon and his examination by Mr. MacVeagh.

The Dr. Roberts referred to in the succeeded question sat at the miners' table.

Quoted Dr. Roberts.

Q. Here is an extract from a book written by a friend of yours, and I have no doubt a very excellent and earnest-minded man, Dr. Peter Roberts. You know him? A. Yes, sir. Q. And he is a supporter of your views, commonly speaking. I do not mean that he takes his views from you, or that you take your views from him, but you are generally in accord? A. I believe Mr. Roberts to be a supporter of the union movement. Q. Dr. Roberts says in a publication called "The Anthracite Coal Industry" on page 15 as I am assured; "employes under monopolistic control, share in the increased profits of operators, and for this reason working men often do not object to a monopoly. If the Miners' union"—That is your organization—"and the coal syndicate"—there isn't any, but if there is my friend Mr. Wolverton will take care of it and I am not in it (laughter)—"if the Miners' union and the coal syndicate can agree in their common interest as against the public"—there is where you strike me, you see—"there is no reason why there cannot be a long season of industrial prosperity in the anthracite coal fields. Self interest"—There we come again to the question of Cain—"should unite both capital and labor in the anthracite coal fields, and it can be done, if practical reason on both sides shall control." Do you adhere to that sentiment?

A. That is not an expression of my views, by any means.

Q. Do you favor a union of the miners you represent, your organization and the coal operators in common interest as against the public. A. No; I do not favor it as against the public.

Q. Well, will you, assuming that neither our freight rates pay dividends to the owners of the property nor our coal companies pay any dividends to the owners of the property, and as it is impossible to subtract something from nothing, will you point out why Mr. Roberts is not exactly right in declaring that the union you ask will be against the public? A. I should not care to point out at all anything about that statement of Mr. Roberts. We expect Dr. Roberts to testify in the case, and I have no doubt that he will be abundantly able to substantiate his own statements.

Engineers and Pump Runners.

Referring to the calling out of the steam men, engineers and pump runners, Mr. MacVeagh proceeded to show that it was done to put the operators to the alternative of deciding in twelve days whether they would grant the miners' demands or suffer the destruction of their property with its consequence of indefinite idleness and a coal famine.

Q. Undoubtedly; but you still do not get the point. You are a good enough American—as good as any American—to know that no American accepts dictation kindly. He does not like the limit drawn on him either in games (laughter) or in life, and the moment you draw a limit of twelve days and annex to the concession of your demand that specific length of time, under a threat that their property will be destroyed, you are doing something totally different from calling out the mine workers—a totally different class of action; because, as I say, you are then striking not only at the two classes whom Mr. Roberts thinks ought to join, the mine owners and the mine workers, but you are striking at that third class which you two ought to join to exploit—the public. A. Well, Mr. McVeagh, I quite agree that no one likes to be dictated to, but when men are advised to go to the employers and request them to permit them to work an eight-hour day, when they try to arbitrate the differences, when they offer to defer to an investigation—all without success—then the time comes for dictation.

Q. Very well, then, if that twelve days was given for the purpose, and was a reasonable time for the purpose of allowing other men to come in and preserve the property by taking the places of the men who went on strike, that is reasonable; that I can perfectly understand, but then you call that man who goes in to help preserve our property a "scab," and you subject him and his family to a life which it is needless again to characterize, but which is intolerable, because he comes in to protect our property from destruction, when our property is to furnish the public with coal, and to furnish your men with employment, and I would be glad to have any further explanation you can give, or if you do not care to

give any, why we will pass that and go on.

At this juncture Mr. MacVeagh entered upon the long-drawn-out story of the "reign of terror" consequent upon the strike. From the printed summary of seventy-three pages he read of one after another of the violent acts perpetrated during the strike, and showed when he could they were traceable to union strikers.

The Schneider Case.

Q. Did you have your attention called to the case of John and Rhoda Schneider —Schneider being a foreman at Dorrance colliery, who had been threatened. Mrs. Schneider endeavored to see you and failed. Did you hear of her endeavor? A. I never heard of it. Q. She saw instead Mr. John Fallon, one of your members, to protect her home. You know Mr. John Fallon? A. Yes, sir. Q. Did you hear that that night it was set on fire and burned down, with its entire contents? A. I saw it in the papers; yes, sir.

Q. You spoke about men relying on the local authorities. Was there a report made to you of a newspaper man taking notes at Duryea during a riot, at the Warnke washery? He was warned by a borough constable standing on the steps of the borough jail to put up his notebook, and that if he did not, "I will tell these Polish countrymen of mine in my language and they will break your head?" A. I never heard of such an instance. Q. Or of any such conduct by an officer of the peace? A. I never heard of it.

Q. Did you hear of the case of Mike Gannigan, a borough constable at Grassy Island who, when the troops were fired on at night, a search light was turned on immediately, and a man seen running away, with his gun in hand, and when he was caught it was discovered that he was the constable? A. I never heard of it.

An editorial on the passing of the "scab," printed in the Hazleton Trade Unionists, was here introduced. It was in the best style of a man who wanted to be elegantly mean and couldn't, and provoked much laughter. Judge Gray remarked: "The man who wrote that must have put a wet towel on his head when he got through."

Q. Because certain things have followed from your eruption into this district, bringing with you your organization, that I ask you to consider, not whether you think the yoke of your organization ought to be put upon our necks, but whether these disinterested gentlemen are at liberty to put it there against our protest. You came into these fields and you inaugurated this strike on the 8th of May. On the first of July, Luigi Vanassa at the Duryea colliery, was killed. On the third of July Drummond Clinger was killed at Brookside. On the 30th of July Joseph Beddall was killed at Shenandoah. On the third of August John R. Lineheart was killed at Mahanoy Plain. On the fourth of August William Pursell was killed at Phoenix Park, Pottsville. On the 6th of August, Daniel Sweeney was killed at Nanticoke. On the 18th of August, Patrick Sharp was killed at Lansford. On the 25th of August C. M. Brush was killed at the People's Coal company. On the 8th of September Sistieno Castelli was killed at Maltby. On the 25th of September, James Winston was killed at Grassy Island. On the 28th of September, Joseph Gillis was killed at Nanticoke. On the 2d of October John Mulien was killed at Smithville. On October 7, Anthony Colson was killed at Shenandoah. On the 9th of October, William Durham was killed at Shenandoah, a total of fourteen murders in this region between the inauguration of the strike and the appointment of this commission.

Who Killed Them?

A. You might tell the commission who killed them.

(Mr. Darrow handed a memorandum to witness).

By Mr. MacVeagh:

Q. How do you explain the coincidences between the inauguration of your strike and the killing of more men than were killed in the battle of Santiago? A. Quite a large number of those you say were killed, were killed by the coal and iron police. Q. I wanted Mr. Darrow to give you that list. Will you kindly name those who were killed by the coal and iron police. Mr. Darrow has tabulated it for you? A. Well, I observe in your second one here a man killed by accident. I do not want the union to be held responsible for men who are killed by accident. Q. Not unless it was an accident which resulted from the union. A. Joseph Beddall was killed at Shenandoah. There are now under arrest, and their trial in progress, I believe, a saloon keeper and a butcher for killing him, and one miner. Daniel Sweeney was killed by men who were on strike and who have confessed that they killed him. Patrick Sharp was murdered by the coal and iron police, no question about it, no one else charged with it. I do not know this John Cosey. I presume he was a non-union man. I do not know the circumstances in connection with him. Patrick Sharp—a deputy accidentally discharged a rifle and shot and killed Paul Hanlock, a non-union man. Our union is certainly not responsible for that. John Winston, a non-union man, clubbed to death at Olyphant by mob; several foreigners arrested. From what I know of this, I understand there is very little evidence to show who committed this crime. Whoever it is should be punished as they ought to be; but I understand that the authorities have no reason to believe that it was done by strikers. I may be in error about it. Joseph Gillin was shot by James Sweeney on the street. Joseph Gillin was a man on strike. He walked along the road holding his little girl by the hand, and a non-union worker crept up behind them and shot him dead. James Mullin was found in the railroad track. He was a mine foreman. It is generally accepted that he was killed by accident by the train. At least I understand no miner has been arrested for his death. The county detectives said it was due to accident. James Durham was shot and killed by a soldier at Tamaqua. James Durham, as far as my information goes was a deaf man, a veteran of the war. He walked along within the lines where the soldiers were stationed. He failed to halt when he was ordered. He did not hear the call to halt. He moved forward. He was ordered to halt again. He did not hear it and he was shot dead by a soldier. The civil authorities have asked for the soldier's arrest, but because of some differences with the military authorities they so far have been unable to bring him to trial. In the case of this stabbing, James Sonder stabbed a man at Plymouth. I understand that there were some men who went into a saloon and got into a quarrel there. From what I have been able to learn about it there is no connection between it and the strike itself.

The Fourteen Deaths.

Q. So that of the fourteen deaths, your organization suffered three, one of whom was drunk and was violating the rules, and the non-union men, who were not members of the union, suffered eleven deaths? A. Oh, well, you understand—

Q. They were not members of the union? A. And many of the deaths were not through members of the union. Q. I understand that. A. They killed one another. Q. Yes, I am not asking about that. I am asking as to the fact that, eliminating the case of the man who was intoxicated, there were two members of your association who, you say, were unjustly killed? A. There may be more than that of this number. I might say that the names are not familiar to me, that I want to go through them. Q. And there are eleven non-union men. Now, I want you to explain how eleven non-union men came to be killed in this region after you inaugurated a peaceable strike? A. Well, I do not know in what way. John Thompson was killed by accident. Q. No, but taking the number of men that met with violent deaths, can you give us some idea? A. I do not know why they killed one another.

The reading of further items from the criminal calendar of the strike occupied the remainder of the afternoon. Assaults on non-unionists, hanging in effigy, burning of homes, dynamiting, hooting, serenading, throwing men into rivers, shooting, clubbing, mobs attacking single men ad infintum, ad libitum, were marshalled in telling array and by inference laid at the door of the miners' union.

"Don't you think," said Mr. MacVeagh, "that this was what you would call a foretaste of hell?"

Mr. Mitchell admitted that if such conditions existed they would be intolerable, but denied that these things as told by Mr. MacVeagh were true.

Q. You do admit that if these outrages occurred they would have deterred our men from returning to work? A. I said that I do not believe they would have returned to work under any circumstances. Q. No, but you now admit, what you did not up to this time, that if these acts occurred they may have deterred our men from going to work? A. They might have deterred some of your men from going to work. Q. Yes. Therefore this reign of terror was an element in your success? A. I deny that there was this reign of terror. My information is that there was not. The reign of terror was very largely in the newspapers.

Dynamite a Weapon.

Q. Dynamite now appears for the first time as an efficient weapon. What, in your judgment, is the effect of the introduction of dynamite upon the minds of women and children? A. Our opinion is that it was introduced by the coal companies. Q. Yes, I have no doubt of it; but the coal companies blew up the houses of their own employes? A. We shall possibly introduce witnesses to tell you something about it.

Q. I have not any doubt of it, I have heard enough testimony in my life to be surprised at nothing; but you will have to get your explanation by some process not yet known of why the owners of our properties wished to blow up these very comfortable homes of which we saw photographs. Do you allege that? A. No, sir.

Q. You do allege that the operators endeavored to blow up the homes of men working in the mines? A. No, I do not.

Q. You knew that dynamite was used against the non-strikers? A. I saw it in the newspapers. Q. And did you hurry here to investigate it? A. I did not; I do not know that it was used here. Q. You did not know it was used against the non-union men? A. Where do you mean?

Q. I mean in this region. A. I had seen in the papers on various occasions where dynamite had been exploded at the bridges, and I think once or twice near houses; but I want to say that a miner knows how to use explosives too well to explode dynamite without injuring people, if he wanted to injure them, and it is rather peculiar that in all the explosions of dynamite that took place no building was destroyed and no person seriously hurt. The miners, if they wanted to destroy by dynamite, would do it better than that.

Q. Do you not see that that gives your own cases away? A. No, I do not see how. Q. Because they did not want to kill, but they wanted to intimidate, without the danger of having their necks stretched on the gallows; they intimidated men, women and children—

Q. Can you give a single instance of your union disciplining any one for lawlessness? A. I have tried to tell you, in as plain language as I am capable of, that I have repeatedly tried; and will introduce my own addresses to our members, advising them not to violate the laws, to be careful to observe the law. The cases as you read them I do not know, and I think it would be advisable to let us know who did those things. Q. Of course orders are given, and you give yours in sincerity. An incident that adorns the dramatic literature of England is where the caretakers of two young princes are admonished in the most exalted language to take the greatest possible care of them, and yet they both die in the night and nobody suffers. That was the trouble.

Statement of Non-Union Workers.

The statement of the non-union men, represented by Attorneys Lenahan and O'Brien, was filed yesterday. It reads as follows:

The non-union mine workers we represent present to the said commission the following statement of their demands:

First—For an increase of 20 per cent. upon the price paid during the year 1901, to employes performing contract and piece work.

Second—For a like increase of 20 per cent. upon the prices paid during the year 1901, to employes paid by the hour, day or week.

This request for increased wages, rather than decrease of hours of labor, is earnestly urged because such increase of wages will apply to the class of labor now receiving least pay at the mines, and being, therefore, the class which is especially in need of increase of wages. Instead of desiring a reduction in the hours of employment, we insist upon a right to work as many hours as we choose, and as opportunity affords, so as to better our conditions and increase our earning capacity; and we insist that the operators shall not conduct their mines in such a way as to favor certain workers in certain chambers and places of labor, to the detriment of others who are willing to work. At the same time, we insist upon the right of any of us to do as much work as the opportunity in the particular mine affords or offers, even though it may result in less work being done by another employe, who through indisposition is not willing to work when the opportunity affords, or by reason of any contract with the mine workers' union restricting his own class of labor.

Third—We demand the adoption at each colliery of whatever methods may be necessary and practicable to secure for the miner a minimum rate of 60 cents per ton of 2,240 pounds upon all coal sold from said colliery, the differentials now existing at the various mines to be maintained.

Protest Against Agreement.

Fourth—We protest against the making of any agreement between the United Mine Workers of America and our employers determining what wages shall be paid to us, and what shall be the conditions of our employment, or pretending to deal in any respect whatever with our rights or interests as mine workers.

Fifth—We earnestly protest against any agreement being made by our employers with the United Mine Workers of America, for the reason that any agreement, if made, will render it impossible for us to continue to earn our living by our labors in and about the mine in which we are now employed, or to which such agreement applies, and will subject us and our families to all manner of abuse, violence, outrage and probably murder.

Sixth—We insist that it shall be an indispensable condition to any dealing whatever with any members of the Mine Workers' Union of America in the anthracite coal fields that they shall be effectually required to desist from all manner of annoyance to us and to our families and shall permit us to exercise our right to earn our living in any lawful manner we choose, and under any conditions which are mutually satisfactory to our employers and ourselves.

Seventh—We protest against any rule, limiting or restricting the number of cars to be furnished to a contractor, miner or laborer for the purpose of loading the same, whether such rule be made either by the operators, the United Mine Workers, or by mutual agreement of both of them, providing that the furnishing of the increased number of cars to any contractor, miner or laborer does not in any way restrict the number of cars to be furnished others, and we insist that a rule shall be adopted and strictly enforced compeling drivers in the mine or those having charge in the management and distribution of the mine cars to the miner, contractor and laborer not to favor any particular miner, contractor or laborer in such distribution to the detriment and exclusion of other contractors, miners and laborers.

Eighth—We believe it to be an inalienable and undoubted right to work when we can obtain it, and to receive as compensation for it the best price we can obtain. And we further believe that the laws of the land vouchsafe to us protection from insult, outrage, violence, molestation or interference in the performance of our labors, and in order that we shall not be disturbed in the full and free exercise of these rights, we must respectfully urge that the assertion of them be made a part of the finding in this proceedings.

Interfered With.

Ninth—In our effort to earn a livelihood for ourselves, our families and those dependent upon us, we have been most outrageously interfered with. Our homes have been assaulted and the lives of ourselves and those dear to us threatened. On our way to and from work we have been stoned, clubbed, beaten, insulted, jeered at and the same course of outrageous treatment has attended us at our places of employment. In order that we might to some extent be protected at our work, our employers have been obliged to have guards constantly with us and in many instances it became necessary to escort us to and from work to our homes. The sheriffs and their posses have been obliged to issue proclamation after proclamation to preserve the public peace, and it became necessary to increase their deputies and forces to a large number in and about all the collieries in the anthracite mine region, with a view to insuring public tranquility. By reason of the destruction of life and property and the gravity of the situation in and about the coal fields it became necessary for the governor of the commonwealth of Pennsylvania to order state troops to the places of violence and disorder.

And this serious and outrageous course of conduct towards us was by no means confined to our homes and places of employment. It followed us everywhere. We have been hung in effigy in public places. The vicious and unlawful boycott has been practiced to such an extent upon us, that merchants dealing in the necessaries of life have been forbidden to furnish us even with food and clothing. In church where we worship, the service has been interrupted by members of the union because of our presence there. Our names have been published in conspicuous places as being "unfair" and enemies to labor. In very many instances we have been obliged to stop work on account of fear and we have been in constant terror. All kinds of crime, even murder of our comrades and fellow workmen, have been committed for no other reason than that we insisted upon our right to work and against this course of conduct we emphatically protest.

Tenth—We hereby guarantee to abide by the decision of the commission on all questions decided by them, and agree that whatever conclusion it reaches, the same shall be final and conclusive.

(Signed) Non-Union Mine Workers.

By John T. Lenahan, Joseph O'Brien, Attorneys.

Proceedings of Tuesday, Nov. 18.

[From The Scranton Tribune, Nov. 19.]

Some significant questions were propounded, yesterday, to President John Mitchell, of the United Mine Workers, by members of the mine strike commission.

Mr. Watkins inquired at length into the possibility of the United Mine Workers enrolling in their organization all the miners of the country and thereby controlling the entire output of coal. He also asked about the union's opposition to becoming incorporated. At another part of the hearing, when the eight-hour day was under discussion, Mr. Watkins brought out the information that the eight-hour day does not prevail with the soft coal companies shipping east, who are the chief competitors of the anthracite operators.

Commissioner Wright got Mr. Mitchell to say he did not think it was proper for the employers in a certain industry, in order to resist the demands of a union, to paralyze that industry or any group of industries, and then inquired of him if his answer would be the same if he asked him would it be justifiable for a union to paralyze an industry or group of industries to enforce its demands, to which Mr. Mitchell made the somewhat evasive reply that he thought both sides should seek some other avenue of adjustment.

Questions from Chairman Gray, which practically amounted to declarations, indicated that he is very seriously considering the justice and expediency of restricting individual effort by limiting arbitrarily the amount of work any one man shall perform. "It is very important, is it not," said he, "to consider how far any agencies that are in being, or possible, should restrict that liberty?"

The Reason Why.

Mr. Mitchell was asked by Commissioner Clark if it was not true that one of the reasons labor unions do not become incorporated is that they could be held financially responsible for individual acts of their members, to which an affirmative reply was made.

When Commissioner Watkins was discussing the possible danger of the union gaining control of the coal business and paralyzing that industry by a general tie-up, Bishop Spalding entered the discussion for a moment with queries tending to bring out, and which did bring out, the declaration from Mr. Mitchell that without public sympathy the union can not maintain itself, and that if it did what was contemplated in Mr. Watkins' question it would immediately disintegrate.

Mr. Mitchell made his first bad break at the morning hearing. Mr. MacVeagh was reading from various utterances on the subject of the personal liberty of the individual as to selling his labor as he pleases, and after disposing of an excerpt from an address by Whitelaw Reid on the subject, proceeded to read another excerpt along somewhat the same lines, without giving the identity of its author. One of the things he read was: "The personal liberty of the individual citizen is the most sacred and precious inheritance of Americans."

"Do you cordially assent to that proposition?" asked Mr. MacVeagh.

Doctrine of Anarchy.

"No, sir," emphatically declared Mr. Mitchell. "It is a contradiction of every principle in American government—the right of a man to do what he chooses. * * * We do not want anarchy, and that would be anarchy pure and simple. * * * "

"This is the language, then, of a very carefully disguised anarchist," said Mr. MacVeagh, smilingly, "because it is the language of Archbishop Ireland."

Mr. Mitchell colored perceptibly, but quickly recovering declared he did not consider Archbishop Ireland an anarchist. Everything would depend, he said, on what the archbshop meant. The verbatim report of this incident is as follows:

By Mr. MacVeagh:

Q. Now, as we have disposed of Mr. Reed, who is not connected with the New York Sun, I ask your attention to this statement: "While the right to enter upon a strike is and must be conceded as a right belonging to the personal freedom of working men, this much must ever be demanded, and in the name of the same principal of personal freedom under which the men act who refuse to work; that they should cease to work must in no way interfere with the liberty of others who may wish to work. The personal freedom of the individual citizen is the most sacred and precious inheritance of Americans. The constitution and the laws authorize it. The spirit of the country proclaims it, the prosperity of the people, the very life of the nation, require it." Do you cordially assent to that proposition?

A. No, sir; it is a contradiction of every principle in American government—the right of a man to do what he chooses. Every man surrenders some of his own rights to the interests of society. We do not want anarchy, and that would be anarchy, pure and simple—the right of every man to do what he pleases, regardless of the effect of what he does upon society.

Q. This is the language, then of a very carefully disguised anarchist, because it is the language of Archbishop Ireland.

Not Assuming That.

A. I am not assuming that Archbishop Ireland is an anarchist. It might be interesting to know that Archbishop Ireland is a member of a committee of which I am a member, that has declared for a trade agreement; that has declared, in other words, for a trade union. Q. You are off entirely. I have declared for a trade agreement, but yet I have not declared in favor of dynamiting the houses of people who do not agree with me about trade agreements. A. Neither has any union man. Q. And your answer must be owing to a lack of reading correctly on my part, or lack of the proper emphasis, because I do not think you have caught the meaning of Archbishop Ireland's statement. He admits the right to enter upon a strike—nobody could deny that. "They should cease to work must in no way interfere with the liberty of others who may wish to work." A. Do you suppose the archbishop means that you would not have the right to boycott? Q. Yes, I think he means, as some of the courts have decided, as you know, that boycotting is a form of interference with the exercise of the individual right. I think you know that, Mr. Mitchell; I am not expressing an opinion on that myself. A. I know the courts have held, and I believe many of our most eminent jurists have held, that boycotting is not unlawful. Q. Mr. Darrow says that they have decided both ways. (Addressing the commission)—That does not surprise your honor, does it? (Addressing the witness)—In Pennsylvania, although you may not know it, it has been decided by our Supreme court that it is illegal, but I do not want to go into that just now; I will trouble you for a moment on that later. But this statement of Archbishop Ireland, who cerainly is not an enemy of organized labor, who certainly has no relations with the New York Sun, that they should cease to work must in no way interfere with the liberty with the others who may wish to work is either true or not true, and you either approve it or disapprove it. Which is it? A. It depends on what the archibishop means by it. If he means that men have not a right to boycott, then I disagree with him. I know him well, and I know him to be a fine gentleman. I do not know that he is regarded as the supreme court on trade union matters at all. Q. No, I only cite him because a great number of your members belong to the illustrious and historic church of which he is a distinguished ornament, and because he has given rather careful attention, as I have always understood, to labor questions. It is not that he is an authority on labor unions. It is that he is an American citizen, speaking with the authority of a great prelate of an illustrious and historic Christian church; and I should be glad to know now if you can say anything further as to your agreement or disagreement with him. A. I have said emphatically that if it means that men shall not have the right to picket, that they shall not have the right to peacefully presuade men not to work, that I disagree with the archbishop, or with the views you say he has expressed. Q. Well, this is a literal quotation from his statement.

In this testimony Mr. Mitchell showed he favored a first step toward breaking away from the dominating majority of the soft coal men in questions regarding anthracite conditions. He said:

"I propose to recommend at the next convention of our union that the miners of the anthracite fields cannot be called upon to strike by a majority vote of the national executive board. In other

words, that we shall invest the same authority in the three members from the anthracite coal fields as there is now in the eighteen from the bituminous field, when the question of strike is to be considered, giving them equal authority."

On Stand All Day.

Mr. Mitchell was on the stand again all of yesterday, under cross-examination. Mr. MacVeagh, who had been examining him since Saturday's session, finished with him at 11 o'clock, and was followed by Francis I. Gowan, representing the Lehigh Valley Coal company, who continued the cross-examination until a few minutes before 12.30, the recess hour, when W. W. Ross, representing the Delaware, Lackawanna and Western company, took it up. Mr. Mitchell was still under cross-examination by Mr. Ross when adjournment was had for the day. Today, A. H. McClintock, representing the Lehigh and Wilkes-Barre Coal company; John B. Kerr, representing the Ontario and Western company, and Simon P. Wolverton, representing the Philadelphia and Reading company, will take turns at questioning Mr. Mitchell. It is expected, however, they will not examine him at any great length and that he will be relieved from the witness stand this afternoon. Judge Gray mildly suggested yesterday morning that the cross-examination of Mr. Mitchell was becoming rather protracted.

The crowd in attendance at yesterday's sessions was again as big as the court room would accommodate. More ladies were in attendance than on any previous day. Four patrolmen, in charge of Captain Williams, were at the door to prevent a repetition of the incident of the day before, when the crowd "rushed" the tipstaves and forced its way into the room and later, in another attempt at "rushing," pushed a man clear through the long glass panel of the door.

Those having business inside or present by special invitation were admitted through the judges' doorway. Others were compelled to line up in two rows, extending along the corridor, and wait their turn to get in. After the room was filled, no one was allowed to enter until some one else had come out to make room for him. Many miners were among the spectators and laughed with great heartiness when Mitchell made some witty remark. Once there was some mild handclapping in applause of Mitchell making a telling answer, but it was so subdued it attracted no attention from the commissioners.

Bishop an Onlooker.

Bishop Hoban was an onlooker during the morning session. He sat on the platform to the right of the commissioners on one of the chairs reserved for distinguished visitors.

The general trend of the examination was practically similar to that of the preceding days, although the attorneys following Mr. MacVeagh were not as ready as he to provoke discussions with the witness, confining themselves more particularly to the question and answer method of developing the information they would put before the commission.

Mr. MacVeagh again dealt very generally with the recognition question, emphasizing the ill-effects on a community following in the wake of violence such as prevailed during the strike, and the moral, if not legal, wrong of preventing a man from selling his labor where, when and how he chooses, or limiting the amount of work he shall be permitted to do. Mr. Gowan and Mr. Ross confined themselves mainly to a consideration of the questions at issue as affecting their own respective companies' properties.

At the opening of the morning session Mr. Lenahan presented his power of attorney to represent the non-union men. It was a paper containing the names of over 2,000 non-unionists, requesting Mr. Lenahan and Mr. O'Brien to represent them. For reasons, which he said it was not necessary to mention at that time, he would request the commission not to disclose the names until they proceed to take testimony to sustain the averments of the statement filed the night before with the recorder.

"You can hand what you call your authority, or power of attorney from these two thousand of your clients more or less, to the recorder," said Judge Gray, "but it will not go further until the commission takes further steps about it. We do not keep anything that belongs to this record from the public, but you may if you choose hand in the papers and we will consider the matter, although it will not be part of the record, or be filed in any official sense upon which any argument can be made that you are a party to this proceeding. If you wish to do so, you may hand to the assistant recorder the names that you speak of."

Then the cross-examination of Mr. Mitchell by Mr. MacVeagh was resumed. Referring to the list of strike "outrages," enumerated at Monday afternoon's session, Mr. MacVeagh asked the witness to give his opinion of their reflex influences on the men committing them, which he said he hoped to be able to prove were members of the miners' union.

After remarking that he did not propose to assume that the statement of these outrages as presented was true, Mr. Mitchell said he believed the number of church-goers in the anthracite region was comparatively as large as in any other community. When Mr. MacVeagh insisted upon having a response to his question, the witness said he would agree the influence was not for good.

Proceeding, Mr. Mitchell stated that he knew "from his newspaper friends" that the list of "outrages" had been compiled by a New York Sun correspondent who was bitterly hostile to union labor; and who having no new story to write about the strikers, went over the files of the Sun and made up the list from his own previous despatches.

Growing Spirit of Lawlessness.

"What I am trying to show," said Mr. MacVeagh, "is that there is a growing spirit of violence and disregard of law in your organization; that its members are becoming more and more reckless of restraint, and impatient of it, and that your influence over them is insufficient to keep them law-abiding and peaceable as you have described them to be. So that, if a community—that was my question—is aroused to a great pitch of excitement and violence, and murders are committed in consequence of the assertion of your right to deny other men the right to labor for their living, then I say the consequences are upon your head whether your men committed the murders, or somebody else, and whether your motives are good or bad; the consequences remain.

"Well, Mr. MacVeagh," said Mr. Mitchell, "as to the fear that my influence is not sufficient to deter men from the commission of crimes, that is a contradiction of the claims often made about me. You have charged that men working in the mines have said to the men by whom they were employed that John Mitchell was their boss; you have charged that I was so influential that if I told them to go on strike they would go on strike. In other words that they were like so many checkers that I could move here and there and set down wherever I wanted to.

Q. You are not attributing that opinion to me?

A. I say that has been said of me.

Here Mr. MacVeagh quoted from an address by Hon. Whitelaw Reid, in which the declaration is made that the right of every man to sell his labor, if he can, and be protected in selling it cannot be arbitrated any more than his right to breathe.

Mr. Mitchell's comment on this was that Mr. Reid would have made the same statement about the right of people to sell coal wherever they choose, which freedom he claimed does not exist. Some operators, he alleged, are compelled to sell coal where others direct. A man has no right, he added, to sell his labor for a dollar a day at a mine if that would tend to reduce the two or three hundred other workingmen's wages to a dollar a day.

When asked whether or not he considered it wrong to prevent a man from working by intimidating him, Mr. Mitchell had recourse to his oft-used reply of "I am opposed to anything that is unlawful." He, later, declared it was not unlawful to tell a man it was to his best interests to stay away from work during a strike. Mr. MacVeagh asked if he considered it unlawful to morally persuade a man to quit work if the man's next door neighbor, who had refused to stop work had had his house blown up with dynamite the night before. Mr. Mitchell held that that did not enter into the case; that it made no difference if the neighbor's house had been blown up the night before or a year before.

Disrespect for Judiciary.

The alleged growing disrespect for the judiciary on the part of labor unions was made the subject of a lengthy discussion between lawyer and witness. Mr. MacVeagh contended that whether the decision of a court was favorable or adverse it was the duty of the witness and other labor leaders to continuously preach that the welfare of all classes depended on a growing respect for the judiciary. Mr. Mitchell indicated he would hesitate some time before he would preach to people to have a growing respect for Judge Jackson.

"When in an opinion we are called vampires and loafers and denounced as men who live upon the heart's blood of working men," excitedly declared the witness, "we have a right to resent it."

Mr. Gowan began his cross-examination, as did the attorneys preceding him, by eliciting from Mr. Mitchell an admission that he knew nothing specific of the wages or other conditions at the mines of the company he was representing. Mr. Mitchell explained he had only a general knowledge, but that data would be presented later giving specific information supporting the contentions he makes.

Next he had the witness tell what a bituminous miner is actually required to do in mining coal, and then took up the various matters at issue. The examination was proceeded with substantially as follows:

Q. Now, coming to the question of the eight-hour day, what class of labor do you regard as the most exacting and laborious in the anthracite mines?

A. Well, I presume that the work of a miner himself is the most difficult—the most responsible. Possibly, it is not quite as laborious as that of the man who shovels coal, but the responsibility is much greater.

Q. Why is it, then, that in the demands which you have presented to the commission, you have not asked for an eight-hour day for the miner and laborer? A. That would necesasrily follow. The eight-hour day would come to them as the result of the eight-hour day for the mine laborers.

Would Receive No Cars.

Q. Do you mean to say that they could not work except at the time when the others were working. A. No; it wou'd mean that if an eight-hour day were adopted, the drivers and all the other day laborers would stop at the end of eight hours. That of itself would stop the miner and his laborer. He would receive no more cars.

Q. And that is the only answer you have to that question? A. Yes, sir, directly. When we asked for the eight-hour day and specified the laborers, or particularly specified them, we did it in order to secure to them an increase of pay. We expect the contract miner and his laborer to work only eight hours a day.

Q. How do you expect to secure an increase of pay for the man working by the month or by the day, by limiting his hours of labor to eight hours? A. Well, if a man worked in one of your mines now 200 days in a year, and was paid $2.00 a day, he would receive in the entire year $400. He would work 2,000 hours. If you put him on an eight-hour day, he would work 240 days, eight hours a day, or 2,000 hours, and he would receive $480.

Q. Now, you are assuming, are you not, that under existing conditions, or under conditions which have lately prevailed, that the mine is not run full time, and therefore the breaker time can be increased? That is necessary in order to give these men an increase of wages, is it not? A. No, the breaker runs the same number of hours that it has run any other year, but you divide it into a greater number of days.

Q. Take a man who has worked every day last year that the breaker ran, ten hours, how is he, at the end of the year, to have more money in his pocket by having the hours reduced from ten to eight? A. He would not have more money in his pocket. He would simply have less work to do.

Q. Have you not once stated, Mr. Mitchell, before the industrial commission, that one of the main objects of the eight-hour law was to increase the number of men employed? A. That has been the idea, in general terms, that the eight-hour day absorbs the unemployed labor.

Q. And that is one of the great advantages, is it not, from your point of view? A. I find that in the coal fields it has not had that effect, because it has increased the intensity of labor so much that it has not taken up or absorbed very many of the unemployed. In other words, it has developed in the coal fields that men do as much work in eight hours as they formerly did in ten.

Q. But unless the breaker time can be increased, the reduction from ten to eight hours will not increase the annual earnings of the men whose time will be reduced. A. Yes, sir; it would increase it twenty per cent. Q. The annual earnings? A. Yes, sir.

Eight Hour Question.

Q. I say unless the breaker time can be increased. A. Why, if the breaker ran the same number of hours now in the year that it did before, and a man worked eight hours a day and received the same pay for eight hours that he formerly received for ten, he would necessarily, in the aggregate, receive twenty per cent. more wages at the end of the year. Q. Because they would have to work overtime? A. No, sir; because they work the same number of hours they ordinarily do in a year. Q. But you do not ask for an increase of wages. A. It amounts to the same thing.

Q. Well, I will leave it there. Now, Mr. Mitchell, coming to the question of the weighing of coal, your constitution has something to say, has it not, on the subject of weighing or determining the method of paying for coal mined? A. Yes, sir. Q. Do you recall what it says? A. The declaration of principles provides for a proper system of weighing or measuring the earnings of the miner. Q. "Shall be properly weighed or measured?" A. Yes, sir.

Q. So that the constitution recognizes the propriety of paying for coal by measurement? A. No, you do not understand. That is not what it means at all. The word "measure" in there simply means the correct method of measuring with a tape the amount of entry a man drives in a mine. The miners believe that they were cheated in the matter of measurements in some mines, in that way, and that refers to the amount paid for driving entry work, or narrow work, as we call it here. It was intended that there should be a proper method of measuring that. It did not refer to paying for the coal by car, or anything of that kind.

Q. But still payment by the car is payment by measurement—perhaps not as you construe the constitution, but it is. A. No, and I might say that that was also intended to have application in the case of the thick veins, where they actually pay by cubical or lineal measurement.

Q. How many of the mines in the anthracite field are so equipped as to enable them to weigh the coal? A. You mean with scales? Q. Weigh it in any way? A. I think that every mine in the anthracite field in which the coal comes to the breaker as it is loaded by the miners, the coal could be paid for by weight. Q. I am not asking you that. I am asking you how many of the mines today are so equipped? A. I don't know. I understand that several of the companies are weighing coal now. I refer to the Erie and some of the others. Q. Do you now know that they are a very small proportion? A. Very small; yes, sir. Q. And you do not know the expense that would be entailed in adapting the mines to the changed conditions? A. I do not know how much it would be. I do not think it would be any very great amount. Q. Are you not aware that to do that in mines not originally adapted to the method of weighing would reduce the output of the colliery materially? A. No, sir. Q. It would not hold back the loading? A. I think very little. The scales may be placed at any place before the coal reaches the breaker, and scales are now constructed so that a car may be weighed while moving.

Matter of Topping.

Q. Now, Mr. Mitchell, I did not quite clearly understand your objection to the method of paying by the car which is in vogue in so many of the mines in this region. A. Well, there are many objections to it, but there is one objection, in particular, that has caused a great deal of discontent, and I understand a number of local strikes. That is the rule that requires a man to have a certain amount of topping on a car when the car reaches the breaker. It may be no fault of the miners that it has not the required amount of topping on it.

Q. But is not that a matter of agreement; that the miner is paid by the car with a topping of six inches? And what difference does it make to the miner, supposing that the rate of pay is adjusted accordingly, whether he loads the car to the top of the side or whether he loads it with six inches of topping? What difference does it make to the miner? A. If the agreement with the company you represent was that there must be six inches of topping on the car when it reaches the breaker, it is absolutely impossible for the miner to tell how much coal he must put on the car when he loads it to make six inches on it when it reaches the breaker. He may have put six inches on it in good faith when it left the place he loaded it; but by reason of the long haul, and the rough haul, the shawing, and so forth, or possibly, an accident en route, that knocked the topping off or settled it down, when it reached the breaker there was not six inches on it, and then the miner is docked for light loading.

Q. Have you never heard of miners loading cars in such a way as to leave an undue amount of space between the

lumps? A. Yes, sir. Q. You do not think that is an impossible thing to be done? A. No, it is not an impossible thing. I understand it has been done. Q. And therefore if the coal were started with six inches topping, but reached the surface with no topping, do you not think that is some indication that that coal was improperly loaded? A. It might be, and it might not be. Q. But it might be? A. It might be, but you can see that under the weighing system the miner would have no incentive to be dishonest. He would not want to "crib" the car, as the miners call that, because he would be paid for the amount of coal he put in the car.

Q. Now, Mr. Mithchell, take the case of a car loaded in the way I have indicated, so that the topping has disappeared by the time the car reaches the pit's mouth, the weight of the coal would be just precisely the same in that car when it started and when it reached the pit's mouth, would it not? A. Yes, sir. Q. And under the weighing system he would not be paid for any more coal than he loaded? A. No, sir. Q. Where would be the advantage, then? A. Because he would not be docked for the settling of the coal enroute, and under the present system he is docked if it is less than six inches when it gets to the pit's mouth. Q. Don't you agree that if he agrees to load coal with six inches topping that he ought to be docked if he does not do it——. A. How can he help——. Q. Wait. I say if he does not do it. I do not mean a case where he thought he had done so. A. But it is a physical impossibility for him when he loads it to say that it will not settle. He may have put a foot of topping on. He ought to be paid for the amount he puts on.

Matter of Agreement.

Q. That is a matter of agreement. Is not the agreement that he shall be paid for a car with six inches of topping, delivered or turned over to the company? A. Yes, sir; that is the agreement, but it is absolutely unfair. Q. Well, that is the agreement, isn't it? A. That is what I understand—it is not an agreement; it is the requirement of the coal company. There is no agreement. Q. The miner has agreed to furnish that amount of coal, under the requirements of the coal company. A. He is required to do that by the coal company—yes sir.

Commissioner Watkins:

Mr. Gowan, before you leave the subject of weighing coal, I should like to have Mr. Mitchell explain to the commission how he would provide, in case the company paid for the coal that was in the car on the basis of 2,240 pounds to the ton, how he would provide for an allowance for the impurities. A. I think the company and the men should both select representatives and I think a person should be docked for impurities. That is done now.

Q. That is done now by their fixing an amount, as I understand, of twenty-seven hundred to thirty-two hundred pounds, to cover the impurities. A. In some of the mines now the miners have what is called a check docking boss who with the company's docking boss determine the amount they shall be docked for impurities, where it appears to be an excess amount.

By Commissioner Watkins:

Q. But veins vary so in their impurities that it is necessary to make a different allowance. It is impracticable for the miner to take out all the impurities in some veins, or he can take them out in some veins to a greater extent than he can in others. They leave in a certain amount and the companies permit it to be taken out in the breaker. It is to the advantage of both parties that that shall be done. I am at a loss myself to see how you can get a uniform basis of weighing by the ton, granting your claims, that would work out satisfactorily on a basis of 2,240 pounds to the ton unless you add to it a certain amount for impurities, and that could not be a fixed amount all over the region, and there would still be friction in some cases in the future.

The Evil of It.

A. It could not be a fixed amount, and it is the fact that it is a fixed amount now that makes the system so unjust. Will you permit me to explain it? Suppose that two men were working in adjoining breasts, and one of the men was to load 2,800 pounds of clean coal in his car and send it out to be weighed. He would receive 74 cents for it. The man working right beside him might send out a car containing ten hundred pounds of refuse matter in it. He would be paid 74 cents for his twenty-eight hundred pounds. In other words the man who does not load impurities is penalized for the man who does; in order for the company to obtain from all sources a twenty-two hundred and forty pound ton of marketable coal, they are compelled under this system to inflict a uniform penalty on all of the men regardless of whether they load impurities or not. Now the man who loads impurities is the one who ought to be docked for it, not the man who does not.

Q. How will you avoid that in the future by this system of paying for a ton of 2,240 pounds?

A. Now, I should say that it would be just as easy to make 2,240 pounds the basis of payment as it is to make 2,800 pounds the basis of payment. Then deduct whatever docks are necessary to protect the company against matter that they cannot sell. The miners, of course, are not entitled to payment for matter that cannot be marketed, but I think it would be more satisfactory to all the miners to have the ton 2,240 pounds. I am free to say that the grievance may be more apparent than real with them, but it is everlastingly there. They see it every day but they are required to mine a ton of coal of 2,800 pounds or 3,100 pounds, and they cannot understand why they must give that much coal for a ton when the companies are selling the coal always on the basis of 2,240 pounds. It may be that there is not a great wrong done the men and on the whole, taking them altogether, the man may receive in the agregate pay for all the coal they load, but the fact remains that the man who loads the impure coal is paid a part of the money that ought to go to the man who loads the pure coal.

By Mr. Gowan:

Some System Necessary.

Q. Mr. Mitchell, I understand we all agree that no matter whether the coal is paid for by weight or not, some system of allowance must be made to represent the refuse which is loaded with the coal. Under the present system, an arbitrary figure of 2,700 or 2,800 pounds is established. Under that condition, it is assumed that a ton of 2,240 pounds of clean coal will be produced, and that the rest is refuse? A. That was originally true

Q. I may say that is the theory now; whether it is in point of fact true or not I do not ask you? A. Yes, sir. Q. Now, if you proceed to pay by the rate of 2,240 pounds, you have still to make some allowance for impurities, have you not? A. For the actual impurities. Q. For the actual impurities? A. Yes, sir.

Q. How are you going to ascertain those impurities? A. Of course it is going to be extremely difficult to work out a scale as to how much you are doing to dock; as to the exact number of pounds. Q. I do not mean by the exact number of pounds. Let me put it in this way. You cannot inspect every coal car. That is impossible, is it not? A. I should not say that it is impossible, but it is impossible. Q. But it is impracticable? A. It may be.

Q. You have got to arrive, therefore, at the average amount of impurities shipped out during a given period in order to determine what the average deduction should be? A. As far as it is possible to inspect each car, let that be done, and let the dock be made upon the person who has loaded impurities. If at the end of the month it is found that there has not been as much coal mined, marketable coal, including all the sizes that are marketed, because the pea coal is as valuable as the larger sizes, though the miners are not paid for it at all—if at the end of the month the company has paid for more coal of all sizes than they have sold or stocked, whatever they may do with it, then some arrangement could be made where the miners might have a certain amount taken off of their pay to compensate the company; and, on the other hand, if the docks made during the month have been excessive, so that the company has sold more coal during the month that it has paid for, then they ought to pay a dividend to the miners. That was the system in the Pennsylvania company years ago. They paid a dividend at the end of the month or year, if they sold more coal than they paid the miners for. Q. How does that get you away from this difficulty, that when you come to average for the amount of coal which has been shipped, and make either deductions or pay dividends as you suggest, the good miner is going to suffer by reason of the shortcomings of the careless or dishonest miner? A. It would minimize that very much, because I say that the docks should be made as far as possible during the day, during the month, upon the men who had loaded the most impurities, and the men who did not load them should not be docked at all. So that, in the end of a month, there might be a slight amount either coming to the miners or to be paid by them, but it would not affect each one very much. It would minimize to the very greatest degree the matter they complain of.

An Interesting Colloquy.

It was at this juncture the members of the commission began their questioning, alluded to above. The following interesting colloquy occurred between Commissioner Watkins and Mr. Mitchell:

By Commissioner Watkins:

Q. You asked Mr. Mitchell a question about this organization. The answer, I believe, was that it was the purpose of the organization to get every mine work-

er in the country into the organization. That was it, was it not? A. I answered that proposition affirmatively, that the desire was to have every miner in the United States a member of our organization. That is not its sole purpose, however.

Q. Would it not be possible, then, for you to tie up all the fuel interests of the country? A. It would hardly be possible, with the proposition that is now submitted to the commission. We make an annual contract in the soft coal fields. This commission has power to fix a contract for a longer period. That will put us in the position that if we had any such intention we could not carry it out because there may be a contract here for two or three years, or something like that. The contract here might expire in October. It always expires there in April, so that there is hardly a possibility of what you have suggested, even if we wanted to do it. If it were our intention, we would not permit a contract to be made that would remove our power to do it.

Q. But that is a possible danger, is it not, under unwise leadership? I do not assume that you would be unwise enough to do anything like that, but it is one of the things that we have to consider on the commisison. I would like to have your views on that subject, as to whether it is not possible. Suppose, for instance, that this commission gives a decision that is satisfactory for any term of years, limited to 2, 3, 4 or 5 years, it is possible then for your organization to force the operators in the bituminous region into a condition where all the contracts would terminate at a certain time, so that they would all terminate at the end of five years, if that is the length of time fixed upon by our decision?

A. It is not impossible in the sense that it could not be done, but it is not at all probable. I should say that there is no possibility of its being done, although it would be possible to do it.

Q. Yes, That is a dangerous power to place in the hands of any one organization, without some restrictions in the contracts?

A Dangerous Power.

A. I should think it would not be a dangerous power, because they could do the same thing if they had separate organizations. If there were twenty organizations of American coal miners, they might all strike at the same time. They could make a coalition, but it seems to me that the larger and more powerful a labor organization is, the more conservative and safe it becomes, because it is held to a rigid accountability for its acts. A small organization may escape public censure for doing wrong. It may escape being held to an accountability for what it does, but an organization like ours cannot.

Commissioner Spalding:

Q. Could the operators do the same thing, Mr. Mitchell? Could they form a coalition and stop the mining of coal throughout the United States?

The Witness: They could do it the same as we could. That is especially true right now when the coal fields of the country are passing into the hands of a few men.

By Commissioner Watkins: Well, could the operators really do that? The laws would prevent their doing what your organization could do, not being incorporated. They would come under the head of the monopoly laws, and the trust laws, and that sort of thing, if they sought to control the fuel supply of the country, while you would not?

The Witness: I do not know any law that would prevent them from shutting down their mines. I mean there is no statutory law to prevent them from doing it that I know of. However, I do not think it would be possible in our country for that to be done either by a labor organization or by an organization of capital.

The Chairman: Does not society depend, after all, on the old economic principle that all the great forces that tend to uplift and carry on social advancement and civilization depend upon the average desire of individual man to better his own condition and to work for wages, and for the man who has property to utilize it and get work from it. Isn't that it, after all?

The Witness: I think that that principle is true.

The Chairman: If you can imagine all men ceasing to work at once, the social machine would stop, would it not?

A. Yes, sir.

The Chairman: Therefore, does it not become exceedingly important to consider what agencies tend to restrict that liberay of action?

A. Well, I do not know that I quite grasp the point.

The Chairman: I do not want to go back to the discussion between you and Mr. MacVeagh, which has been so interesting and so protracted, as to wether it does not become very important to consider how far any agencies are calculated to restrict that principle of action in achieving the individual desire of man to work to support himself, although for the purpose of contributing to the common weal, and that of the owner of property utilizing it to get an income from it. It is very important, I say, is it not, to consider how far any agencies that are in being or possible should restrict that liberty.

Ought to Be Limitations.

The Witness: Well, I think that that is true; that there ought to be limitations upon it, and there is one thing it would possibly be advisable to know about our labor movements in America, that in the very rare instances in which they seek to limit the amount of physical energy a man may expend it is done only by restricting the hours of labor that he may work. We do not do as they do in Great Britain. The report is probably very much exaggerated, but it is charged that the trade union movement there has set a limit as to the number of bricks a man may lay, the amount of plaster a man may put on, the number of laths he would nail to the wall, and all such things as that. In our country the trade union movement does not stand for such restrictions. It asks restriction of the hours of work, and then not only permits but expects a man to work as hard as he is able. They are not only permitted to do all the work they can do in the hours of work, but they are expected to do so.

Commissioner Wright: To avoid recurrence to this later on, do you consider it justifiable for the employers in a certain industry, to resist the demands of a labor union, to paralyze that industry or any group of industries?

The Witness: No, I do not think it is proper.

Commissioner Wright: Would the same answer be made if I should substitute unions in stead of employers? Would it be justifiable for a union to paralyze an industry or a group of industries in order to enforce its demand?

The Witness: I think either side should seek some other avenue of adjustment than by paralyzing the industry.

The Chairman: Yes.

Commissioner Spalding: Without public sympathy, do you think your union could maintain itself?

The Witness: No, sir; I do not.

Commissioner Spalding: No. Then if you committed such an act as Mr. Watkins contemplates in his question, do you think you could continue to hold the sympathy of the country?

The Witness: No, sir; I think our union would immediately disintegrate.

By Commissioner Watkins: Q. The thought occurred to me, in connection with the statement you made the other day that the president of the organization has the right to interpret any doubtful points in your constitution. That gives to one man a rather dangerous power, does it not? I am simply calling your attention to that thought which occurred to me.

Change of Rules.

A. Yes. I might say, Mr. Commissioner, and it may furnish information to every one here, that I expect to recommend to our next convention a change in our law; not that I think it is absolutely necessary, but to remove what appears to be a reasonable doubt. I propose to recommend that the miners of the anthracite field cannot be called upon strike by a majority vote of our national executive board. In other words, that we shall invest the same atuhority in the thr e members from the anthracite field as there is now in the eighteen from the bituminous field, when the question of a strike is to be considered, giving them equal authority. I think that is fair, and it is what would be done anyhow. It would be the policy, while it is not a law, and I propose to ask that it be made the law.

Q. Do you know that resistence to the encroachments of your organization is based upon fears and doubts as to its possible action in the future, and you also know that that is the situation over a large section of the bituminous field, as well as the anthracite field. For instance, in West Virginia, I believe, and if you could throw any light on your attitude towards those subjects that would prevent the tying up of the fuel industries of the country, it would help me personally as a member of this commission, and guide me in my action. I simply call attention to it, because those thoughts are in my mind. I have been an operator, and I am still interested in the soft coal business. I think the whole commission should have light on that subject, and I want it particularly.

A. I think there is no possiblity of the entire coal industry being paralyzed, although, under our law, it is within the power of the board to do it. I might say, however, that the executive board will never inaugurate a strike except by the vote of the members themsleves.

Q. I do not want to be misunderstood. You know there are a large number of soft coal operators that do not like the methods of some of your leaders and organizers and are still opposed to doing any business whatever with the United Mine Workers of America. I speak of

that because, as a matter of fact, you have strikes on today—at least, I have not heard of them being declared off—in West Virginia and elsewhere. I believe you have one on with the Fairmount Coal company, from which the Norfolk and Western railroad ships largely?

A. Yes, sir.

Number of Strikes.

Q. And along the Chesapeake and Ohio railroad; there shipments have been restricted to fifty per cent this summer. And in Western Pennsylvania, you have had quite a number of strikes. My observation is that their opposition is due to the same reasons which exist in the anthracite region; they may misunderstand the motives, but they do oppose the encroachments of your organizers. One of the reasons there is, they claim, you are collecting a fund to force them to these contracts; collecting from individuals working for them a per centage of their wages, sometimes amounting to three per cent., out of which the check weighman is paid—and that may amount to one-third of that three per cent.—and the other two per cent. going into your treasury; that that is for the purpose of raising a fund to fight them in the future. And there are quite a number of other reasons that you know of.

A. Yes, sir. Can I say that we do not have that fund; we have never had a larger fund than $200,000 in the national treasury. At the present time we may have considerably more than that, but we have not any defense fund—we have no strike fund in our organization at all. When a strike is on, and it becomes necessary to support people, we levy assessments. Only the money in the national treasury is used for the national purpose. When I speak of a million and a half dollars, I am referring to the money in the treasuries of the districts and subdistricts and the national treasury, altogether. The amount held in the national treasury is usually about $100,000.

By Commissioner Watkins:

Q. Have you or your representatives prepared any data that gives exactly the number of days in which the breakers or mines work eight hours, seven hours or ten hours, during the year 1901, for instance? A. No, sir.

Q. You know that there is a great deal of broken time. Sometimes they work three hours and stop, owing to an accident or shortage of railroad cars, and that there are unavoidable things causing them to stop, and there are a great many holidays. I think it would be interesting for the commission to know—and it bears directly on this eight-hour subject here—as to how many days the employes work during the year—three, four, five, seven, eight, nine and ten hours. We also know that during the year 1891 the collieries worked nearer up to their full capacity than ever before, that the market took more coal than ever before, and that is a fair year to take as an example. If you restricted the output any more than last year you would probably have considerable suffering to the public; is not that so? They needed the coal?

A. Yes, but they only worked an average of 196 days last year. You see, if they worked eight-hour days they would have worked more than that.

Q. But the difficulties would still exist with the eight-hour day, in the way of securing cars and accidents happening, and my own opinion is that it would be interesting for you and the commission and the other side to know how many days were broken days, and whether or not the miners did actually suffer to the extent that it is supposed in the statement that they worked ten hours a day. My impression is that they did not work ten hours very many days.

Did Not Average Eight Hours.

A. I agree with you. We have not the data as to the number of hours the breakers ran, but I am in accord with you that a great many of them did not work eight hours, on the average.

Q. And that they did not work ten hours many days? A. I think you are quite right; I think a great many companies did not work ten-hour days.

Q. And in making a change to eight hours, the question is, whether it would not work out an injustice to the miners? That is a question that comes up in connection with that, and it has occurred to me that you or your officials might have that information A. No, we haven't it; but the companies have it.

Mr. Brownell: We will give it to you.

By Commissioner Clarke:

Q. In those 196 days that they worked during 1901—I believe that it what you stated? A. Yes, sir. Q. Does that mean 196 days in which they started to work and worked more or less, or does it mean 196 full ten-hour days? A. It means 196 full ten-hour days that they started.

Commissioner Watkins: I wish we could have something that would be fairly representative of the average conditions; perhaps you could agree with the companies as to how that would be made up.

Mr. Brownell: We have all that data.

By Commissioner Wright:

Q. Will you tell the commission what you mean, from a trades union point of view, by the recognition of the union? A. Yes, sir. The recognition of the union, as I understand it, means that the employers shall make agreements regulating the hours of labor, wages, etc., with the unions, and that the union, as such, shall be held responsible for the rigid compliance with that agreement.

Q. That is different from the popular idea of recognition of the union, is it not? A. It is very much so, indeed. It also means that employes shall select whomever they choose to represent them in their meetings—that they shall exercise their own judgment about it. The unions themselves prefer that adjustments should take place between the employes themselves and the companies, if that can be done, that the actual employes will adjust grievances; but where they cannot do it, rather than strike, we prefer the officials of the unions going in and adjusting the differences. Q. That is what you mean by recognition, from the trades union point of view. A. Yes, sir.

For Disciplining Members.

Q. Another matter. Are there any provisions in your constitution and by-laws for the discipline of your members for any acts which individual members may commit? A. The constitution itself has not got that provision; we may have those in the agreements—our district agreements may have them in some places. I am not so well acquainted with that feature; but our local unions discipline their individaul members—they have that power. They may expel their members from membership. Q. For acts committed outside of the union? A. Yes, acts that would be contrary to the best interests of the union.

Q. Any acts of violence or anything of that kind. A. They could do so. There are several cases I have in mind now that occurred during this strike; for instance, the unfortunate murder of this man, Sweeney. All our local unions held meetings and denounced that in the strongest terms; denounced those acts. At Shenandoah, when Biddle was killed, our unions held meetings and denounced it, and they have done everything in their power agaist such acts. They could not do more than express their condemnation, of course, which they did; and that has been true of our unions in many other places. They have done everything in their power to prevent lawlessness and have condemned it, wherever it has occurred.

The Chairman: Do your officials report to the organization or its executive committee acts of violence that are detrimental to the reputation and good order of your organization?

The Witness: During this strike we had peace committees at one time to try to keep order, to at times to protect property. Where acts of lawlessness were permitted they were usually, many times, reported to the committee or local executive boards; generally it was through the papers, I will say.

By Commissioner Wright:

Q. Will you explain to the commission what your view is, from a trade union point, of the black-list and the boycott; what is the difference?

A. There is practically no difference; they are the same weapon. If anything, the black-list is the more baneful. I do not know whether the black-list is used new in the anthracite fields, but many of the miners believe it has been and believe it is. If a man loses his job in one mine he may hunt all over the anthracite region for another job and be unable to get one, without any reasons being assigned by those from whom he seeks employment. He is not told that there is anything against him, but he is unable to get work. Many years ago that was true in the entire coal industry, from one end of the country to the other. A man might go all over the country hunting for work in the coal fields and would not be able to get it. I do not think that that is so now, and I do not think that has been done to any extent in the anthracite field during recent years.

Q. You condemn both the boycott and the black-list, do you? A. Yes, sir, I do; except as I modify the boycott to where it is legal and lawful.

Mr. Gowan then brought out the declaration of Mr. Mitchell, made at the time of the last Indianapolis convention, in which the miners' president spoke in apprehensive tones of the dread possibility of all the miners quitting work.

In discussing the Hazleton convention, which called the strike, Mr. Mitchell denied that he opposed a strike, but only the time of calling it. He said he favored a strike this year. The vote against him was in the proportion of about 60 to 40, he said.

Mr. Gowan brought his examination to a close at 12.25, and then Mr. Ross took up the case for the Delaware, Lackawanna and Western company.

Examined by Mr. Ross.

Mr. Ross began the proceedings with an inquiry into conditions in the Illinois coal fields, with a view of showing that the conditions here are comparatively good. Mr. Ross is closely interested in some Illinois coal operations, and consequently in a position to ask some very particular questions.

In response to Mr. Ross' questions, Mr. Mitchell told in detail of the work, wages and other conditions in the different Illinois fields. The witness admitted he worked steadily for about eight hours, when he worked in the mines prior to 1897. He usually, with his partner, loaded ten tons or more. He went to work at 7 o'clock in the morning and worked until about 3 o'clock in the afternoon. His earnings were about $3 a day. The same work, he said, would now bring him $6 a day. His highest earnings for a year were about $750. In the Illinois field two miners work together as "butties" and divide their earnings equally.

Taking up the work in the anthracite region, Mr. Ross inquired as to the number of hours worked by contract miners. Mr. Mitchell declared they work seven, eight and nine hours, according to how long the breaker ran. Sometimes they work fourteen hours. On the average, they work longer than the breaker.

The witness admitted that in District No. 1 there is a local rule of the union forbidding miners from working on days when the breaker is idle, and explained that this was for the purpose of preventing favored miners from making extra money at the expense of those who were not favored.

The new management of the Delaware, Lackawanna and Western company, Mr. Mitchell said, had done much to help destroy this system of favoritism.

The witness could give no specific instances of excessive dockage, of children being forced into the breaker, or any of the other ills complained of, as far as the Delaware, Lackawanna and Western collieries were concerned. He said other witnesses would tell of those things, if they existed.

No Company Stores.

Mr. Ross brought out the fact that his company has no company stores and only 280 company houses, the average rental of which is $5 a month; also that 1,695 of the mine employes own their own homes. Mr. Mitchell remarked that very likely they were covered with mortgages.

By Mr. Ross: Q. Mr. Mitchell, you have given us a reason why we should increase the rate of wages to our miners, that "the wages of the anthracite mine workers are so low that their children are prematurely forced into the breakers and mills instead of being supported and educated upon the earnings of their parents." A. Yes, sir.

Q. Can you cite to me any specific instance of that kind among our employes? A. Yes, sir, your breakers are full of little bits of boys, and the mills around here have got many little girls working in them who are children of your employes.

Q. Are they forced in there by reason of the fact that their parents cannot make sufficient wages to prevent them from doing that? A. I can imagine no other reason that would induce any parent to send his little children to work instead of to school, except that they require the money to live upon, except in rare instances where parents may be inhuman.

Q. I wish, Mr. Mitchell, if you can, before this hearing is over, you would cite some specific instance where our employes, by reason of their inadequate wages, are required to force their children into the mills or into the breakers. I am interested with you. I think equally, in improving the conditions of our employes, and if you can cite any instance of that kind, I want to assure you that we will do the best we can to remedy the conditions and bring that about.

Q. Now, Mr. Mitchell, do you take the position before the commission that the miners' helpers are entitled to as high earnings as the miners themselves? A. No, sir; I do not.

Q. Why not? What is your reason for that? A. They do not require the skill that the miners do. They have not the responsibility that the miners have and they do not require the degree of training that the miners do. Those are reasons why the wages should not necessarily be as high.

Q. As a matter of fact, they are mere apprentices, are they not? A. Well, they are laborers.

Are on the Way.

Q. What is that? A. They are laborers. I do not know that they are apprentices, although they are on their way to the goal where they finally get to be contract miners.

Q. Yes, and is it not a fact that very few helpers work as helpers after they have been working in that capacity for two years? A. I presume that most of them try to get a certificate and become a skilled miner.

Q. As a matter of fact, they do, in this territory, do they not? That is, in prosperous times like these, when there is a demand for coal? A. Thirty-six thousand miners have managed during the last fifteen years to get to be contract miners.

Q. Coming down to your second demand, Mr. Mitchell, I want to see if I understand that right. I take it that your meaning is that the hours of labor should be reduced from ten to eight hours, and the result of this is an increase in the rate of wages, by the eight-hour day. Is that the final conclusion of that demand? A. That is what would be the result; yes, sir. It comes down to an increase of 20 per cent.

Q. I believe it amounts to an increase of 25 per cent. when actually worked out.

Q. Twenty-five per cent. A. Provided there was not an increase in the intensity of work which would surely follow. It would not amount to as much as a 20 per cent. increase to the companies, likely.

Q. And by making that change, granting this demand which you made, the increase in wages would be 25 per cent., and the output, that is the production, would be how much? Twenty-five per cent.? A. I should say not. I do not think that it would decrease your annual production at all.

Q. Why not? A. Because you do not work an average of eight hours a day for all the working days there are in the year now.

Q. Have you any idea how many hours we do work? A. I have some data upon it, but I have not got it right here.

Q. Do you think that is a fair demand, a reduction from ten to eight hours? A. Yes, sir; we would not make it otherwise.

Q. That means that it is fair for the miners to work, all of them, eight hours a day, for six days in the week? A. Yes, sir.

Question of Earnings.

Q. If the rate of wages paid to the miner for mining a car of coal was fair you would not be making this demand for paying by weight, would you? If the miner was paid a sufficient rate of wages for mining each car, so that his earnings would be reasonable during the year, then you would not make this demand for a change from paying him by the car to paying him by the ton? A. Of course, into the whole thing enters the question of earnings; but, nevertheless—

Q. As you said before, this third demand is really a part of the first demand. When you get down to the last analysis of this proposition is not it the fact that you hope and expect by getting the commission to order a change in this respect to obtain for the miners a higher rate of wages than you demand in your first demand, is not that it? A. No, that is not my purpose, it is not the purpose of the miners. We ask for 20 per cent. increase in the prices now paid. When we say that we do not mean 25 or 30 or 50 per cent. of the prices now paid, that cannot be misunderstood.

Q. Then, you would figure out the equivalent price per ton on the car basis? A. Yes, sir.

Q. In other words, we would have to go through every mine, every vein, and readjust our prices from a car basis to a ton basis. Mr. Mitchell, do you not think that that of itself would cause great dissatisfaction and great confusion, after this custom has been in force so long and the miners are so familiar with it and have been familiar with it for so many years—some of them for fifty years? A. Do you not know that it is the miners that are demanding the change?

Q. I want to say that at our mines we pay entirely on the car basis; but assuming that this commission should find that the rate of wages we pay our men is fair, would you still insist that they should pay the miners by the ton instead of by the car, having in mind this proposition; that if the miners are dissatisfied with the method of docking that they could appoint their own dock-master, the same as they appoint their own weigh-master, and let him be present with our man who does the docking and agree upon it? Could not that be done just as well, and would not that meet the principal objection which you have interposed up to this time to this system, and would not that save this company many thousands of dollars in reconstructing its plants?

Check Docking Boss.

A. Well, I do not know that that would eliminate the objections to it—the privilege of having a check docking boss there to see that the men are not punished wrongfully. As I have said before, our other witnesses know the history of this car. We believe we have been forced to load a larger car without an increase

of pay, and that has amounted to a reduction in wages. Now, we want that restored.

Q. Would not that amount to this, Mr. Mitchell?—that if the miners are not being paid, if they are not being paid for the same sized car that they were, that they are not receiving an adequate wage; and if the commission finds that they are receiving an adequate wage, then what would you say as to this other suggestion I have made as to our changing our system to pay by the ton instead of by the car?

A. We ask that the coal be weighed, because that is the only satisfactory method of determining the earnings of the men. It certainly has compensating features to you. It is said that miners crib their cars. If they do that, and the coal car is dumped, and you pay for a box of coal when it has been cribbed, the miners are being dishonest with the company. And, on the other hand, if a car breaks down en route the companies feel disposed to dock the miner, which is wrong.

A statement prepared by the Delaware, Lackawanna and Western company was presented showing that in a canvass of the employees of five collieries it was found that the employees owned $802,040 worth of property, exclusive of mortgages. It showed one miner who was the owner of $40,000 worth of property, and a number owning upwards of $10,000 worth.

"That $40,000 man" remarked Mr. Mitchell, "must have been one of those who mined the miners."

Mr. Ross said the man in question would be brought in to testify.

Commissioner Watkins began questioning Mr. Ross about the statement, whereupon Attorney James L. Lenahan one of the miners' counsel, made objection to the answers of Mr. Ross going on record, because he had not been sworn and should not give testimoney. After some discussion Judge Gray closed the incident with the remark that the commission would try not to be misled by any irregular testimony. Turning to Mr. Ross, the chairman said: "I suppose if you want to get those matters before us you can present them as some have done by asking the witness if he would be surprised to know whatever its contents set forth."

The laugh following this had hardly died away when Mr. Mitchell produced another by saying: "You can take it for granted I won't be surprised at anything you may read from that paper."

By use of the interrogative "would you be surprised etc.?" Mr. Ross set forth that the Delaware, Lackawanna and Western mines worked 203 ten hour days in 1901; that the breakers averaged 260 days; that the company hands averaged 7 8-10 hours a day and the miners only 5 1-10 hours, and that the average earnings of the contract miners was $628.56.

Mr. Ross took occasion to say in dealing with the restriction of output that would result from an eight-hour day, that his company for several years past has been unable to get coal enough to fill its orders. Mr. Mitchell provoked general laughter by saying President Truesdale had told him just the opposite; that the company's market was being encrouched upon by soft coal.

Mr. Mitchell stated in response to questions by Mr. Ross that he worked twelve or thirteen hours a day and his stenographers about the same number of hours, just at present, but except in emergencies they never worked more than eight hours.

After stating that payment by measure had been in vogue in the Delaware, Lackawanna and Western mines for over fifty years, and that the miners were satisfied with it, Mr. Ross asked Mr. Mitchell why his company should be put to the great expense of altering their plants so as to weigh coal. Mr. Mitchell declared the miners wanted payment by weight and then went on to explain, why, in substantially the same manner he had before explained it.

Speaking of dockage Mr. Ross referred to the public declaration of Mr. Mitchell that miners were docked 12 or 15 per cent and then asked him if he "would be surprised" to know that it was as low as eight-tenths of one per cent. at one of the Delaware, Lackawanna and Western collieries. Mr. Mitchell said he was sure that was not the average. He understood the average at the Delaware, Lackawanna and Western mines was three or four per cent.

Proceedings of Wednesday, Nov. 19.

[From The Scranton Tribune, Nov. 20.]

After being on the witness stand for nearly five days before the strike commission, answering the questions of ten lawyers and the seven commissioners, John Mitchell, the miners' representative, was relieved at noon, yesterday, and the examination of the second witness for the miners' side, Rev. Peter Roberts, Ph. D., was begun.

Mr. Mitchell might have been under fire for several days more had not the commission come to his rescue. Not less than half a dozen times Tuesday and yesterday morning. Chairman Gray intimated very strongly to the cross-examiners that the commission was quite satisfied that it had gained from the witness about all the information they could bring out from him that would be of use in the investigation in hand, and that unless there was something new to suggest as a line of examination, it would be well to end the discussion of generalities and proceed to get at the specific and detailed information that might come from the anthracite miners themselves. This had the effect of abbreviating the cross-examinations. Mr. Wolverton, who represents the reading company, finished with the witness in about five minutes.

As Mr. Mitchell was leaving the stand Chairman Gray thanked him cordially in the name of the commission for his assistance.

Dr. Roberts on the Stand.

Rev. Dr. Roberts, the second witness, is pastor of the Congregational church in Mahonoy City, and formerly pastor of the Plymouth Congregational church, West Scranton, and the Olyphant Congregational church. He came into the hearing mainly through his authorship of a book on the anthracite region, published in 1901. For the past three weeks he has been at the Mine Workers' headquarters in Wilkes-Barre, assisting in the preparation of the miners' case.

"O, that mine enemy would write a book!" was brought forcibly to mind by Mr. Wolverton's cross-examination of Dr. Roberts. The attorney had carefully read the doctor's work and noted numerous statements corroborative of the operators' contentions. These were read to the witness to the accompaniment of enquiries as to whether or not he believed them to be true. The author, of course, had to admit his belief in their truth. Mr. Wolverton took especial pains to have the witness affirm a passage rather severely criticizing English-speaking miners for refusing, through indolence, to work more than five hours a day.

A difficulty, of no mean proportions, with which the commission will have to contend, was brought up by Ira H. Burns, of this city, one of the counsel for the independent operators.

It is the jurisdiction of the commission, under the terms of the proposition under which it was created, to decree whether or not an agreement shall be made with the miners' union. The companies' offer explicitly provided that the agreement should be between them and their own employes, and in their answers to the Mitchell statement, one and all declared "this subject was excluded from consideration by the terms of the submission under which the commission was appointed," to use the words of one of the answers.

Principal Reason.

The principal reason assigned by the operators for their refusal to have any dealings with the United Mine Workers is that the organization is made up principally of bituminous men. In the answer of the Reading company, President Baer, in a sort of aside, says if the anthracite miners would form a union of their own, his company would

take up the matter of making a working agreement with it. In answer to a question by Attorney Wolverton, of the Reading, yesterday, President Mitchell declared emphatically that a separate anthracite union was neither desirable nor possible.

Despite this situation, the half of President Mitchell's opening address to the commission dealt with the wisdom and expediency of the United Mine Workers being recognized, and the major part of the efforts of the operators' attorneys during the past five days has been to show the contrary in this respect.

Since the hearings began five days ago, no one has either claimed or denied directly, or by other inference than mentioned above, that the question of recognition is before the commission. Yesterday, however, Mr. Burns, whose clients, the independent operators, did not declare in their answer that the question of recognition was or was not before the commission, proceeded to a discussion with the commissioners of the right of employers to retain men who worked during the strike, and to hire non-union men in the future, providing the commission grants the fourth demand of the miners that the union be recognized.

Judge Gray consulted the other commissioners for a time, and then announced that according to the commissioners' reading of the submission agreement, the "non-striking" miners were not to be displaced. He made some other comments, but religiously avoided saying anything that would indicate how the commissioners view this delicate question of their jurisdiction.

Did Not Press Them.

Mr. Burns did not press the commission for a specific expression of their position on the really momentous question but turned aside to a discussion of the contingent question of how the non-union man was to be dealt with "if an agreement" was made.

Mr. Mitchell was brought into the discussion by a question from Mr. Burns as to what vested or other right, if any, a miner had in his "job." Mr. Mitchell said the miner legally had no claim on his job, but morally he had a right to be given back his place, after the strike was over, considering the manner in which it was ended.

Chairman Gray suggested that as the operators' proposition contained a condition precedent that the "men should return to work immediately," it was to be gathered that they should have work to go back to. Later, the chairman took occasion to qualify this by saying the non-union men were not to be displaced.

Mr. Mitchell denied that the union was demanding that any non-union or non-striking men should be discharged. The companies should, if it wants to provide for them, move them into the places deserted by the thousands of men who left the region and do not propose to come back. Then the old men could have their old places.

That the commissioners were somewhat impressed with the list of strike "violences" and have come to the conclusion that, even now, the non-union man is none too secure in his "life liberty and pursuit of happiness" is to be inferred from some apprehensions iterated and reiterated by Chairman Gray, when he announced that the commissioners could not comply with the request of Attorneys Lenahan and O'Brien that the names of their clients, some 2,000 non-unionists, be not made public.

Some of the Remarks.

Some of his remarks were: "I take it the use of the best of names will be exercised in all fairness on both sides." * * * "We, of course, rely upon the discretion of counsel that no unfair use shall be made of those names, or that they be subjected to trouble, reproach or anything of that kind." * * * "Otherwise, the commissioners would feel they had been a party to reflecting upon innocent people through this means, and subjecting them to injustice." * * * "We have felt the importance of the suggestion that the names be kept secret." * * * "We would feel very much the responsibility if any harm should come to these men by reason of the disclosure." * * * "That does not relieve us, though, from the feeling of anxiety and the hope that there shall come no harm to any person in any way from anything that is done before the commission."

The day opened with Mr. Mitchell on the stand, under cross-examination by Mr. Ross, general counsel of the Delaware, Lackawanna and Western company. Simon P. Wolverton, counsel for the Philadelphia and Reading Coal and Iron company, and James H. Torrey, of counsel for the Delaware and Hudson company, and I. H. Burns, for the Independent operators, followed Mr. Ross as cross-examiners, and when Mr. Mitchell was turned over for re-direct examination by Mr. Darrow. The morning session was about concluded when Rev. Dr. Roberts took the stand.

Recognition Incident.

The "recognition" incident was injected by Mr. Burns just before Mr. Mitchell was turned over to Mr. Darrow for re-direct examination. The discussion was as follows:

Mr. Burns: If the court please, I do not desire to interrogate the witness to any extent, but I should like to know from the commission as to whether they intend in their finding to make one general sweeping finding in regard to all classes of operators, or whether they take notice of the distinctions between the individual operators and what we call the big company.

Of course, I think the commission understand, in a general way, that the individual operators are under somewhat different conditions from the railroad companies. The cream of the coal lands of the whole valley and the whole anthracite region were long ago absorbed by the large corporations. The few individual operators that are left are mining poor territory, and, in some cases, are taking mines that have been virtually mined out by the large companies and are stripping them. Of course, they have a certain line of fixed charges, and they have no means to reimburse themselves by profits on railroads or other enterprises. They depend solely and entirely on what they get from their particular mines, and, of course, as a general thing, they do not own the land. They pay a royalty for the coal that they get out. Now, suppose an individual operator has a hundred acres of land where the veins are thin, because the thick veins were long ago absorbed, and the thin veins are more difficult to mine. He has really to pay more for getting out a ton of coal than the other companies. Now, he has certain fixed charges. He has his royalties; he has the interest on his capital invested, which amounts to a large sum, and he has to build a breaker before he can do anything at all. Then the pumping and ventilation of the mines, the feeding of the mules, the runners of machinery, the depreciation of the breaker—all these are fixed charges which run along continuously, whether he works or not. Therefore, it can be easily seen that a strike lasting long enough could completely do up an individual operator. He has no railroad by which he can pay his running expenses. Also, I would say, that they employ or have employed a greater or less number of non-union miners.

About Non-union Men.

Now, I do not understand, and I have not been informed from any of the questions that have been asked the witness before the court, as to whether, if any contract is made, or if this commission should find it proper to suggest or recommend or find that contracts should be made with the United Mine Workers of America, whether they would insist, as it seems they do in Illinois, that no non-union men should be employed, or whether they propose to make contracts with us simply for the union men that we employ, and leave us free as heretofore to employ non-union men.

I do not know whether the commission undrestand these questions or not, and we certainly are not informed as to the extent that the commission would go if it had the power. It seems to us that in this hearing there really ought to be some rule in regard to it. Here the big corporations have had four or five days, and the commission is tired. We can see at once that its members have been wearied; and, although we might ask Mr. Mitchell some questions peculiarly pertaining to our workings, we do not care to keep the commission sitting here when they evidently do not want to. They want to go on to other witnesses; but it does seem to us that as to any future witnesses that are called we ought to have some privilege, some designated time or opportunity afforded us to examine them when questions are arising which are different with us than they are with the others. It may be that there will be very few. It may be that the counsel representing the corporations will draw out the very things that we would like to have asked; but we would like to have it understood, and would like to have the commission make some sort of arrangement whereby we can be heard, to some slight extent, in the ex-

amination of the future witnesses. We will be very brief; but it seems to us that there are some things that ought to be said in respect to our matters that the other gentlemen will probably not draw out. Of course, we leave it entirely to the commission. Those are suggestions that we make at the present time.

The Chairman: I think I can say that the commission will hear you as to the justice of the suggestion that you make, and that they will feel themselves compelled to consider the whole question in the light of the varying aspects of it that are brought into it by the individual operators. The only thing that the commission have intimated is not that they were tired of the special testimony that has been brought out, but that we thought it was about time that we were getting at some of the testimony that bears more nearly now—after having heard the general statement—that bears more nearly upon the work we have in hand and the very grave duty that is imposed upon us by the submission of the two sides to this controversy; but we are willing to hear the operators who are parties to this controversy, by their counsel or representatives, at any time, only suggesting and hoping that, so far as this witness is concerned, they will consider the great length at which he has been examined, and whether there is anything more to be interrogated of him that it can be profitable for this commission to hear.

Mr. Burns: There is only one question that I should like to ask Mr. Mitchell, on a point that I do not think has been suggested before. That is, I should like to ask Mr. Mitchell what he considers the definition of a miner's job.

Q. I think you have referred to or used the term "miner's job," not as to what he works at, but as to his title or claim to a particular place, when he has not been working there for a time, or when he has been on strike, and comes back. What is the meaning of the words "miner's job" in that light?

A. Oh, I think that the general or usual accepted term would be the job that he left when he went on strike.

Does Not Surrender Claim.

Q. What I want to get at particularly is, what is his title to it? Is there any vested right? For instance, a few weeks before this strike, a miner was employed who went to work. In a couple of weeks' the strike occurred, and he left. He was paid in full by the company for his services and all relations with them apparently terminated. After a time the company put a non-union miner in that chamber where he had been. When he comes back, he complains and says: "Here is another man who has got my job, and I want the union to take some steps in regard to it, and I want to get my job back." Why does he say his job, when he has voluntarily abandoned it, and received his pay and the accounts are all squared between him and the company?

A. Well, when a man goes on strike he does not surrender his claim for re-employment the same as he would if he absolutely quite work when there was no strike and left the employ of the company. A man is on strike for better wages, or to get some improvement in the conditions of his employment, better wages for the particular employment he was doing, or for improvement in the conditions of the employment he was doing. He never surrenders absolutely his right to that employment, because he is striking for it back. He is striking to get back to work at a higher rate of wages or under improved conditions of employment.

Q. You speak about a surrender of his right. What right ? Did the company employ him for a year or two years? Is there any contract between them that cannot be terminated by either at any time? And when they have terminated it, when the miner stops working and the company pays him for all the work he has done, is there anything left to surrender?

A. Legally, he has no claim on the company. Morally, I think he has. Of course, it is true that men, under the usual conditions, have no claim, no rights in employment. That right the employers exercise. A man has the right to employment, as things have been, if the operators wanted to give him employment; but we believe that when this strike ended, ending under the conditions it did—ending practically by both sides stopping fighting—a cessation of hostilities, that the conditions should have been re-established that prevailed prior to the inauguration of the strike; that is to say, the men should be permitted to return to their old jobs. As for the non-union men who had taken their places, we do not ask for their discharge, but there was any amount of room for them. I dare say that the anthracite mines today could employ ten thousand or fifteen thousand men. There are that many that have not come back to them who went away. The non-union men that have had our men's jobs might have been moved into the positions that were vacant—that is to say, jobs that the men did not return to take.

The Absolute Rights.

Q. I am not asking you as to the relations between the companies and the union miners. I am asking you as to the absolute rights you seem to infer, in some of the answers you have made to the questions—you seem to have inferred that there was some mysterious or undefined absolute right which the miner had to come back to work for the company again. Now, I will suppose a little further. Suppose, when your union men left the employ of the D. and H. or the D., L. and W., those companies had succeeded in filling every chamber in their mines with non-union men. Would you still consider that you had a right to come back, and to keep the strike going as to the whole region until the D. and H. and the D., L. and W. ousted their non-union miners and put your men back in their places?

A. That would depend absolutely on the conditions under which the strike ended. If the strike were defeated, if the men were defeated, of course they would go back, just as they usually do. They would go back, hat in hand, and ask for their job.

Q. Do you understand that under this submission to this commission the right is reserved on the part of the employers to retain the non-union men that they already have, or is it you contention that when a contract is made with you—if one is made—that all the miners or men employed shall be members of your union?

A. Of course, I should not presume to intimate to the commission what the provisons of the contract they shall recommend will be, if they recommend a contract or award a contract; but I understand the companies have said that they would not discharge non-union men. That is to say, they would not submit the right of discharging their men. We have not asked for it. We do ask, and will ask, the commssion to restore our people to their positions. We have not asked that the non-union men be discharged from the employ of the companies. There will be any amount of work for them in the mines.

Q. That does not exactly answer my question. What I want to know now is, suppose that one of the individual operators has half of his chambers filled now with non-union men, and the commission should award a contract, or should say that he ought to make a contract with you. What does that contract mean? Does it mean that you shall govern all the men in the mine with your rules and regulations, or does it mean that the contract only applies to those union men represented by you, and their relations with the operators?

Would Be Presumption.

A. I feel it would be presumption on my part to say to the commission—and I cannot say to you without saying it to the commission—just exactly what the wording and purport of their decision shall be. I hope that, whatever it is, it will do justice to everybody—that is all.

The Chairman: Mr. Burns, pardon me a moment. Of course, the commission will necessarily be governed by the terms of the submission.

Mr. Burns: It seems to me a little vague in that respect.

The Chairman: Of course, if it is vague it will be unfortunate, and we will have to make the best we can of it, but the submission, as we understand it, and we have considered that matter very carefully, is contained in the letter of the operators, on the one side, to the president or to the public, and the acceptance of the mine workers, on the other. That is the submission, and that, as we understand, defines our authority, and also defines, as we consider, somewhat, the obligations of the two sides. I find, in the letter of the operators, at the close of it, after consenting that a commission be appointed by the president of the United States, if he is willing to perform that public service, to whom shall be referred all questions at issue between the respective companies and their own employes, whether thy belong to a union or not, and the decision of that commission shall be accepted by us, the commission to be constituted as follows—then comes the following: "That immediately upon the constitution of such commission, in order that idleness and non-production may cease instantly, the miners will return to work and cease all interference with or persecution of any non-union men who are working or who shall hereafter work." That being the condition upon which the operators offered a submission, which was afterward accepted, that the miners shall instantly return to work, necessarily implies that they shall have work to which they can return.

The Witness: That is the position we take in the matter absolutely, Mr. Burns. We take the position that so far we have been denied the right to return to work.

Mr. Burns: That applies to the operators who signed that letter, but our people, whom I represent, were not parties.

The Chairman: If they are here, why they become practically parties to this agreement. A bill in equity, you know,

may be filed on behalf of the immediate parties and all of those who shall thereafter come in and make themselves parties.

Mr. Burns: The section that you honor just read provides as to what shall be done immediately, and is evidently for a temporary purpose; that is, that they shall return to work; but that, it seems to me, does not furnish a permanent rule. It is very important for us to understand as to whether we are to be allowed to employ non-union men, and to retain those we have.

Finding of Commission.

The Chairman: That is a matter that will be involved in the finding of the commission, I take it. I think the understanding, so far as the commission can interpret it, is that pending the hearing—pending the consideration of the questions by this commission—that the strikers should return immediately to work; and I think it is the further understanding—do not let us be misunderstood—had by the commission, is that non-union men should not be interfered with nor displaced from employment generally by the return of the striking miners.

Mr. Burns: And that the commission will take all these things into consideration in their final findings in regard to it.

The Chairman: Well, I think we will have to.

By Mr. Burns: Q. One more question, Mr. Mitchell. Perhaps it does not bear very heavily upon this. I understand the Eleventh Commandment is, "Thou shalt not take thy neighbor's job." Does that rule apply outside of the union, or does it only apply as to union people, and between union people? For instance, during the strike, a considerable number of your men went up in the country and worked on farms, evidently supplying labor there that might have been done by the farm laborers themselves, and at a reduced price; for instance, they worked for fifty cents a day and their board. Would you consider that as taking another man's job?

A. I do not understand that the strikers took other men's jobs. There is always, in the summer-time, temporary labor to perform on farms, and our people displaced no one, and did not take a job that had formerly been held by onyone.

Q. Perhaps you are not as well informed about farming as I am, because I have been there; but a farm laborer's opportunity for work is only in the summer, and some of them only for the haying and harvesting, as we call it. Now, if your men went there and took those jobs at the commencement of haying, they necessarily took the work away from those men who had been accustomed to do that amount of labor there. I was only asking you if you considered that as taking another man's job.

A. I cannot say that it was taking another man's job unless it was a position formerly held by some other man.

Necessary Consequence.

Q. Then, perhaps as a necessary consequence of that, some farmers' boys came down to work in the valley, and one of them, at least, I rember now, went to work at a washery at Mayfield. A few days afterward he was filled full of buck-shot and made a cripple for life. Do you consider that as taking one of your jobs? Was he coming down to take a job that belonged to you? He worked in a washery, where none of your men were employed before; certainly where none of your men were ready to take employment.

A. Well, I think it is rather an abstract proposition all the way through, and I should simply say this as I said before, that when a strike ends, the conditions of employment are stipulated—are specified. In this termination, we were to return to work. The operators made the condition themselves that we immediately return to work. The president of the United States says to us and the men: "I request you to go back to work." We do go back to work. Every man returns to work, and we say to the president, "We are going to work. We are going to our old jobs," and immediately we go there and are refused them. We have hundreds of men idle now—refused the right to go back.

Q. But in this particular case I am asking about, the strike had not ended, and there was no immediate prospect of ending it. Why not have let that man work peaceably until the strike was ended and then raise the question?

A. I repeat that if anybody filled him full of buck-shot, they did wrong. It was a wrong act. And if it was our people, they certainly would be condemned for it and ought to be condemned for it. I do not know who did it; probably someone else.

Q. No one else apparently had a reason for doing it. The companies would not. The citizens would not. Non-union men would not, and he was a man who never had an enemy in the world. Now, in relation to a washery that was started entirely after your strike was commenced, did your men have any interest there, or any vested right or moral or legal right to interfere with the workmen who were employed at that washery, which was built and commenced to operate after your strike commenced, so that certainly they were taking none of your places?

They Had the Right.

A. Well, they had this right. They had the right to ask the men not to start to work at the new washery, because the operation of the new washery was going to contribute to the defeat of the general cause for which the miners were striking. They had no right to prevent them by anything except legal and lawful means.

Q. Is it not a pretty good rule, the old saying to mind your own business? Now, what business had your men to go to the Duryea washery and even in a peaceable manner to go onto somebody's else land, in order to persuade the workmen there from working?

A. They had as much right to persaude men from working there as they had to persuade them from working anywhere else.

Q. Well, they did more than persuade them there, didn't they?

A. I understand they did. We had a poor fellow going along one night and somebody killed him, and went out during the night and picked the bullet out of his head, so they could not be sure who it was. They certainly did things there more than persuade.

Q. As you say, you are not informed, and I am not informed as to who did it.

A. No, I was not informed who did it.

Q. But there were cases where they came in broad daylight, in large crowds, and endeavored to intimidate men who were there at work—and used actual violence? A. Where that was reported to me, I sent a special man right to Duryea and repeatedly sent word to our people there that they must cease interference of an unlawful character—sent special officers to Duryea to stop it.

Q. Then you would not approve of that?

A. Of unlawful acts; no, sir.

The Chairman: Mr. Burns, just pause for a moment. We are drifting right back to the old controversy. Now, whether you think or Mr. Mitchell thinks that the acts described, supposing they were committed, were wrong or not, the commission think they were wrong, and the moral sense of the public is that they were wrong. I do not see anything to be gained by going over and over this matter. Excuse me if I speak somewhat emphatically, but the commission have heard a great deal about it, and they have a moral sense of their own, which I presume agrees with the moral sense of the community and of society generally. I do not think it makes very much difference to the commission—I say it with all respect—what Mr. Mitchell thinks about it or what Mr. Burns thinks about it.

Very Important.

Mr. Burns: But if the commission please, it is very important to both sides here—the union men, the operators and those who are non-union men who desire to work here—as to this other question which I have been endeavoring to present. Whether the commission finds, as I suppose it can find and recommend or direct, that the union men cease entirely from molesting non-union me in their own particular work under the order; whether the commission do that, or whether they do not do it, is a matter of the most vital importance.

The Chairman: Yes, but what bearing has this particular colloquy upon that subject?

Mr. Burns: It is to show the commission what has been the custom and what ought to be corrected.

The Chairman: This witness does not testify as to whether those things have been done or not. He cannot do it, he says he cannot do it, that he does not know anything about it. Now, these acts, if proved at all, ought to be proved by somebody who knows something about them.

Mr. Burns: We probably shall not have the opportunity of meeting Mr. Mitchell on the stand hereafter, and I was only asking him as to his views on the subject. Supposing that these things are all true, as they will be proved, and supposing that the commission has the power to say what shall be done by the union men in regard to the non-union men. It would be of some importance to get his views here as to whether he approved of it, or as to whether he could do it.

The Chairman: He has been asked that very question over and over again. I think you will agree that the commission are not impatient when they draw the line at mere cumulative testimony.

Mr. Burns: As a general rule, he has succeeded in evading the question.

The Chairman: Oh, I do not think so—the commission do not think so.

The Witness: I will say that a direct answer would be this: Whatever the commission decide, whatever they award, even in relation to the non-union men, we shall accept, and, as far as I am concerned, the miners will carry it out to the last letter or get out of our union.

By Mr. Burns: Q. Have you entertained that view and have you made that expression heretofore in regard to that?

Is not that something new that you have just expressed?

A. No, it is not something new. I said in my opening statement to the commission—emphasized it over and over again—that we are pledged to accept the award of the commission, that the United Mine Workers of America is pledged.

Non-union Men's Standing.

The discussion relative to the non-union men's standing before the commission followed this:

The Chairman: Mr. Lenahan, with reference to the matter of your application to appear before the commission as counsel for certain non-union workers in the mines, the commission have considered that application, and in the light of the claims that you have filed with the commission on behalf of your clients, and they have looked at the papers which have come before them unofficially, not filed, and containing a list of those whom your represent; and the commission have concluded that you may be allowed to appear for the non-union men who you say you represent, upon the condition that you appear on the same basis as other formal parties to the hearing, with the distinct understanding though that the commission cannot be in any degree a party to the withholding of any matter, or the identity of any person connected with the issue before the commission, from full publicity.

Mr. Lenahan: We will accept that suggestion.

Mr. Darrow: Then, your honor, we are to have the names of the parties whom these counsel represent?

The Chairman: We cannot withhold them.

Mr. Darrow: Are they a part of the record of this commission?

The Chairman: Part of the records of this commission and therefore you have access to them.

Mr. Darrow: Thank you. In our formal answer to this commission we alleged——

The Chairman: I take it, Mr. Darrow, of course, that it will be exercised in all fairness on both sides. Mr. Mitchell appeared in Washington at the initial hearing before this commisison and said that he represented the anthracite mine workers of this region who were on strike. That, I understood, was his statement. The gentlemen say that they represent certain non-union mine workers who were not on a strike. Mr. Mitchell has not been asked to disclose the names of the union men; and if it were possible, I suppose he has no objection to giving them. The gentlemen who represent these other men have been admitted on the same terms. Mr. Micthell represented an organized body of workmen. The men represented by Mr. Lenahan are not organized. We, therefore, required to know whom he represented; but in saying what we have, that we cannot be a party to withholding any matter connected with this appearance from the public, we of course rely upon the discretion of counsel that no unfair use shall be made of those names, or that they be subjected to trouble, reproach or anything of that kind.

Mr. Darrow: Oh, no.

The Chairman: Otherwise the commission would feel that they had been a party to reflecting upon innocent people through this means, and subjecting them to injustice.

Merely to Investigate.

Mr. Darrow: Oh, certainly. All the use I propose to make of these names is to investigate as to whether these gentlemen have hired a lawyer in this case.

Mr. Lenahan: They have hired two.

Mr. Darrow: We shall claim in our answer that they have been hired by operators instead of by non-union men, and that they have come in here to represent operators and not to represent non-union men.

The Chairman: We do not know how that may be; but we want to say as to that, whether they be hired in that way or not, and whoever pays the bill, they represent an important element in this controversy.

Mr. Darrow: We have no objection to that.

The Chairman: The men would indicate if they are represented, and that they are interested in the findings of this commission.

Mr. Darrow: We have no objection to that.

The Chairman: We have considered this very carefully from all sides and endeavored to do the right thing. We have felt the importance of the suggestion that the names be kept secret, but we could not consent that the commission should be a party to the suppression of anything that occurs before it, or any matter of the identity of persons. At the same time, we did feel that there was a certain reason for asking that this list might not be disclosed, and we would feel very much the responsibility if any harm should come to these men by reason of that disclosure. As the application was made, however, we had to deal with it. At the same time, we thought that the commission could not be a party to suppressing anything, either the matter of the application, or the identity of the persons. At the same time, we felt the responsibility of their being made public. That responsibility, however, must rest upon the shoulders of the parties who made the application. That does not relieve us, though, from the feeling of anxiety and the hope that there shall come no harm to any person in any way from anything that is done before this commission. It would distress the commission very much if that should be the case.

Now, whether the gentlemen who appear for these so-called non-union workers, or non-striking workers, are paid by one party or the other seems to the commission entirely immaterial, if they indeed represent the men wh they say they represent.

Who They Represent.

Mr. Mitchell: There is one thing, Mr. Chairman, that we want clear, and that is that these gentlemen represent only the men who worked during the strike. We deny that they represent the non-union men. We represent the non-union men to a greater extent, by far, than they do.

The Chairman: Mr. Mitchell, they have filed their authority for that purpose. We required them to do that.

Mr. Mitchell: I want to say that we have thousands of non-union men who were on strike and are parties—

The Chairman: I used the words "non-striking workers."

Mr. Mitchell: I understood you said so.

The Chairman: But whoever they are, they have filed their authority and it is there for your inspection.

Mr. Ross brought out that the fatal accidents among the 12,000 Delaware, Lackawanna and Western mine employes last year was three-tenths of one per cent. of the whole, and asked Mr. Mitchell how that compared with the average in the soft coal region. The witness said he would put in figures later, showing comparisons.

Reading from the constitution of the Illinois State union, of the United Mine Workers, Mr. Ross showed that the district board is empowered to order a strike at will. Mr. Mitchell explained again that the contracts in the Illinois region are above the union constitution; that each contract contains a provision to the effect that the contract shall not be set aside because of any law or rule of the national, state or local unions.

Mr. Ross also tried to have it appear from excerpts from the Illinois union's constitution that a miner can not work in that state unless he belongs to the union, and can not belong to the union until he pays an initiation fee of $25. Mr. Mitchell said any man can join the union, and after he joins he can have all the time within reason, half a year, if he wants it, to pay his initiation fee. Mr. Ross pointed out that this gave the union the power of restricting the output, and claimed that because of the undesirability on the part of the miners to have too many men in the mines, it was a temptation to them to exercise this power.

Mr. Wolverton began his cross examination by securing from the witness an admission that he had practically no knowledge of the conditions in the Reading companies' mines, except what he got second-handed. Following up the discussion regarding the feasibility of a separate anthracite union:

By Mr. Wolverton:

Q. Mr. Mitchell, the anthracite field, or the anthracite coal in the United States, is contained in about six counties in Pennsylvania? A. Yes, sir. Q. All the regular anthracite coal? A. Yes, sir. Q. The bituminous field covers a large section of the United States outside of Pennsylvania—nearly every state? A. Yes, sir.

Q. The United Mine Workers cover the whole of this territory of bituminous and anthracite? A. Yes, sir. Q. You are president of the United Mine Workers, and your jurisdiction extends over the whole United States? A. Yes, sir

Q. Yesterday you suggested that at the next annual convention of the United Mine Workers you would suggest an amendment to the constitution by which no strike should be inaugurated in the anthracite region unless by the votes solely of the officers of the United Mine Workers of America in the anthracite district? A. If you understood me that way, I possibly did not make myself clear. What I did say, or meant to say, was that I should recommend that our constitution be so amended that if a question of a national strike were under discussion the vote of the anthracite and bituminous members would be equal; that is to say, that one-half of the votes would be from the anthracite field, and one-half from the bituminous field, and that a strike could not be inaugurated in

the anthracite field by a vote of the bituminous members. They could not inaugurate a strike in the anthracite by a vote of the bituminous members and a strike could not be inaugurated in the bituminous by a vate of the anthracite members.

Q. Would it not be preferrable, considering the vast interest and the vast territory covered by the United Mine Workers of America, that an amendment to the constitution should be suggested that it be divided and a separate organization formed of the United Mine Workers, or whatever name they chose to give it, that organization relating to and having government of only the anthracite region instead of communicating with the heads of the organization at Indianapolis, outside of this district entirely?

Not Desirable.

A. It would neither be possible nor desirable. The anthracite miners want to be members of the United Mine Workers of America. The anthracite miners have had an independent and separate organization in the past, they have had several of them, and they have gone, they are not here now; they do not want any more of their organizations to go the same way they went in the days that are gone by.

Mr. Torrey brought out that strikes can be declared by a bare majority vote; that boys under 16 years of age have a half vote, and over 16 a full vote, and that the last strike was declared by less than a seven per cent. majority.

Mr. Torrey also put in evidence a copy of Mr. Mitchell's statement of the day following the Shenandoah riot of July 31, in which he declared no one had been killed or seriously injured; that the stories had been greatly exaggerated and the facts distorted, and that the trouble could have been averted if the deputies were cool and discreet.

Mr. Mitchell explained that the statement was based on information which he considered reliable at the time.

Mr. Darrow at this juncture made to the commission a statement of the reasons a trades union does not want to be incorporated. Principal among these was that if an operator for instance sued a union and got judgment against it, which the union was financially unable to meet, the operator could apply for a receiver and wind up the organization. A trade union, unlike a business, can not be run by a receiver.

Major Warren drew attention to the fact that in Pennsylvania there is a special statute for incorporating trades unions, which does away with Mr. Darrow's difficulty.

Paid for by Weight.

Attorney John J. Murphy here introduced the act of March 30, 1875, providing that all coal shall be paid for by weight, where practicable to weigh it, and pointed out that while it might be the case that it was generally supposed this act was repealed by the general mining act of 1891, such was not the case. The only repealing clause in the general act was one to the effect that "all acts or parts of acts inconsistent herewith are hereby repealed." Mr. Murphy pointed out that there was nothing in the general act with which the act of 1875 could be inconsistent.

Commissioners Gray and Parker expressed surprise that such an important act should have been lost sight of, and declared it would be an important factor in determining the commissioners' action on the question of weighing coal, providing it was sustained. None of the companies' attorneys challenged the accuracy of Mr. Murphy's claim.

On re-direct examination Mr. Mitchell, in answer to Mr. Darrow's questions told, among other things, that the division of sentiment at the Hazleton convention was not as to whether or not to strike, but as to the time to begin the strike. Mr. Mitchell, himself, favored the strike this year, but advised that it be not entered upon until later.

By Mr. Darrow:

Q. Mr. Mitchell, when this strike was declared, did anybody excepting the anthracite mine workers vote upon the question? A. No, sir. Q. You did not inaugurate this strike yourself? A. No, sir.

Q. Something has been said as to the majority by which this strike was declared. Was the division of sentiment purely as to the time of striking? A. Yes, sir. The division on the date was caused purely by my advice that the strike be not inaugurated at that time.

Q. You thought it would be more favorable to delay it? A. I had two purposes in seeking the delay. One was the lingering hope that we might be able to secure better conditions of employment, or better relationship by mediation or by conference with the operators. Failing in that, the other was that we would inaugurate the strike at a more propitious time.

Q. Your opposition, or any opposition in the organization had no reference to the injustice of these demands? A. None at all, simply that we might more speedily remedy the conditions, that the strike would not be so protracted if inaugurated later in the year.

Q. Now, some questions were asked as to cases of contract. Supposing where a contract existed any local organization should fail to carry out that contract, then what would be done as to that organization? A. We should reprimand them at once, and immediately advise them to carry out the contract. Q. On failure to do it? A. On failure, to carry out the contract, we would either suspend them from the organization or revoke their charters. Q. All these organizations have a charter from the general body? A. Yes, sir. Q. And the way you discipline the locals, the last discipline, is to revoke their charters? A. Yes, sir.

Q. Then, in case that happens, would other union men go on and carry out the contract? A. If any part of the employer's particular men were willing to carry out the contracts, we would immediately reorganize and allow them to carry out the contract. If none of them were willing to do that, we would take the charter and make the mine non-union. Q. So the work would go on? A. It would go on as a non-union mine.

Q. One clause of your constitution, I believe, speaks of no miner being allowed to have more than two laborers. A. Yes, sir. Q. What is the purpose of that? A. Well, one purpose is to prevent favoritism, and another is that the system in this field has been absolutely vicious, and it often develops into an unfair distribution of the cars, so that a man having several laborers may receive cars to load, to the exclusion of some other person who has not several laborers, and the earnings of the men not having a lot of laborers are very low, because of the custom of allowing one contractor to have several.

Q. Do you know of some instances of larger numbers of laborers being employed? A. I know in a general way. I do not know of specific instances. Q. How high do some of them run? A. As high as twenty.

The Chairman: In the anthracite region?

The Witness: Yes, it has been so that one man would have twenty laborers. I think that that is not true, however, since the union came here

Conditions in This Region.

Rev. Dr. Roberts took the stand when Mr. Mitchell stepped down at 12.15, and was still on at adjourning time, under cross-examination by Mr. Wolverton, counsel for the Reading company. Dr. Roberts was examined in chief by Mr. Darrow. He began by giving a raft of information concerning conditions in the anthracite region.

Some of his information was as follows:

The coal region is 480 square miles in extent, embracing eight counties. The total population is 650,000. Of this number 450,000 are directly dependent on the coal industry.

In arriving at his findings regarding wages, Rev. Dr. Roberts said he had consulted due bills mainly. Extreme cases where a miner earned $150 a month or worked a month without any net earnings were discarded.

Mr. Wolverton protested this was not good evidence. It would be necessary he said to call in each miner to find out how it happened he earned so little or so much. The companies, he said, would put in primary evidence showing what every miner received. Mr. Darrow agreed that his side would be content if the companies would do this.

The witness was next asked if conditions had changed in mining conditions of a general character. He said there had been. The big veins have been worked out and the thin ones are being developed. As Mr. Burns had stated, the independent operators are working the more difficult veins.

There are four methods of payment, car, weight, yard and day. The wages are not at all uniform in the region, and discrimination makes very dissimilar wages in the same mine.

Ten or fifteen per cent. of the total production of the northern coal fields is paid for by weight; in the middle field none by weight, and in the southern, 30 per cent. by the car, and 70 per cent. by the yard.

The size of the car has grown stead-

ily since the car method was adopted. After the strike of '69, the Delaware, Lackawanna and Western, Delaware and Hudson and Pennsylvania companies, which refused to adopt the sliding scale fixed with their employes on a rate of 93½ cents a car for the Diamond car. The witness said the Diamond car originally contained from 74 to 76 cubic feet and was to have six inches of topping. The present car varies from 80 to 92 cubic feet.

How Topping Is Lost.

A car loaded in the mine seldom has the same "topping" when it reaches the surface. Miners some times "crib" their cars in loading, putting in the coal so that it will leave large spaces. This will cause a settlement when the car is jolted in transportation. Sometimes a car that is fairly and properly loaded will have its topping scraped off by low roof. The natural "shaking down" of coal in transportation from the breast to the breaker averages five per cent. A miner is never allowed anything extra if there is more than six inches of topping. Payment by the car has been the cause of dissatisfaction and complaint ever since 1850, said the witness.

In the early days of mining the miners were principally Irish, Welsh, English, Scotch and Germans. In 1870 Southern Europeans began to come in large numbers. In 1890 this immigration began to fall off. The mode of living of the early miner and the new comer is vastly different.

In 1870-'75 the emigrants were single men. After that married men and their families began to come. All the Southern Europeans, excepting the Italians, who came after 1875, as a general rule can be considered settlers.

Strikes began in 1868, just after the war for the 8-hour day. For two years there was almost constant friction. In 1870 the Southern Europeans began to flock in here.

In answer to a question by Commissioner Watkins as to whether or not in his investigations he had found any evidence of the corporations being interested in the importation of these immigrants. The witness said that Slavs, themselves, had told him that coal operators, especially the independent operators, had been instrumental in bringing these people here. They had ship agents in Europe gathering them up and sending them over, and other agents in New York turning them into the coal fields.

Acquiring Homes.

During the last ten years these people have been rapidly becoming owners of their own homes.

In Olyphant and the Second ward of Blakely, the witness said, there are 4,135 mine employes. In this same community there are sixty-four boys under 14 years of age working in the mines. Twenty-four under 12 years, and ten working under ground who are under 14 years of age.

The witness also told, incidentally, that daughters of miners are working at night in silk mills, and asked that it be formally protested against "in the name of humanity."

The average age at which miners' children leave school, taking Mahanoy City and Taylor as criterions, is 11½ years. In the mining regions, of the pupils in High schools, less than 5 per cent. are miners' children, and less than 2 per cent. are among the graduates.

The average number of paupers in Pennsylvania is 173 in 100,000. In the anthracite region the average is 193 in 100,000.

To show the hazardous character of the miners' employment, Dr. Roberts gave a mass of figures and comparisons. The average number killed in the anthracite mines is greater than the average among railroad employes, though, as to accidents, the conditions are reversed. In the last twenty-one years, the number of inside employes in the anthracite mines who were fatally injured was 4.42 to the 1,000.

The region has numerous churches, and the people are, generally speaking, regular church goers, the witness said. There are many Catholics among the people, possibly a majority, and all of these attend church very religiously. There are eleven hospitals in the region, only one of which, the Moses Taylor hospital, is not either a state or quasi-public institution.

The coming of the United Mine Workers, the witness said, tended to better the people, especially the foreign-speaking mine workers. The decrease of saloons in Schuylkill county was cited as an indication of this. By association in the local meetings with the English-speaking men they were given a consciousness of importance and individual worth.

There have been eleven big strikes in the region in fifty years, about half of them general. These strikes took place in 1850, 1868, 1869, 1870-71, 1872, 1875, 1877, 1879, 1887 and 1888.

In answer to a question by Commissioner Clark as to whether or not the violence in the last strike was greater than during previous strikes, the witness said he was not able to testify as to this. The reports of violence, however, were greatly exaggerated in the newspapers.

Dr. Roberts was cross-examined by Mr. Wolverton, attorney for the Reading company, relative to his statistics. First he had the witness admit that he got most of his figures from the bureau of mines and department of labor. Mr. Wolverton then created some amusement by asking the witness to give his opinion as to the reliability of various book reports and the like, among which was an 1901 publication on Anthracite Mining by Commissioner Parker; and 1901 reports by Commissioner Wright, head of the department of labor, and Assistant Recorder Mosely, secretary of the inter-state commerce commission. The witness admitted these are reliable.

Mr. Wolverton got the witness to admit that it is impracticable to pay by weight in "pitching veins," which obtain so generally in the southern district, where the Reading company's mines are all located. Mr. Darrow interrupted to explain that the miners were not asking for payment by weight in pitching veins. The demand was for payment by weight where practicable, he explained. In pitching veins it is impossible to throw the rock and slate aside. It must be sent out with the coal. Therefore it is necessary to pay in this region by the yard.

The impracticability of apportioning the prepared product equally among the miners as a means of fixing a basis of pay was also admitted by the witness. It would not be fair to the company, because it would decrease output and it would not be fair to the energetic miner to make him accept the same share as a lazy one.

Excerpts from Book.

Mr. Wolverton then began reading some excerpts from Dr. Roberts' book published last year and presuming to be an exhaustive general and technical treatise on the anthracite coal regions.

One of the first things Mr. Wolverton read from the book was: "The Reading company has the reputation of dealing fairly and justly with its employes."

"Is that correct?" inquired Commissioner Watkins.

"I'll admit its reliability," replied Mr. Wolverton.

One of the next things he read was the declaration that the English-speaking miners, as a rule, are not as industrious as the foreign-speaking miners; that they rarely spend more than five hours a day in the mines.

Other excerpts from various pages of the book were introduced to prove the very contentions the operators are making. One passage very particularly set forth that the variation of wages was closely linked with the very variable conditions and that it was impracticable to make rates of wages uniform. Dr. Roberts admitted this was true now as it was when he wrote his book, but he wanted to add that there was no reason why the same class of labor should not receive the same pay where conditions were similar. The same allowances should be made, he thought, for setting props, cutting rock, bailing water and the like in all collieries in a district.

Mr. Wolverton was still engaged in examining Dr. Roberts on his book when adjourning time came.

Proceedings of Thursday, Nov. 20.

[From The Scranton Tribune, Nov. 21.]

Few witnesses the operators themselves will call can be expected to give testimony more corroborative of their contentions than that adduced yesterday from Rev. Peter Roberts, Ph.D., the witness before the mine strike commission whom the miners called to the stand to succeed their chief witness, President John Mitchell, of the United Mine Workers.

Rev. Dr. Roberts has made a specialty of sociological studies, and in the course of the past year published a book on "The Anthracite Mining Industry," and a series of strike articles for the Outlook and Yale Review. Three weeks ago he engaged himself to assist President Mitchell, Henry D. Lloyd, Dr. Walter Weyl and the miners' attorneys in preparing their case, and priming himself to be their chief witness, next to President Mitchell.

In his examination in chief, he made an excellent witness for the cause he espouses. On cross-examination, however, he proved a convenient and effective channel through which the opposition could transmit to the commission a vast amount of wide-ranged testimony, especially favorable to its cause, by reason of it being help from the enemy. Sincerely rather than sarcastically, Mr. Wolverton, counsel for the Reading company, at the conclusion of his cross-examination of Dr. Roberts, complimented him on the excellence of his articles and thanked him for them. Not a little speculation was rife among the onlookers as to why the complainants had permitted him to take the stand, when it could have been known that the respondents would thereby be supplied with ammunition.

Could Not Disavow Them.

Because of the recent date of the doctor's publications, it was not possible for him to gracefully disavow the views expressed therein or to attempt to modify to any considerable extent the statements of fact. Consequently everything, pretty much, that was paraded before him of his published utterances had quite the same effect as if newly recited by himself from the witness box.

Appended are a few brief excerpts that will serve as sample bricks of the doctor's indirect testimony:

From "The Anthracite Coal Industry:"—

"This (to adjust wages on a uniform basis) can not be done in the anthracite coal fields."

"Conditions constantly change and with the changes readjustments must be made."

"A standard price will never be practicable."

"Some collieries have far more favorable circumstances than others."

"The spirit of unionism among the employes brings about many strange and inconsistent actions. Men who insist upon individual rights are the least tolerant of these rights when governed by the union."

"If a miner will not join the union a driver will not give him cars."

"It is the fashion of the day to be one of the union, and if you are not, the boycott falls on you."

"The question (whether or not to inaugurate a strike) was decided by an Italian swinging a revolver around his head and shouting, 'Strike, strike!' "

From The Outlook, Oct. 18, 1902:—

"These (acts of violence) sometimes take a form that is brutal beyond description."

"Nothing in the annals of savagery exceeds in brutality the fatal assaults * * * "

"The savage attacks were revolting and horrible."

Could Be Multiplied.

"The instances (of violence) above given could be multiplied indefinitely."

"Occasionally such villainous deeds are done * * * "

"The attempt (to call out all the firemen, pumpmen and engineers) * * * will stand forth as a conspicuous example of short-sighted policy, precipitated by a spirit compounded equally of braggadocio, spite and stupidity."

From The Outlook, Nov. 8, 1902:—

"Not for a generation will the enmities and hatred engendered by this strike die away."

"It (the strike) disturbs social peace at home and sets brother against brother."

"On the day of the funeral the undertaker could not get a man to remove his (non-unionist's) remains from the house to the funeral car."

From the Yale Review, May, 1902:—

"Interest flags in the union when no conflict is impending or in progress. Twenty per cent. of the members do not pay dues and the other twenty per cent. pay them in a perfunctory way."

"No uniform rate (of wages) can be laid down."

"The spirit of unionism is inconsistent, intolerant."

The articles in The Outlook were signed "P. Q. R." Dr. Roberts would not admit or deny that he was the author. When asked if they were not his writings he said. "I would prefer not to answer that question." He, however, admitted indirectly, a dozen times at least that they were his articles. The cross-examiners after reading a passage would ask him if his opinion now was the same as expressed therein, and almost invariably he answered in the affirmative, sometimes with a reluctant "Yes."

When Mr. Wolverton had finished reading the doctor's arraignment of the strikers for their violence during the strike, the witness insisted on reading a further paragraph from an Outlook article in which he says:

Would Be Absurd.

"It would be absurd to charge the miners' organization with all these crimes and offenses. Their leaders, generally speaking, deprecate them, and most of the conservative men of the union have done all in their power to check it."

During the afternoon the miners' side temporarily withdrew Dr. Roberts from the stand. Physicians were then called to testify to the unhealthfulness of mine work and to contradict the anticipated claim of the companies that they contribute largely to the support of hospitals in the mine regions.

Mr. Wolverton resumed the cross-examination of Dr. Roberts at the opening of the morning session on the contents of the doctor's book, at which he was engaged the day before, when the adjourning hour arrived.

From the doctor's work Mr. Wolverton read that because of differences in the different mines "it is impossible to adjust wages on a uniform basis. This cannot be done. It will never be practicable. Large powers of discretion in the regulation of wages must be vested in the foremen."

Uniform Scale Impossible.

The contortions, irregularities, flexures and impurities in the veins of anthracite make it impossible to adjust wages on a uniform basis throughout the anthracite coal fields. Bituminous coal miners meet their employers every year, and a uniform basis is laid down for vast areas of the coal field, and the agreement works satisfactorily to both employer and employe.

This cannot be done in the anthracite coal fields, and the difficulty lies in the geological structure of the coal deposits. Conditions of workings constantly change, and with the changes, readjustment of wages must be made. This is left to the judgment of the foreman in charge, whose duty it is to do justice by the workman.

Experienced men, who have spent their life time in the anthracite mines, positively affirm that a standard price for mining in these coal fields will never be practicable. In the case of men working by contract, nothing more than general rules can be laid down. Each shaft has its peculiarities, and never will it be possible to operate these mines without entrusting large powers of discretion, as to the adjustment of prices, to the foreman in charge.

The only possible sphere of action for the union is local. Each shaft may have its local assembly, which may by a committee, try to secure its members reasonable remuneration. This is being done, and it is the only extent to which the efforts at adjusting contract prices can go.

Some collieries have far more favorable natural conditions than others. There

are collieries in the southern coal field which consume from eight to ten per cent. of the tonnage to generate steam, because they hoist, from a depth of 1,500 feet, two tons of rock and ten tons of water for every ton of coal produced. In mines where there is much rock to be blasted, if it is hard sandstone, it will cost the company from $2 to $2.75 a yard in allowances. In a shaft in Lackawanna county the employers paid a miner as high as $6 a yard for blasting rock.

Two difficulties meet us in the effort to get data as to the cost of producing a ton of coal. First, the refusal of the operators to give the figures; and, second, the great variety of these figures providing we could get them. No two collieries are alike, and the same colliery has not the same figure for two successive months.

After bringing out that the allowances for cutting rock varies from $2 to $6 per yard, Mr. Wolverton questioned the witness at length on his idea of how it would be possible to make uniform rates for this kind of work. The witness practically admitted it was impossible.

Are Far from It.

When asked if mine operators were generally "hard-hearted, unjust men, who ground down the poor to the last penny," Dr. Roberts answered, "Far from it."

Reading from Dr. Roberts' article in the Yale Review, of May, 1902, Mr. Wolverton showed that at that time the witness had declared there were no dissensions or discontent in the Schuylkill region. That the relations between the Reading company and its employes were "most amiable," and that the men of the southern fields were opposed to a strike. In this article, also, Dr. Roberts declared that "no uniform rate of wages can be laid down."

From an October article of Dr. Roberts in the same paper the witness declared that the miners and laborers of the northern coal field were then at logger-heads over division of pay, and the refusal of the miners to obey the law requiring them to remain in the chamber until the laborer is through. The majority of the miners are home before noon, the article adds.

Further on in the article Dr. Roberts states that interest in the union flags when there is no conflict on or impending; that twenty per cent. of the members were at that time refusing to pay their dues and another twenty per cent were paying them in a perfunctory way. It was also declared that the officers of the union were very much concerned about the dissensions and lack of interest in the union.

Mr. Wolverton pointed out that at the close of the strike, the thousands of mine workers from the anthracite region who flocked into the bituminous region flocked back again with such a rush that the railroads could scarcely take care of them. Dr. Roberts said they were attracted here by social and property ties. Mr. Wolverton mentioned that many of these were bachelors, whose relatives were all in the old country. "Maybe they had girls in this region," said the witness.

Mr. Wolverton elicited from the witness that there are fifteen religious holidays observed in the anthracite region; that the mines are sometimes shut down by breaker boys "turning out" to go to the circus.

Not Due to Carelessness.

The witness did not agree with the mine inspectors that the majority of accidents are due to the carelessness of the injured. He held that primarily the hazardous character of the industry is blamable.

Judge Gray remarked, "There is a margin of carelessness naturally belonging to a human being."

Mr. Wolverton said it was his experience that this margin was intensified in men working in dangerous occupations. They became used to danger and consequently reckless of it.

Judge Gray told that while on the tour through the mine regions he was riding on a mine car underground, and if it wasn't for some one behind him pulling him back his forehead would have struck against a "collar."

"But," said Mr. Wolverton, "nature has done something for you and me that is not taken into consideration in the construction of gangways."

That the coming of the United Mine Workers created dissensions in the anthracite region which never before existed, the witness would not agree. It was true, he would say, as applied to employer and employe, but not further than this.

As to mine inspectors' reports, Dr. Roberts explained that the reports of accidents were often secured.

Here Mr. Wolverton read from Dr. Roberts' book the following on the spirit of unionism:

Spirit of Unionism.

The spirit of unionism among the employes brings about many strange and inconsistent actions. Men who insist upon individual rights and personal liberty are the least tolerant of these rights when governed by the union. One of the aims of the organization is to promote peace and order, and yet many acts are done by its members which disturb the peace of society. When a member of the Thirteenth regiment secured work in one of the collieries of Lackawanna county a committee of the local union asked the foreman to dismiss him. He refused to do so and the employes went on strike. If a miner will not join the union the driver will not give him cars. Last December, a small boy, not 15 years of age, driving in one of the collieries of the northern field delivered a car to an elderly man, old enough to be his grandfather, and told him: "You put your tools in that and get out for you won't get no more cars." The miner appealed to the foreman. The latter went to the boy and ordered him to drive cars to the chamber in question; he told him he would not do it. The foreman told the child, "You had better take my tape and book, for you seem to run this shaft." That child was the hero of the hour. Five driver-boys, from the age of 15 to 18 years, in another shaft, had wage grievances not involving, all told, more than fifty cents a day. Without a word of warning to their parents, or a single attempt at adjusting their grievances by seeing the foreman or superintendent, they declared a strike. The employes lost by it over $30,000 in wages, and the boys were referred to in mass meetings as examples to their fathers in "manhood, courage and liberty." A father and son worked at a washery during the strike. When resumption came, the employes of that colliery would not begin work until the father and son were discharged. The foreman had to do it. The offenders had to appeal to the local union for membership as the only condition of securing work. They were admitted by paying an entrance fee of $15. The regular fee was $1 a member. Miners often have two or three laborers to work for them, but when a miner takes a contract which enables him to hire miners and laborers, he is disqualified as a member of the union, although he pays the standard wage in the colliery to the men he hires. During the last strike some of the miners were sworn in as deputies by the companies to guard their property. These men are now members of the union, but they are closely watched and suspected of being spies in behalf of the operators.

Oft Times Ludicrous.

Instances of the spirit of unionism often met with are more ludicrous than serious. Four boarders left a boarding house at the same time, saying, "They weren't going to board with no scab boarding boss." A butcher wagon in its rounds stopped to sell meat at the door of a non-union man. Some of the union men told the butcher, "If you sell to him you can't to us." A miner sat in a barber's chair being lathered for a shave. Six union men entered and took their seats. They identified the man in the chair as one of the non-union men. As the barber was about to apply the razor, one of the men said, "If you shave that man you don't shave us." The man had to vacate the chair unshaved. A storekeeper insisted on his personal liberty, which finds so large a place in the addresses of the labor leaders, and declared he would not discharge clerks who were not union men. Half a dozen men visited his store, made their purchases, and then asked the clerk to show his union card. He could not. The men left the goods on the counter. That invariably makes the storekeeper less pronounced in his personal liberty claims. The spirit of unionism is everywhere. All classes of labor which can be organized are formed into unions. It is the fashion of the day to be one of the union, and if you are not, the boycott falls on you.

Possibly the most dangerous element of the anthracite population dominated by this spirit are the lower classes of Slavs and the Italians. English-speaking mine workmen have some respect for personal rights, even when unionism appears in its most rampant form, but some Slavs and Italians pass beyond all restraint. The workingmen in a shaft in Lackawanna county held a meeting to discuss the situation on Sept. 8, ten days before the strike was ordered. The "foreigners" said "strike now"; the English-speaking element, which was in the minority, argued that there was no order issued, and tried to persuade them to keep at work until the order came.

The question was decided by an Italian swinging a revolver around his head and shouting, "Strike, strike." The shaft was shut down a week before the general strike.

Purchased Firearms.

When the strike was about to be declared, a company of "foreigners" visited a mining town to purchase firearms. There were two hardware stores there which carried a stock of these goods. They entered one place and bought the implements and the other store lost that portion of its stock that night. A carpenter on the first day of the strike was engaged repairing a house as one of these men came along. They shouted, "You strike, strike all over," and the prudent man packed up his tools and went home. In a shaft in Luzerne county where this class of labor was in the majority, the local union was governed by them. The English-speaking employes were members of the union, but held different views from those of the Slavs and Italians. When the Anglo-Saxons expressed their opinions in a meeting of the union they were thrown out. When notices were posted at the head of the shaft, stating that work would be resumed the following Monday, the "foreigners" were up at dawn. Five ways led to the mines. On each road an organized troop was posted, and if any employe had come to begin work that morning, there would have been bloodshed. In another shaft, twelve Italians, said to be members of the Mafia, held all the colliery in terror, and nothing could be done unless endorsed by them. Anglo-Saxons know how to slug a "scab," but the "foreigners" use the knife and revolver. In Shanandoah, two of the business men signed the petition sent to the governor of the state asking for troops to protect life and property at the time of the riots. The Slavs boycotted them in a manner wholly their own. They organized themselves in squads, and stood sentinels before these business houses, and anyone who attempted to enter was prevented by physical force. The officers arrested some of the ringleaders. The crowd instantly gathered and demanded the release of the men, and the burgess prodently conceded their demand.

A most atrocious deed was perpetrated last summer, which was by public opinion attributed to unionism, though no direct proof was ever found. A non-union Polander had a cow. One night some wretch tied a stick of dynamite to its horns and blew its head to atoms. With such an element forming a large percentage of the mining population, there is every reason to believe that, should a conflict develop to its most serious stages, riots, bloodshed and arson would be the inevitable result.

About Outrages.

Mr. Wolverton next read an article from the Outlook written by Dr. Roberts in October last, in which he fairly out-Sunned the Sun in setting forth the "outrages" which occurred during the strike.

In his direct examination, Dr. Roberts had said that the newspaper reports of the strike disturbances were greatly exaggerated.

In his article in the Outlook, Dr. Roberts describes in detail the violence that occurred during the strike and then proceeds to characterize the "outrages," as "brutal beyond description," revolting, savage and the like. Appended are excerpts.

Let us consider some of the acts of violence against persons. These sometimes take a form that is brutal beyond description. Nothing in the annals of savagery exceeds in brutality the fatal assaults made upon Beddall, of Shenandoah, and Winston, of Olyphant. The savage attacks were revolting and horrible. The brute aroused in the Slav's breast is as fierce as the red-clawed beast of the forest, and this element when excited in the Celt's nature is a good third. Some Slavs proposed to mark every non-union man they caught by clipping his ear. They began the practice on a victim who they cought, who in addition to that was slugged and pitched into the creek. Another non-union man was watched by these men. Some friends warned him to stay home, but the wife was the head of the home and she said, "You must go to work." The man stood betwixt two fires. He chose the less of two evils, and by cunningly selecting unseasonable hours he evaded the vigilance of the "vigilants." But one morning about three o'clock he was caught and slugged. A woman heard the cries and the pummeling. She rushed to the window and shouted for help; the assailants took fright and scattered, leaving their victim in a pitiful condition. If that woman had not interfered, the probability is that another victim would have been added to the list of the dead in this strike. Another man, a mine foreman, who lived in one of the mine patches far removed from town, had a longing to come to town, where he had not been for several weeks. He risked it on a Saturday evening. The "vigilants" saw him and lay in wait; that night the man was sandbagged; he lost his purse and watch, and carried marks of the assault for many days.

Within the last twenty-four hours, as the National Guards are pouring into the coal fields, a house was dynamited at Brownville, a deputy trounced and thrown into the creek, a non-union man slugged on the streets of Shamokin, the men at work in a mine at Mount Carmel fired upon and stoned, and a mob dispersed by troops at the Royal Oak colliery. A non-union man and his wife whom we saw last evening said, "We fear nothing as dynamite," and the woman, who suffered from heart trouble, said, "I can't sleep at night. I imagine they are coming all the time."

State of Warfare.

This is the state of warfare which exists in our society up to the coming of the National Guard. The instances above given could unfortunately be multiplied indefinitely, and no section of the anthracite coal fields is exempt. All parts of this area are not equally subjected to a reign of terror. We know of some sections where foremen go and come as they choose, notwithstanding they are "scabbing"; in other communities the spirit of lawlessness runs riot, and before it all sense of decency, personal rights, and obedience to law is swept away. Street-cars are held up, persons in them slugged, incoming trains are watched, the names of those who leave home for other parts of the anthracite coal fields to secure work are published, and their families maligned and ostracized. It is a lamentable state of affairs, and occasionally such villainous deeds are done that men who have connived at slugging hold up their hands in horror. Think of the villain who, in the silent hours of the night, places dynamite under the porch of the house of a non-union workers, whose wife was about to become a mother and to whose side nestled her two little children while their father was at work. That dastardly deed so aroused the ire of one of the priests that he charged the members of the union with murder, "not," said he, "of men who can defend themselves, but of innocent women and harmless children—yes," he added, "you try to murder even the unborn."

Lawlessness against property is also prevalent. The order calling out the engineers, firemen, pump-runners, fire bosses and barn bosses must ever be regarded by the unprejudiced as an overt act against the preservation of property. The mining industry differs from most other industries because of the fact that the fixed charges are constant regardless of the production of coal. Unless one is ready to abandon a mine, he must every day pump out the water, repair the gangways, and keep open the passages made for the air. Here in the anthracite coal fields milions of dollars are sunk in tunnels, gangways, airways, stationary engines, pumps, etc. If all the pump-runners, engineers, repair men and firemen had deserted their posts, it would be in every respect similar to the destruction of millions of dollars' worth of property. The Lytle colliery was wholly deserted. The operators said, "Let it stand." Since June 2 no water has been pumped, and this plant, representing a capitalization of over three-quarters of a million, is gradually filling up. It will take from four to five months to get this colliery into working condition so as to employ its 800 hands and produce the amount of coal which was shipped to market before the strike, viz., 270,911 tons annually. During the last December floods one of the employes of Preston colliery No. 3 fell down the shaft. The Reading company for over six months worked at that water in order to recover the remains of the drowned man. In July last, after an expenditure of nearly $50,000, tney succeeded in getting the body. No sooner was this done than the local union insisted upon the engineers and firemen coming out. They did so, and the colliery is abandoned and the pumps removed. If the company will not open it again, 365 employes will be out of employment and 135,111 tons less coal annually shipped to market. If it is opened, it will mean another expenditure of $50,000. It seems incredible that intelligent men should advocate and adhere to such a foolhardy policy as to insist upon the flooding of the mines. Willful destruction of capital will injure none as it will labor, and the attempt to shut down the collieries will stand forth as a conspicuous example of a short-sighted policy, precipitated by a spirit compounded equally of braggadocio, spite, and stupidity.

In comparison with the above all other attempts at destroying property are minor. Dynamite is the weapon of a sneak and a coward. He cannot plead the excuse of the man who loses his individuality in the crowd. Foully and by night does this degenerate go to work, and he knows not who may be the victim of his nefarious deed. A doctor in one of our towns, who was on his errand of mercy about midnight, heard twelve

yards ahead of him the deafening roar of an explosion, and saw the porch of a house blown to pieces and the windows broken on all sides. A saloon keeper who sold liquor to deputies was suddenly startled from his repose by an explosion of dynamite which made the spirits shake. In another town three houses of non-union men were dynamited. Fortunately none of the residences of these dwellings were injured.

Time will not permit mentioning the tampering with railroad tracks, the attempt to destroy bridges, and the burning of washeries. These deeds of lawlessness have been perpetrated, and the sense of insecurity engendered by them brings about a mental tension which tests the steadiest nerves, while it works havoc on those of weak and timid women. Every foreman is armed, and he keeps his weapons near him every hour, night and day, and must be ready to meet possible emergencies. The windows of his home are smashed, effigies are hanging in front of his door, his chidren are insulted on the street, their playmates shun them, and in the public schools they are victims of malignant epithets. The wife is ostracized, and the butcher, milkman, and baker are warned not to sell their commodities to these families.

The Reading company advanced the wages of employes who have in this conflict stood loyal to their trust, ten per cent. Well may they. These men and their families have stood the brunt of the battle, while the absentee capitalist receives reports at a safe distance. The fact that these foremen are living with their families in the midst of the tempest makes their sacrifice far greater than that of the imported men who are away from home and are well kept in the collieries. Some of these husbands and fathers are for weeks away from their families, and if the wife or little bairns go to see him they must do so surreptitiously.

The consequence of this division of society into two hostile camps is serious and appalling. Both sides to the conflict are intolerant and abusive. An impartial and rational discussion of the situation is not possible. A calm and judicious estimate of the merits of either side is abused as factional and biased. The heat of passion beclouds the judgments of both parties and the ordinary demands of courtesy and charity are forgotten. Beddall was buried under military escort; Winston was boycotted even in death—the lodge to which he belonged and the men who worked at his side and were raised with him as boys dared not attend his funeral. School teachers with relatives among the ranks of the non-union men are cut off from their means of subsistence remorselessly; beneficent societies are disturbed, and social bonds are snapped asunder. Such is the contagion of the spirit of lawlessness that we have seen ragmen pelted on the street by inconsiderate boys, so that they had to flee for safety from their persecutors. Into the tender minds of children the poison of intolerance and violence is instilled. When lisping childhood grows white with passion and clenches its tiny white hand in rage, saying "Me kill scab," it bodes ill for the peace of society.

Work of Desperadoes.

Dr. Roberts explained here that he discovered later that these deeds were the work of desperadoes not connected with the union. There was much of lawlessness, he said, but it cannot be put on the union. The conditions which the strike brought about were responsible for much of the trouble. When a man is hungry, the doctor said, he becomes desperate.

Next was introduced the article from the Outlook of Nov. 8, 1902, from which the following is culled:

But not only does industrial conflict drive men and young women from home, it also disturbs social peace at home and sets brother against brother and family against family. Two men who left their mother country together, shared the same bed, and divided equally their earnings, are today enemies—they will not exchange the time of day. One of them went to work, and the other called him "scab." This opprobrious epithet sticks and stings most virulently. When uttered it means social ostracism, and for it there is no remedy. There is no sin as grievous as "scabbing" in the ethical code of these workers. Half a dozen women, members of the Ladies' Aid society of one of the churches, were talking of non-union workers, when one of them said, "I could look at scabs hanged," and the others echoed her sentiment. To what extent this feeling carries men was illustrated in Lansford. Sharpe, a union man, who was shot by a deputy, had a funeral such as was never witnessed in that town. All the union men from the mining villages came to pay the last tribute of respect to one whom they considered a martyr for the cause. The union leaders were in charge, and the procession was solemn and impressive. A few weeks after, a non-union Hungarian who worked was accidentally killed. On the day of the funeral the undertaker could not get a man to remove his remains from the house to the funeral car. His fellow countrymen said, "Him die a scab, him bury a scab," and to a man they kept away from the funeral.

A soldier on horseback was on a street of one of our towns when he heard the word, "Scab! scab!" He instantly turned his horse, dismounted, and looked for the culprit. He returned crestfallen amid the laughter of spectators, for the criminal was a parrot which belonged to one of the miners.

Not for a generation will the enmities and hatred engendered by this strike die away. Industrial peace is in sight, but it will not bring peace to the men who stood by the operators in this emergency. The families which have suffered reproach in the last few months will not be restored to favor. Social ostracism will remain when the troops are gone and coal produced. A troop of young men standing on the street corner in Shenandoah discussed the treatment of "scabs" when the collieries resumed. "Yes," said one of them, "we'll tend to them good," and any one familiar with the mines knows what that means. A young lad on the Hazleton mountains calmly outlined a scheme whereby the "scab" could be blown to pieces by powder. The lot of these men who exercise their natural right to work will be a sad one for many days to come. No foreman will be able to protect them from the hatred of union men.

Schools Are Better.

Mr. Wolverton closed his cross-examination after eliciting testimony to show that schools are better, wages of teachers higher and school terms longer, in the coal district of Northumberland county—Mr. Wolverton's home county—than in the agricultural districts of the same county; that the bulk of the taxes to support the schools in the coal towns, such as Shamokin and Mt. Carmel, are paid by the coal companies, and that it is the fault of the miners themselves, who control the school management in such places, if there is no enforcement of the compulsory education law requiring children between the ages of 6 and 16 to attend school until they have, at least, acquired a knowledge of the common English branches.

Francis I. Gowan, counsel for the Lehigh Valley company, called Dr. Roberts' attention to some palpably erroneous passages in the transcript of his evidence of the day before and had him make corrections, after which Major Everett Warren, of this city, of counsel for the Erie company, brought out

The doctor would not admit that asthma has a tendency to prevent consumption. He hesitated to deny it.

Mr. Torrey brought out that the law requires 231 cubic feet per minute pure air and the witness admitted this to be ample, though he qualified his answer by saying that many miners, in recesses, away from the gangways or air courses, do not get all the air the law allows.

Chairman Gray looking over the packed room, with direct ventilation on one side only, asked: "How many cubic feet of fresh air is in this room, Doctor"

Mr. Torrey asked if freedom from consumption was not peculiar to this region. Dr. O'Malley admitted it was not as prevalent as it is in some places.

In answer to questions by Chairman Gray as to health of iron mill workers who are subjected to sudden and extreme changes of temperature, said they have acquired a tolerance of these changes and are in a way immune.

About the Hospitals.

Dr. F. P. Lenahan, of Wilkes-Barre, was next called for the miners' side and was examined by Attorney John Shea. He testified that the hospitals of Luzerne county expended, last year $77,696 for maintenance, and of this amount the coal companies contributed only $5,500.

In the last five years the Mercy hospital at Wilkes-Barre, he said, had received only $576 dollars from coal companies. Of this amount $450, all that was solicited, was given by the Parrish Coal company, which has been especially liberal in donations to all the hospitals. The balance was donated by the Susquehanna Coal company.

Mercy hospital, last year, had 734 patients and the Wilkes-Barre city hospital 940 patients, and eighty per cent. of these were miners and members of miners' families.

Fully ninety-eight percent of the mine workers, the doctor said, were anaemic and ninety per cent. of them who are

fifty years of age are afflicted with rheumatism. The doctor had heard of asthmatic miners expectorating coal dust twenty years after he leaves the mines.

Summing up, the doctor said mining was a very unhealthy occupation.

Dr. Lenahan was cross-examined by Major Everett Warren, of this city, of counsel for the Erie company. Major Warren first brought out that the Luzerne county hospitals receive large appropriations from the state and that the bulk of the state taxes are paid by the corporations.

The doctor further stated in answer to Major Warren's questions that he has treated cases of asthma in men thirty years of age and sixty-three years of age; that few miners leave the mines to go into some other employment; that those who do go into other laborious occupations as a rule give them up and go back to the mines, declaring they prefer to work underground.

Dr. Richard H. Gibbons, of Scranton, was called to the stand for the miners a few minutes befor 4 o'clock, and was being cross-examined by Attorney James Lenahan at adjournment. Only a few preliminary questions had been asked the witness when the commission rose.

Proceedings of Friday, Nov. 21.

[From The Scranton Tribune, Nov. 22.]

Negotiations for the settlement of the matters in dispute between the operators and miners, by agreement, are now on.

The miners have been offered a ten per cent. advance in wages, a nine-hour day, yearly contracts between each company and its own employes, and conferences yearly between company officials and a committee of employes to adjust grievances.

The miners' demands substantially were:

First—Twenty per cent. increase in wages.

Second—Eight-hour day.

Third—Weighing of coal, where practicable.

Fourth—Recognition of the union.

The operators offer the following:

First—Ten per cent. increase in wages.

Second—Nine-hour day.

Third—Contracts between each company and its own employes.

Fourth—Conferences for adjustment of grievances.

The miners agree to negotiate on this basis, with the understanding that the weighing of coal is an open question. They will waive the demand for recognition of the union, but will stand out for a fifteen per cent. increase in wages.

In return the operators will demand that duly accredited representatives of all the miners shall give some guarantee of a cessation of petty strikes and that non-union men shall not be molested.

The commission adjourned yesterday at noon, for the ostensible purpose of giving the opposing parties time to agree on what facts they can agree are not in dispute, thereby saving the commission time and labor, but the real purpose was to give the parties opportunity to come together and eliminate every matter in dispute and leave the commission with nothing to do but make recommendations for the avoidance of future controversy.

On Wednesday, Hon. Wayne Mac Veagh went to New York and Philadelphia. He returned Thursday. That night, he, Chairman E. B. Thomas, of the Erie board of directors, and Clarence S. Darrow, leading counsel for the miners' side, had a conference at Hotel Jermyn, which lasted until midnight. Mr. MacVeagh went to New York again yesterday and it was thought would return last night. He did not come, however.

Just prior to the noon recess hour, yesterday, Mr. Darrow addressed the commission and making an admission that the miners had only fragmentary evidence to offer as to the matter of wages, suggested that an adjournment be had to give opportunity to the accountants of both sides to work on the companies' statistics with a view of agreeing on what facts woud not be disputed and saving thereby a great amount of labor and time.

The commission was expecting the motion. Chairman Gray had before him some typewritten manuscript and from this he read as follows:

"Having said so much and acceding to the suggestion made by you that this time be taken for the preparation of the documentary evidence and for a possible agreement as to facts and figures which would forward the work of the commission, the commission desire to express the hope that an effort will be made by the parties to come to an agreement upon nearly all, if not all, the matters now in controversy, as well as upon these documentary facts and figures, and that they will adopt the suggestion heretofore made by the commission to counsel on both sides that we would aid them in such effort by our conciliatory offices. It seems to us that many of the conditions complained of, and which have been the subject of our careful study and examination, might be better remedied by the parties to the controversy approaching the subject in a proper spirit, and with the purpose of fairly adjusting them. We hope, therefore, gentlemen, that the interval of time that is now proposed may be availed of with this end in view. Of course, in the meantime we shall proceed with the work before us as we have begun it."

Attorney John T. Lenahan, who with Joseph O'Brien represents the non-union men, opposed adjourning till tomorrow, as he wished to cross-examine Rev. Dr. Roberts, who was then in the witness box. Judge Gray consulted with the other commissioners for a moment and then announced that an afternoon session would be held to permit of this cross-examination. As the commissioners were rising, attorneys for the big companies hurried to Mr. Lenahan's side and talked with him in low tones. Mr. Lenahan disappeared into the commissioners' consulting room, and, a few moments later, Colonel Moseley, the assistant recorder, returned and asked the attorneys to wait to hear something Judge Gray had to communicate. Judge Gray followed closely and announced that Mr. Lenahan being content to postpone his cross-examination of Dr. Roberts until this morning, the commission would not meet in the afternoon.

The Cause of It.

One of the primal factors in bringing about the negotiations for amicable adjustment was the inability of the miners to produce acceptable testimony on the question of wages, and the desire of the companies to be saved the necessity of presenting what they have to offer on this subject.

If forced to do it, the companies proposed to put in evidence a great mass of figures showing what they pay in wages; what they secure in profits, and how it is unwarranted that the commission should compel them to grant anything like the miners are demanding.

It is not but that they are satisfied the commission and the public would have to admit from a study of these figures that the miners' demands are exorbitant, but that they may avoid the distasteful and laborious task of parading these matters, that the operators came to the point of entering upon these negotiations.

On the miners' side the attorneys were confronted with the alternative of accepting the operators' compilations as the evidence on which the commissioners should base their findings as to wages, or of resting this feature of the case on such fragmentary testimony as would be adducable from the comparatively few mine workers—say even a hundred—the commission could in rea-

be asked to listen to, or such figures as might be compiled from the "due bills" they were able to gather, which, it now develops, were of little use to them because few miners were found who had preserved them consecutively for any considerable period. In other words, the miners' lawyers realized that for every individual case they might present of a miner having little or even nothing coming to them at the end of a month, the companies would produce another case of another miner making more than a hundred dollars a month.

Source of Figures.

While on the stand yesterday, Rev. Dr. Roberts testified that his figures as to miners' earnings were derived from averaging about five hundred "due bills" gathered from all portions of the region. Judge Gray practically told him the commission would find little to aid it from that sort of statistics.

These are only the main motives prompting the negotiations for settlement. Various other matters entered into the situation, which at a time like this it is unnecessary to enumerate. Suffice it to say in a summing up that both sides are anxious for a settlement outside of the commission and that each is in a position to ask that the other shall not consider itself licensed to dictate terms.

It was when the examination of the miners' medical experts and the redirect examination of Rev. Dr. Roberts had been concluded at 12.15 p. m., that the continuance for settlement proposition was advanced. The discussion was as follows:

Mr. Darrow: Mr. Chairman, we have been at considerable disadvantage and had considerable difficulty in getting the exact dates and exact figures which I know this commission wants. Of course, you gentlemen can realize it largely. I must say that when I came down to this region I supposed it would be an easier matter to find out the exact amounts paid for wages in these industries; but enough has developed here to show that there are scarcely two mines where the wages are the same, and perhaps in each mine there are different wages paid. So, to get at the exact proof is very difficult. On our side, all we have is to get the due bills of the miners, running over a series of years. Those are very imperfectly preserved; we can only get them fragmentary, and when we get them we are not certain that thy give exact figures; that is, some months may be smaller and some larger, and they may be sorted. The only exact information we can get is from the companies' books. Each one of these companies had said to us here in open court that it will give us all its figures, and I know that they have large numbers of men at work on them, and that they are not yet ready. I think it would expedite the work of this commission if we examine those figures, or our experts examine them, privately, and see how far we can agree with them as to the exact facts, and it would require a little time for that purpose. We are working here, day after day, and it is very hard to do it, and it is not conducive to any good to put in secondary facts that are more or less uncertain, when we can get at the exact facts. So, I think it would be wise to have a little time granted to go over their books and see how far we can agree—I think we can agree—and eliminate a large number of questions which is taking up time. We would like an adjournment for some little time for that purpose.

Chairman's Suggestion.

The Chairman: Mr. Darrow, the commission would be glad to co-operate with you to bring about the accomplishment of that end. While the testimony, in itself, has been very interesting, and I will not say it has not been of value to the commission, still it has not yet borne practically upon the points at issue between the parties to this controversy, and the commission desire to assist in any project such as you have outlined that will shorten the labor of investigation; that is, shorten it, not so much for our comfort as for the opportunity that it will give us to clearly get at the facts without embarrassment of needless detail. It was suggested at Washington at the first hearing, when counsel were present, that this should be done and that the counsel on both sides would cooperate to that end in order that data that were indisputable might be put before us and all contests about them eliminated, and if any contest at all should remain it would be confined to those matters about which you could not agree, if such there should prove to be. I have not had an opportunity of consulting with the commission as to the time we should give for this, nor do I know that you have suggested any particular time; but we will co-operate with you to that end, and we will adjourn until tomorrow, so that we may know certainly tomorrow what time will be required.

Mr. Darrow: We can ascertain more definitely about that by tomorrow morning.

The Chairman: By that time we can form a more definite idea, by discussion, and so on, of the time that will be required. We do not want to waste any time, of course, but we wish to give sufficient time for the investigation of these figures, which, after all, is the important matter.

Mr. Darrow. To be sure:

The Chairman: Having said so much, and acceding to the suggestion made by you that this time be taken for the preparation of the documentary evidence, and for a possible agreement as to facts and figures which would forward the work of the commission, the commission desire to express the hope that an effort will be made by the parties to come to an agreement upon nearly all, if not all, the matters now in controversy, as well as upon these documentary facts and figures, and that they will adopt the suggestion heretofore made by the commission to counsel on both sides, that we would aid them in such effort by our conciliatory offices. It seems to us, that many of the conditions complained of, and which have been the subject of our careful study and examination, might be better remedied by the parties to the controversy approaching the subject in a proper spirit, and with the purpose of fairly adjusting them. We hope, therefore, gentlemen, that the interval of time that is now proposed may be availed of with this end in view. Of course, in the meantime, we shall proceed with the work before us as we have begun it.

Had It in Mind.

Mr. Darrow: I would like to say for myself, frankly, that that matter has been running in my mind for the last few days. It is a very serious undertaking for this commission to ascertain the exact wages paid to each mine operated throughout this region, and, as we met here day after day, and got better acquainted, and with a fair feeling towards each other, it seems to me there ought to be hope of our accomplishing this, with the aid of this commission. I do not suppose it would be very wise to do it without its aid. It is certainly very much better for everybody interested in the country in general, and, so far as we are concerned, we will do everything we can between now and the next session.

The Chairman: I will only say now that the commission will be very glad to aid in obtaining any such result.

Mr. Warren: I do not understand that Mr. Darrow made any suggestion as to time?

The Chairman: No, he did not.

Mr. Warren: May I be permitted, speaking for the Pennsylvania Coal company and the Hillside Coal and Iron company to say that we find it exceedingly difficult to gather the facts. We have had thirty or forty men at work for two weeks at nothing else, so as to be able to do that which the commission suggested at Washington we do, and that which we are desirous ourselves of doing, and that is, to submit to the commission and counsel on the other wise the result of our investigation fairly and completely. I would like to suggest that if the other companies are in anything like the situation we are in—we are doing everything we can to speed the getting together of the facts and figures—we ought to have at least a week, if not ten days. Mr. Brownell and myself have been at work on this nights, without our auditor and a corps of men he has with him, and it seems to be an almost interminable job. I do not believe there is a member of the commission who has any appreciation of what it means—considering the fact that we have twenty or thirty collieries with every conceivable kind of labor, thirty kinds of labor and thirty different sorts of computations to get at these figures. You say you are desirous of speeding the matter, and of course we are too, but I want to ask you in the name of these companies to be reasonable enough to give us this time, at least a week anyway, and we believe that at the end of that time we can submit the result of the examination of our statistician and give figures that will throw light on the subject, and then we can proceed with actual facts and not theories.

Better to Adjourn.

The Chairman: I said in reply to Mr. Darrow's suggestion that as the commission had not considered the matter of how much time might be necessary, and I could not decide it for them without consultation, that it would be better, perhaps, to adjourn until tomorrow morning at 10 o'clock—the usual time—and we will be in a better condition then, a better situation perhaps, to discuss the matter of time. We are disposed, I think I can say for all the commission, to give you all the time that is necessary for this important work.

Mr. Warren: I got the impression that

you intended to adjourn until tomorrow, and that upon meeting tomorrow morning you would fix the time, and I wanted the commission to have some idea of how we are situated.

The Chairman: We will not fix it without suggestions, from counsel on both sides. Will you have any other witnesses, Mr. Darrow?

Mr. Darrow: I would prefer to use this afternoon for the matter spoken of and not have any session this afternoon.

The Chairman: And you suggest that we adjourn now until tomorrow morning?

Mr. Darrow: Yes, sir, until tomorrow morning at 10 o'clock.

Mr. John T. Lenahan: I desire to ask Doctor Roberts some questions.

The Chairman: We can adjourn then until 2 o'clock. We will then stand adjourned until 2 o'clock.

* * * * * * * * *

The Chairman (after a conference with several gentlemen): Since the announcement that we would take a recess Mr. Lenahan has said that he profers not to go on this afternoon and therefore we will adjourn until tomorrow morning at 10 o'clock.

Without any preliminary the proceedings of the morning opened with the resumption of the direct examination of Dr. Richard H. Gibbons, of this city, by Attorney James Lenahan, of counsel for the miners.

The doctor described in detail the diseases peculiar to mine workers, the causes thereof and the effect generally on the sufferer. An adult who in childhood suffered from any bronchial trouble, the doctor said, is predisposed to such an extent to miners' asthma that he should not be allowed to work in the mines.

Neglect of diet, exposure to cold and dampness, strained positions, great muscular effort, sudden changes of temperature, he said, bring on neuralgia and various forms of rheumatism. Among the interested listeners there was a mild titter as the witness mentioned "gout" as one of the diseases to which miners are subject.

Not Able to Pay.

After bringing out from Dr. Gibbons that he has made a special study of surgery for thirty years and that he has attended many cases of injury by burns, blasts, falls, and the like, had him tell of the frequency and seriousness of these hurts.

The doctor said he never expected to get any pay from the average miner, not because the miner was not always willing to pay, but because, in the doctor's opinion, the miner is not able to pay.

The mine ambulance was severely arraigned by Dr. Gibbons. They are crude, cold and unsanitary, the doctor declared. The fact that they are housed generally in the mine stables is, in itself, enough to condemn it.

The doctor, immediately recommended that miners should be schooled in "First Aid to the Injured." About twenty years ago, he said, he undertook to inaugurate a movement for such education, but received no encouragement. "My medical brethren," said the doctor, "were those who discouraged me most."

Speaking of the character of fractures from mine accidents, the witness said, that Dr. Agnew once told him the worst fractures he ever saw came from the anthracite coal regions.

When Mr. Torrey took the witness in hand for cross-examination, he asked "Doctor, did you ever write a book?"

It was the biggest hit of the hearings. No one laughed with more heartiness than the commissioners.

The doctor said he had never written a book, although he had written many articles on surgical matters. Mr. Torrey picked up a pamphlet and began turning over its pages slowly. Everybody was expectant of a possible repetition of the incident of the day before in which Dr. Roberts and his book were the principal features. It developed, however, that Mr. Torrey was "just joking."

On cross-examination Mr. Torrey brought out that the Green Ridge Coal company's ambulance is being used by the Lackawanna hospital, temporarily, while the hospital ambulance is being repaired; that within a year emergency hospitals have been established by law at all the mines, which are provided with everything required for temporarily treating accident cases, and that the Delaware and Hudson and other companies send doctors about to their mines to educate the bosses and others in "First Aid to the Injured."

Dr. Gibbons, before leaving the stand, took another fall out of the mine ambulance, declaring it to be a veritable bunch of infection.

It Ages a Man.

Dr. Eugene J. Butler, of Wilkes-Barre, physician of the Central Poor district, by cross-examination that in framing a report of a non-fatal accident the mine inspector can, and usually does, question the injured man; that the law requires the inspector to attend all inquests in cases of mine fatalities; that the mine inspector is appointed on the recommendation of a board of five, appointed by the president judge, three of which five are actual mine workers; and that an inspector is in no way allied with the companies.

Major Warren secured an admission from the witness that as a rule a miner gets through his work before noontime, and that a large percentage of mine accidents are attributable to the anxiety of the miner to get out from his work earlier than this hour. Major Warren asked if fifty per cent. would not be a fair estimate. The witness thought it was not as large as that.

General Counsel David Willcox, of the Delaware and Hudson company, called Dr. Roberts' attention to his testimony of the day before, to the effect that he found twenty-four boys, under the legal age, working in the breakers or mines, of the Olyphant region, and inquired if the witness had taken any steps to remedy this evil. The doctor replied that one clergyman who brought prosecutions for this offense had the costs put on him. The witness admitted he had not notified the employers of his discoveries in this matter. He said he attributed the working of these young boys to the fact that their parents were hard pressed for maney to pay off mortgages. In many cases, he said, the mine boys who are under age are the sole support of widowed mothers.

Further Cross-Examination.

Mr. Willcox, general counsel for the Delaware and Hudson company, resumed the cross-examination of Dr. Roberts at the opening of the afternoon session.

Still further readings from the doctor's book showed that as a result of his investigations he found that the veins varied in every feature in the different basins; that conditions at present are very unfavorable, comparatively speaking, because of the great depth of the shafts, length of hauls and the like; that the fixing of a "minimum wage" by legislation would be vicious and disastrous; that it would be a matter of ease to multiply cases of gross neglect on the part of miners, resulting from their desire to save time, labor or expense; that when boys under 12 years are employed it is because of the wilful perjury of the parents; that it is bad reasoning on the part of the miners to claim any share of the profits of washery product, as the miners received pay for his part in producing it when he was paid for mining it.

The witness took occasion to modify a declaration of one of his articles read earlier in the day, that a "minimum" rate of wages was inexpedient and socialistic. He now considers it expedient, he said, and is willing to adopt socialism to the extent of declaring for the fixing of a minimum wage rate.

In response to a question by Commissioner Parker, Dr. Roberts stated that the majority of the Olyphant children working in the mines who are under the legal age are the necessary support of their families.

At this juncture, Mr. Darrow withdrew Dr. Roberts temporarily, to accommodate some of the physicians who are to testify for the miners, and who are anxious to get away.

Dr. John O'Malley, of this city, who has had nineteen years' experience in this region, was called and examined by Attorney James Lenahan.

Dr. O'Malley told that diseases common among miners are acute and chronic catarrh, rheumatism and miners' asthma. The latter disease, which is very common, results from the inhalation of fine particles of coal dust, which are constant irritants of the membranes. Post-mortem examinations have frequently shown to him the lungs of miners as black as anthracite coal. The disease, though incurable, is fatal only in very slight degree, but it has a tendency to superinduce fatal diseases.

Affects the Heart.

The disease also affects the heart nutrition and causes emaciation and general loss of vitality. Very few mine workers can escape at least a mild affectation of this complaint. The inhalation of noxious gases also contributes to asthma. A man of forty years affected with chronic asthma is really as old and decrepit as a comparatively healthy man would be at seventy.

The sudden changes of temperature experienced by miners is conducive to catarrh. Stomach troubles among miners, the doctor ascribed to their being compelled to drink water impregnated with deleterious mineral matter. Rheumatism is superinduced by the dampness of the mines. Lumbago results from the crouched position in which the miner has to work. Tubercular diseases are common among miners and are due to lack of nutrition resulting from other diseases. All these diseases are decidedly more prevalent among miners than among other classes of the community.

On cross-examination by Mr. Torrey, of counsel for the Delaware and Hudson, Dr. O'Malley admitted he had never made a comparison of particular diseases of miners with particular diseases of other classes of workmen. He also admitted he had not examined the records of the health bureau here, with a view of getting statistics. The witness could recall the names of only two miners he treated for asthma during the past year and a half, although he was sure there were many more than that.

Amount of Air.

Mr. Torrey brought an admission from the witness that whooping cough is a form of asthma and that whooping cough patients are frequently taken into the mines as a treatment for the disease. A diminuition of the amount of asthmatic diseases, the doctor admitted, is resulting from the better ventilation of the mines during the past ten or fifteen years.

of Luzerne, was examined by Attorney John Shea, of counsel for the miners. He testified along substantially the same line as the preceding doctors and in addition told that a miner of fifty years looks as if he was sixty-five or seventy years of age. He also told of having secured a job for four old miners on a farm in Lehman township and of the former discharging them because "they had no lungs and while they were might good eaters they were very poor workers."

Bishop Spalding asked the witness how long the old miners last after they give up mine work, and go back to the breaker. "Not very long," replied the witness.

A. H. McClintock, attorney for the Lehigh and Wilkes-Barre company cross-examined Dr. Butler. Among the things Mr. McClintock developed was the fact that Dr. Butler himself worked in the mines from the time he was ten years of age until nineteen. Dr. Butler is a fine, big, healthy looking man. Judge Gray remarked, "You are a pretty healthy looking ex-miner."

The re-direct examination of Dr. Roberts was then taken up. A buzz, followed by a deep hush accompanied the witness as he passed from the miners' table to the witness box. Picking up Dr. Roberts' now noted book, Mr. Darrow remarked: "I want to read a few things the gentleman of the other side evidently overlooked." He then began to read cullings from the book in which the doctor expressed opinions or stated facts.

In these excepts it was set forth that intelligent co-operation for self-help by the miners is desirable; that wages have been steadily reduced for twenty years by the reduction or total cutting off of allowances for extra work, and like incidentals; that collective bargaining is expedient, and desirable; that recognition of the United Mine Workers is only prevented by prejudice and pride on the part of the operators; that operators are unreasonably hostile to the union, and that the coal operator millionaires are accountable for setting a bad example to the people by their lack of unselfishness in the use of their wealth.

Would Not Give Names.

On cross-examination by Mr. Willcox, the witness declined to give the names of any selfish millionaire coal operators he had in mind when he wrote the book, or to tell of any instance where allowances were cut off as he described.

To a question by Mr. Ross, the witness said he believed a coal syndicate would be a good thing for the miners.

In response to some general questions, Dr. Roberts said a great industrial war like the strike is naturally attended with intemperate words and violence. Collective bargaining and conciliatory boards, he said, would prevent strikes. Annual wages for the last year, the witness declared, was not sufficient to maintain an American standard of living.

The poor boards of the anthracite districts, he went on to say, report that it costs $94 per capita to maintain the poor. This would be about $475 a year for a family of five. The doctor would place the poverty line for those outside the poor houses at $100 above this figure. He further declared that the best information was to the effect that it costs a family of five in the coal regions $655.22 a year to live, not counting on anything outside of necessities.

From figures obtained by collecting about five hundred "due bills" from all parts of the region, he calculated that the average earnings in 1900 of miners was between $400 and $450, and of miners' helpers, between $375 and $425. This was before the ten per cent. advance of 1900.

Proceedings of Saturday, Nov. 22.

[From The Scranton Tribune, Nov. 24.]

Independent operators to the number of twenty-eight, representing practically all the anthracite region, met in their headquarters in the Connell building, Saturday night, and decided to send a committee to New York tomorrow to have an understanding with the big companies as to where the independents stand in the negotiations for amicable settlement of the strike issues.

The committee consists of Hon. W. L. Connell, of the Green Ridge Coal company, of Scranton, and the Enterprise Coal company, of Shamokin; J. L. Cake, of the Clear Spring Coal company and Raub Coal company, of Pittston; J. L. Crawford, of the People's Coal company, of Scranton; C. D. Simpson, of the West End Coal company, of Scranton; E. B. Sturges, of the Pine Hill Coal company, of Pine Hill; Hon. W. W. Watson, of the Mt. Jessup Coal company and the Moosic Mountain Coal company, of Scranton; H. C. Reynolds, of the Wyoming Coal and Land company, of Scranton, and Joseph J. Jermyn, of Jermyn & Co., of Scranton.

The arrangement of the details of the meeting with the coal presidents was left to Mr. Simpson. It is likely the meeting will take place tomorrow morning at the office of one of the big companies in New York.

It is understood the independents will go before the coal road presidents with a determination of securing assurance that if the strike controversy is to be settled out of court, the big companies will make it possible for the independents to go along by granting them some new concessions in the way of freight rates.

The independents argue that their profits are regulated by the carriers. They have no source of income other than what the big companies allow them for coal. The big companies can grant an advance in wages and other concessions to the miners and charge up the increase partly to freight profits and partly to coal profits. The independents must bear the increase solely from their coal profits.

The independents in common with the carriers, declared in May last that they could not grant any increase in wages to the miners. They still hold to that contention and stand ready to

prove it before the commission. To silently acquiesce, now, in the big companies' proposition to advance wages would be to confess that, in May last, they told what was not an exact fact.

Conditions Are Unchanged.

The independents maintain that what they said last May is still true, and that if the big companies propose to establish a higher rate of wages for them (the independents), it is up to the big companies to do something to make it possible for them to bear the increase.

J. L. Crawford, of the Independent Operators' association, said Saturday evening:

"Our position is so strong that we cannot afford to agree to any settlement reached on the basis arranged by other parties. A carefully prepared statement, sworn to, will be submitted showing that our average rate of wages paid is $774.50. Mr. Mitchell classed $600 as a fair living wage.

"We do not intend to be engineered out of court by any means, and we are not going to change our views. We will submit evidence which will surprise the commission. We intend to be heard before the commission," he declared, "and we are going to maintain that position."

The independents may not go before the coal road presidents as supplicants. If they choose they can go into the meeting with a club. It is a well-known fact that the independents are not fixedly adverse to recognizing the United Mine Workers. In fact some of them have declared it would be economy for them to grant substantially all the miners ask including recognition of the union if in return they could receive assurance of immunity from strike troubles.

This being true, it is not impossible that the independents may go so far as to say to the coal presidents that if they (the independents), are not properly taken care of they will offer fifteen per cent. advance in wages, eight hours and recognition of the union as a basis of settlement.

It was only in dribs and by hints the information as to the true feelings of the independents was gleaned. The official statement given out regarding Saturday night's meeting contained no inkling of any belligerent tendencies on the part of the independents. "Our committee is simply going to New York to find out in what way we are to co-operate in bringing about the proposed amicable adjustment" is the story coming from the meeting and echoed by individuals who attended.

Miners to Take a Hand.

The miners are using their best endeavors to conciliate the independents, whose "bomb shell" at Saturday morning's session of the commission was looked upon by the miners as a possible serious obstacle to settlement "out of court." Clarence S. Darrow, chief counsel for the miners, and Ira H. Burns, of counsel for the independent operators, are to have a conference this afternoon at Hotel Jermyn. This conference was arranged at Mr. Darrow's request, before he left for New York Saturday night. In view of the action of the Independent Operators' association, Saturday night, it is likely very little will come of the Darrow-Burns conference.

One main objection of the independents to the settlement of the controversy "out of court" is their fear that the commission will dissolve without dealing with the "non-unionist" problem. The independents have a greater proportion of non-union employes than the big companies, and feel greatly obligated to these men for standing by them during the strike. They want that the commission should hear in detail what they have to present on this matter and to come out in strong language in support of the proposition that it is the inalienable constitutional right of a man to work without let or hindrance from a union.

This, however, is not likely to cause any trouble, as the commissioners have not surrendered any of their jurisdiction and do not propose to shirk any responsibilities. The "non-union" question will be dealt with fully. If deemed necessary the commission will take testimony on it, even though every other matter is brushed away by amicable settlement. One of the commissioners said: "We are working under two charters. Even though every strike issue was settled, we will be called upon to deal with the matter of preventing future controversies."

Regarding the present negotiations, he said: "Everything in dispute during the strike, as I understand it, is tentatively adjusted. We have no official information to this effect, but that is what I gather from the incidents of the past two days. The commission, of course, is not bound to ratify the agreements that will be arrived at by the parties, and will not ratify them unless they meet with our approval. The commission will not lose sight of the fact that the public is a party to this cause."

How It Came About.

It now develops that it was the commission which first suggested the possibility of an amicable settlement. When it was seen how smoothly the hearings were proceeding and how really friendly and courteous the opposing parties were one to another, it occurred to the commissioners that it was just possible that some, or probably all, of the main contentions could be eliminated by the parties coming together "outside of court."

The commissioners, privately, sent for Attorneys Darrow and MacVeagh, who up to that time seemed to be the leading counsel, respectively, for the two principal parties and put to them the proposition of amicable adjustment. Mr. MacVeagh went to New York, saw the heads of the coal companies and came back with the offer told about in Saturday's Tribune. Adjournment was then had to give opportunity for working out the details. The counsel for the different companies went home to see their respective presidents, and today will likely see a conference of all the big companies' presidents and attorneys in New York.

The mine workers continue to give out the impression that the overtures for a settlement came from the operators, but the operators here deny it. They declare that the miners discovered they had no case. One of them said:

"If it was a case in court we should simply ask for a non-suit. The miners cannot submit a table of wages showing the amounts received by the men, and we can, and the figures will show that the men are getting more than Mr. Mitchell demands for them—$600 a year as a living wage.

"Few of the companies have an average of less than $700."

"If that is the case, why are the operators willing to give an increase?" he was asked.

"Because of the general prosperity of the country. The railroads have given their men ten per cent., and with such a number of employes as the operators have we cannot well refuse to give them an increase too.

Fighting for Principle.

"The fact of the matter is that we were never fighting so much against an increase as we were fighting for the principle involved. We wanted to manage our own properties, and we have finally succeeded, we think, in doing so. Recognition of the union was purely and simply what the officers of the mine workers were fighting for throughout."

Regarding the question of making contracts with the workers and the manner in which it would be done, he said: "We will probably ascertain what our men believe the condition of work should be, reach an agreement with them regarding it and post a notice at the mines as to what it will be. There will be no signing of contracts with each individual worker or with the colliery employes as a body."

Another reason why they are anxious to end the inquiry, it is said, was advanced by a local independent operator, who has made a close study of the situation.

"Under the laws of Pennsylvania," he said, "railroad corporations are not permitted to engage in the business of mining, and, it has been decided, may not hold the majority of the stock of any mining company. Several of the companies do own such majority control, and are not anxious to disclose the fact under oath on the witness stand. Neither are they eager to have their officers or men, who were formerly

officers, but are not now in their employ, to testify as to the cost and profit of mining coal, the transportation charges or the rebates granted to the shippers from their own mines.

"When the non-union miners asked for the right to participate in the investigation the railroad lawyers sought to have the list of their names kept secret. This request was refused by the commission, though Judge Gray promised that no improper use would be made of the list. This ruling was a precedent, and was understood to be such. It meant that no testimony would be taken in secret, and that the railroads could not expect to present figures relating to their business in camera. From that moment they wanted the inquiry stopped."

Among the prominent witnesses who, it is alleged, the railroad companies are afraid of is Mr. Walter, president of the Lehigh Valley, whose resignation was accepted by the board of directors this week.

Saturday's Proceedings.

As forecast in Saturday's Tribune, the mine strike commission had a very brief session Saturday morning and then adjourned till December 3, to give the parties opportunity to settle their differences amicably. The independent operators protested against a settlement "out of court," asserting there had been an understanding between the big companies and the miners to which they had not been parties and that they did not propose to be compelled to subscribe to anything other parties might agree to. Judge Gray assured the independent operators there had been no agreement reached as far as the commissioners knew and that no agreements would be ratified by the commission until all the parties concerned were parties to the agreement.

The commission adjourned and appointed Commissioners Clark, Parker and Watkins to remain here as a subcommittee to act with the parties as conciliators. The sub-committee called together the attorneys who were still in the city Saturday afternoon, and after a conference with them issued the following statement:

Scranton, Pa., Nov. 22, 1902.

It appears that there is some misunderstanding or some lack of understanding in connection with the recess taken by the commission and the suggestion in that connection that possibly the contestants might be able to agree upon some of the important points involved.

The recess was desired by counsel for both sides because authoritative statements of hours and wages which are being prepared are not as yet ready.

The suggestion was made that perhaps some agreement might be reached between the principals which would simplify the problem and assist in reaching proper conclusions. The chairman, speaking for the commission, stated that the commission would gladly co-operate, as far as could consistently be done, in furthering an effort to reach an understanding through conciliatory means and methods.

The idea has gone out in some quarters that the matter is to be settled without further effort or responsibility on the part of the commission. The idea is entirely wrong. The commission will, as announced, cheerfully encourage conciliatory spirit and action between the parties to the controversy, but the commission has not surrendered, and will not surrender, jurisdiction of any of the matters which have been referred to it, nor responsibility for the conclusion reached. No adjustment can be made which does not, by its terms commend itself strongly enough to secure the approval of the commission and its incorporation in the award.

With a view and for the purpose of removing any misunderstanding which might exist, the sub-committee of the commission invited such of the counsel representing the several interests involved as could be reached to meet this afternoon.

The committee and the counsel were in session for two hours. Besides the commissioners, Attorneys Clarence S. Darrow, James L. Lenahan and Henry Lloyd were present in the interests of the miners; Attorney David Willcox, for the Delaware and Hudson company; Everett Warren, for the Erie, Hillside and Lackawanna Coal companies; John B. Kerr, for Ontario and Western; I. H. Burns, for the independent operators, and John T. Lenahan and Joseph O'Brien for the non-union miners.

Independents' Protest.

The proceedings of Saturday morning's half hour session were wholly devoted to the question of recess and the independent operators' protest. Apprehended is a verbatim report of the discussion:

By Mr. Darrow: Gentlemen of the commission—Since the adjournment we have considered the suggestion that the president made yesterday and we wish to say that we are doing the best we can. We have seen, under the circumstances, the impossibility of getting the exact figures here at once, and the wisest thing for all of us to do is to adjourn the session here, without adjourning the commission, because we will certainly need your help if we bring about what is desired—but adjourn the session, say to the 3d of December. We have the greatest confidence that much will come out of it.

By Judge Grey: I have heard and I am sure the commission have heard, with satisfaction what you say with regard to the suggestion you made yesterday at the close of the morning session. Of course, it is our duty to hear and determine the matters in controversy. The suggestion made yesterday was made independent of the idea of making an agreement with regard to other matters than the schedules of wages, and was with reference to our hearing, and was not with reference to anything else that we consider the matter of an adjournment.

It seems to us that we have come to a crisis as to the introduction of testimony which we desire to hear. We are willing that both sides should confer together and produce before us, as far as they can, facts that they agree to and also agree upon a statement. That is the situation now, and that is the reason that the commission think it would be wise to adopt the suggestion to adjourn from now until a time to be determined upon. We have no suggestion at all, except the suggestion by you, to adjourn to the 3d of December. That will take us over the Thanksgiving holidays at any rate. So we think the proposition of adjournment to the 3d of December would be acceptable to us unless there is some objection to it. It will be so ordered when we adjourn.

We will adjourn until that time for the purpose of allowing the parties to prepare the figures with regard to wages.

At this juncture Attorney H. C. Reynolds, of counsel for the independent operators, presented the following:

Far Greater Consequence.

Tto the Honorable, the Anthracite Commission.

If the commission please, we are not a party to nor were we consulted in the submission as agreed upon between the presidents of the large companies and the representatives of the United Mine Workers of America.

After the commission had been regularly appointed by the president we were invited by the recorder of this commission to become a party to its deliberations, with the understanding that the agreements were to be binding upon its findings.

The independent operators signified their willingness to become a party to and to submit to the commission our contentions. As far as the individual operators are concerned nothing has developed in this preliminary hearing that tends to change our minds as to the position we took on the first of last May.

Indeed, from the independent operators' point of view, there is something more vital that concerns not only the operators, but every American citizen living in the anthracite coal fields of a far greater consequence than the mere advancing of wages or the recognition of any labor organization.

We believe the rights of American citizens have been assailed, terrorism, intimidation and, indeed, anarchy has prevailed throughout the anthracite region, and it is the purpose of the operators to at least have an expression of the American people through this honorable commission, appointed by its president, thereby placing their seal of disapproval upon future acts, so that anyone claiming to be a citizen and under the protection of the American government would hesitate before he would assail the rights of another individual American.

As to the increase of wages, the independent operators believe, and, as stated in their answer to the demands of the representatives of their employes, that the wages paid to the mine workers at their collieries are equal to and, in many instances, exceed the price paid for skilled labor in the vicinity wherein their collieries are located, and, under the competitive conditions of operations, the independent operator is not in a position to concede an advance of wages; so, therefore, they desire, after a reasonable adjournment of your commission, for the purpose of obtaining the necessary statistics, an opportunity of presenting facts and figures to the commission, which figures will show the general average of earnings of the miner working for the independent operators is over $700 a year and, in many instances, from $1,000 to $1,200 per year; so, that when we receive the decision of your honorable body it will mean something more than temporary peace.

The Individual Operators.

Mr. Burns' Argument.

At the conclusion of the reading Attorney I. H. Burns, for the independent operators, rose, and the following dialogue was heard:

By Mr. Burns: If the commission please, I do not exactly know who Mr. Darrow refers to when he says "the parties have been engaged in an attempt at settlement." Certainly the individual operators have come here in good faith and have not been consulted.

By Judge Grey: There has not been a great amount of time to be consulted between last night and 10 o'clock this morning.

By Mr. Burns—A good deal can be done in that time. We do not want it understood that by sitting here and keeping still that we agree to everything done without being consulted.

By Judge Grey: We do not assume that the individual operators have agreed to anything.

By Mr. Burns: I suppose they are parties to this hearing and have some rights to be consulted.

By Judge Grey: We have consulted with no one. There has been no consultation except what you have heard in open commission.

By Mr. Burns: We have no objection whatever to an adjournment and an endeavor to conciliate, but we would not want it understood that Mr. Darrow and somebody else can get together and settle the whole thing without letting us know anything about it.

By Judge Grey: You will have ample opportunity, as far as we are concerned.

By Mr. Burns: It seems to us there are other people who ought to be consulted outside of the people who are here represented—the public, who have to pay all the expenses in the end. If there is any increase in wages or anything of that kind, it is to rest upon the bowed shoulder of the consumer. While the consumer is not actually represented here, yet he no doubt has the utmost confidence, as we all have, in the integrity of this commission, and the impartial judgment when it shall be exercised, of the commission. For our own part we would like to have the thing fought out, instead of an arrangement between the parties immediately interested. I am informed there was none of the individual operators notified.

By Judge Grey: Let me say again for fear you misunderstood. The commission have notified no parties and have spoken only as you have heard them speak in this court room. We are not here to notify parties. We are only here and our judgment is that we can perform our office no better than to forward, if we can, an effort in the direction indicated.

By Mr. Burns: Do not misunderstand me to say that I am saying anything for a moment against the commission. I am upholding the commission. I say we desire to have the judgment of the commission rather than the private agreement of some of the parties who may be interested here. It is the judgment of the commission we want, unbiased by anybody.

Will Withhold Judgment.

By Judge Grey: We do not propose to form a judgment upon a pending agreement.

By Mr. Burns: I think the commission misunderstood me. I am saying we want the judgment of the commission, and we want a full hearing and want a judgment that the people of the whole country will have confidence in, and which will tend to make things permanent here, rather than a temporary arrangement as every other arrangement heretofore has been. We think that the judgment of the commission will be something that will last for years, while a temporary arrangement between the operators and the miners for their own individual benefit will be something that they may quarrel over next year.

By Judge Grey: You are characterizing matters that have not come into existence and we do not propose anything that is in the future. We have only indicated our desire and wish a judgment as to the propriety of an effort in that direction and would be very glad if they succeed.

By Mr. Burns: I understood from what the commission indicated yesterday that they would be glad to have the parties agree upon everything that they could agree on and leave as little as possible for the commission and perhaps not anything at all.

By Judge Grey: We said nothing about leaving as little as possible. There is no disposition on the part of the commission to forward this or any other proposition in order to relieve themselves. But looking at it as a matter of high and important duty imposed upon us by the public, the commission authorized me to say that they would be gratified that an effort of the kind indicated yesterday was to be made, holding themselves ready to assist by any method of conciliation in their power.

By Mr. Burns: That is very true of all of the parties.

By Judge Grey: We are here because you cannot agree and if you can agree why shouldn't you?

By Mr. Burns: That is not what we object to. We object to three or four agreeing for 30 or 40.

By Judge Grey: I do not see how they can.

By Mr. Burns: They cannot, but they are attempting to, and carrying the idea to the public that they are going to bind everybody.

By Judge Grey: As I have already said, you are characterizing matters and things that have not developed in a way to permit of such characterization.

By Mr. Burns: We would like to read a short statement and ask to have it go on record. At this point the statement was read by Mr. H. C. Reynolds, which appears above.

By Judge Grey: Well, I do not want to prolong this discussion. The commission has merely said what I repeat and emphasize now that they will cordially forward any effort for a conciliation and assist the parties and there we stop.

Erie Seconds It.

By Mr. Brownell: I desire to second Mr. Darrow's request for an adjournment until Dec. 3. The managers of the Hillside Coal and Iron company and the Pennsylvania Coal company are ready and willing to meet the views of the commission as expressed by your honor.

By Mr. Willcox: I want to correct Mr. Burns' statement of there being a meeting held at which they were not present, because there was no meeting.

By Judge Grey (addressing Mr. Lenahan, who represents the non-union men): You made the suggestion yesterday that you desired to ask certain questions of Dr. Roberts.

By Mr. Lenahan: In view of the developments in this matter my associate and myself after consultation last night, conclude that if the hearing is to go on on the third of December then, with the permission of the commission, we shall proceed with the cross-examination of Dr. Roberts, and I can only say on behalf of my clients that the steps now being taken for this conciliation will meet with the highest and greatest favor of them, and they hope they will succeed.

By Judge Grey (addressing Mr. Darrow): Gentlemen: Have you any further testimony to offer at this time?

By Mr. Darrow: No, your honor. We feel that we have not any specific testimony, such as this commission ought to hear. To offer general testimony would only consume time, and we feel that it would be wise not to offer any testimony this morning. My statement may not have been made as fully or as forcibly as it should have been on our side. We have no desire, and would not consider it wise, to take the matter out of the hands of this commission. We have no power to do it, and have no desire to do it, and could not accomplish anything without the assistance of the commission. We have had no conference, and we certainly do not wish to ignore anybody who is interested here, and nothing would be accomplished without consulting everyone who is here. As far as the mine workers are concerned, they want a full report from the commission.

By Judge Grey: Before adjournment I repeat that the commission have taken no action other than has been taken in this court room. They would be glad to forward any effort of conciliation between the parties to this controversy. That they repeat. It does not at all follow from saying that they are interfering with any of the rights of any of the parties, original or intervening parties, appearing before this commission and presenting such phases of the case as they in their judgment think important. And, speaking as we think we have right to speak—most certainly with as much right and authority as either side of this controversy to speak for the great public who are watching with much interest, and we believe that they will approve of what we have said—we have as yet done nothing about the matter that we have spoken about this morning. Now, in adopting the suggestion made by counsel I understand that there is no objection on either side of the proposition made for an adjournment for the purpose stated, that purpose being that the parties on both sides may arrange in any convenient form the facts and figures for the commission. If there is no objection the commission will announce its decision with regard to it.

Adjournment Decreed.

Taking the absence of objection to be consent to that proposition, the commission will act upon it, and adjourn for the purposes indicated until the third day of December, at 10 o'clock in the morning, in this court room. And, in order that we may not by our absence entirely interfere with the work that is proposed to be done, the commission, either as a whole or by a committee, will remain in Scranton during the interval, in order that they may voice the wishes of the commission with regard to any matter that might arise in the interval.

Wishing you, gentlemen, all a happy Thanksgiving time, although a laborious one, the commission is now adjourned un-

til Wednesday, the third day of December.

The following was given out Saturday in Philadelphia by Mr. MacVeagh:

"The presidents of the coal companies, who signed the letter suggesting the appointment of the Anthracite Strike commission, have approved the general outline of the plan of settlement, leaving details of all kinds for future adjustment. A telegram to that effect, drafted by President Baer and signed by Mr. MacVeagh, was sent to Judge Gray Friday afternoon."

All the members of the commission, with the exception of the sub-committee, Messrs. Clark, Parker and Watkins, have left the city. The out-of-town attorneys have also gone to their respective homes, with the exception of Clarence S. Darrow, who took a run down to New York on private business. He will return today. President Mitchell is still here.

Proceedings of Monday, Nov. 24.

[From The Scranton Tribune, Nov. 25.]

The center of activity in the anthracite mine strike controversy has been shifted from Scranton to New York and Washington.

In New York, today, a conference will be held between representatives of the independent operators and the presidents of the coal carrying companies. In Washington, there will be a conference between representatives of the miners and attorneys for the big companies, with a view of settling, as far as possible, the matters in dispute in the strike.

Hon. W. L. Connell and C. D. Simpson, of the independent operators' committee, left yesterday morning on the Lackawanna, at 10.15, to arrange the details of the conference told of exclusively and in detail in yesterday's Tribune. The other members of the committee left for New York on the 3.35 p. m. Lackawanna train.

When the presidents of the carrier-operator companies and the committee of nine of the independent operators come together, today, some interesting developments can be looked for.

Position of Independents.

The independents will insist that they can not go along in the proposition to amicably adjust the controversy by allowing increased wages unless the big companies give assurance that there will be a reduction in freight rates or a maintenance of the advanced price in coal. If the big companies do not give the independents "due consideration," their committee will, on its return to Scranton, recommend that the independents insist on the commission proceeding, as if there had been no recess, and determine not only the ethics but the mathematics of the controversy.

If all fruit fails, the independents will attempt to deal directly with the United Mine Workers.

Just what the Washington conference is to be like, the interested parties in this city, yesterday, could give no definite information.

In the early afternoon, Wayne MacVeagh called up on the long distance telephone and requested that representatives of the miners come to Washington, today, to confer with him and other representatives of the coal companies regarding the amicable adjustment proposition. Mr. MacVeagh was disposed to give details, but an intervening storm, somewhere along the line, made telephonic communication difficult, and the most the miners' representative could definitely glean was that they were wanted in Washington at once.

Went to Washington.

Accordingly, at 4.35 p. m., yesterday, President Mitchell, Attorney Darrow, Mr. Lloyd, Kellogg Durham and Mr. Mitchell's private secretary, Miss Morris, left for Washington over the Delaware and Hudson and Pennsylvania roads. Messrs. Darrow and Lloyd will stop at the New Willard and the rest of the party at the Reuter hotel.

Before leaving, Mr. Mitchell had an earnest conversation with District Presidents Nicholls, Fahy and Duffy, on the way from the headquarters at the St. Charles' to the station and on the station platform. They will remain here until he returns. It was strongly intimated by Mr. Mitchell that he expected to go to New York between now and December 3, the date of the reassembling of the commission—and that he would not be back in Scranton before Friday night.

The conference, yesterday morning, between I. H. Burns, of counsel for the independent operators, and Clarence S. Darrow, leading counsel for the miners, was not fraught with important developments. In view of the fact that a meeting of the independents and the big companies is to take place tomorrow, they agreed that anything they might do would be of little or no avail, so they contented themselves with a twenty minutes' discussion of the matter.

Commissioners Clark, Parker and Watkins are still in the city, but are doing nothing relating to the strike. Mr. Clark will stay here and busy himself with private matters. Messrs. Parker and Watkins will go to New York today or tomorrow to participate in some Thanksgiving festivities. Mr. Clark was invited to be Mr. Parker's guest in New York over Thanksgiving, but had to decline by reason of stress of business.

There is some talk among local labor leaders of inaugurating a movement here to have the next congress enact legislation to make a permanent institution of the present commission. As yet the project has not taken on a definite shape.

Proceedings of Tuesday, Nov. 25.

[From The Scranton Tribune, Nov. 26.]

Whether it was the protest of the independent operators or a realization on the part of the coal road presidents that a settlement "out of court" of the strike controversy was not to the liking of the thinking public, the fact now develops that the proposed amicable adjustment is all off.

Both the mathematics and the ethics of the strike dispute are to be threshed out before the commission.

It was thought all along, until yesterday, that all the big companies were acquiescing, at least, in Wayne MacVeagh's activities towards amicable adjustment. It now seems as if Mr. MacVeagh was acting on his own account in every step he took beyond making arrangements for conferences, at which the parties might agree as to facts concerning wage and labor statistics.

Maybe this is doing Mr. MacVeagh an injustice, but if it is the blame lies with the coal presidents. Either he has been borne beyond his authority by his enthusiasm, or the coal presidents have repudiated him after giving the authority he has been acting under, presumably.

Negotiations Are Off.

Be that as it may, the negotiations, authorized or unauthorized for amicable adjustment, are all off.

The committee of independent operators, which went to New York to have a conference with the coal presidents yesterday, returned last night, wreathed in smiles. The afternoon dispatches told in detail of the big companies having coincided in their views. They one and all confirmed these dispatches.

One of the committee said last night: "We gained our point. Everything we sought was acceded to. It required

little or no argument on our part to convince the coal presidents that the hearings before the commission should be proceeded with. They had about come to this conclusion themselves.

"It is a great victory for us," he continued. "Under the amicable adjustment plan we were to have been engineered out of court, without being given an opportunity of defending our declaration of May last, that we were paying all the wages our business warranted and that we were denied the right to hire and discharge men without the consent of the United Mine Workers. We want to show this, and we can show it."

Developments Anticipated.

The commissioners, it would seem, half anticipated yesterday's developments. Ostensibly they adjourned to give the parties opportunity to agree on figures bearing on the wage question, and for nothing else. Chairman Gray expressed the hope that when the parties came together they might reach an agreement "on nearly all, if not all," of the points in dispute, but by no word or sign did he indicate that the commission expected they would do more than that for which the adjournment was specifically granted, namely, the agreement of the parties to figures on wages. To further fortify itself, the commission, in a statement from its sub-committee, Saturday afternoon, declared that no matter what agreement the parties might arrive at the commission was not bound to accept it for incorporation in its award. If any agreements the parties arrived at met with the full approval of the commission, such agreement or agreements would be made part of the commission's award. If the commission did not approve, the amicable adjustment efforts were all in vain.

What They Expected.

It is certain that Mr. Mitchell and the other miners' representatives went to Washington expecting to deal with duly accredited representatives of all the big companies. They had been led to believe that Mr. MacVeagh had been authorized to offer as a basis of settlement a ten per cent. advance in wages, a nine hour day and the other concessions previously told about.

The fact that they found the apparently repudiated Mr. MacVeagh the only one in Washington to deal with them and that he had nothing to offer except his good offices left them with nothing to do but return to Scranton the way they came. Mr. Mitchell, Mr. Darrow and Mr. Lloyd will be back here today to prepare for a continuation of their fight before the commissioners.

Proceedings of Wednesday, Nov. 26.

[From The Scranton Tribune, Nov. 27.]

That the miners' representatives are decidedly piqued at the experience they encountered in Washington can be gathered from the following statement issued yesterday afternoon by Messrs. Darrow and Lloyd.

The commission adjourned for ten days in pursuance of an arrangement between the parties to give opportunity for conciliation on account of a telegram which we understand was written by George F. Baer in the presence of and with the consent of every railroad concerned and was signed by Wayne MacVeagh. This telegram was written after a careful reading of the tenative agreement which had been prepared and written by counsel of both parties and which had been submitted to the commission. At the request of Mr. MacVeagh, Mr. Mitchell, Mr. Darrow and Mr. Lloyd went to Washington to consult upon some minor details of the agreement. There was no friction or important disagreement between the parties at the meeting in Washington. Later in the day and after the conference in New York with the independent operators, Mr. MacVeagh received a telegram calling off all negotiations and advising that the matter be settled by the commission in a regular hearing.

The man who wrote the telegram to Judge Gray stating that the main features of the contract were acceptable, was the same man who signed the telegram to Wayne MacVeagh three or four days later stating that negotiations must end.

A copy of the tentative agreement is in the hands of Hon Wayne MacVeagh, Mr. Willcox, of the Delaware and Hudson company; Carroll D. Wright and probably Mr. Baer.

We can see no reason for the expression of any opinion, the facts speak for themselves. We have been ready at all times to consult with any one in interest and make any reasonable adjustment, but we have no anxiety whatever over the case or its results and shall be ready for business when the commission meets.

Clarence S. Darrow.
Henry D. Lloyd.

The best explanation of the sudden and somewhat surprising turn which the negotiations took is given by a frank member of the independent operators' committee.

An Operator's View.

"Mr. Morgan was influenced by Wayne MacVeagh to believe that an amicable adjustment of the controversy was desirable. Mr. Morgan, probably had not given the subject a half hour's consecutive thought, and, of course, was easily influenced by the well-meaning, but too enthusiastic Mr. MacVeagh. When, however, the coal road presidents and Mr. Morgan came to consider the thing soberly, they were not long in arriving at the conclusion that whatever authority had been given Mr. MacVeagh to negotiate a settlement (out of court) had better be held in abeyance.

"Accordingly when our independent operators' committee arrived we found the coal presidents ready to agree with our line of reasoning. There was really no controversy between the coal presidents and us after Tuesday morning. How much power, if any, they delegated to Mr. MacVeagh, I do not know, but I know that whatever that power, if any, was, it was withdrawn for the very reasons we had to offer.

"The public does not want the controversy settled out of court, the independent operators would never consent to settlement out of court, and the best thing for the big companies is that it should not be settled 'out of court.' For the best interests of all concerned, the miners included, the commission should hear the whole case and render a decision. The question of wages could be adjusted amicably, no doubt, but the question of wages is not by any means the main question at issue. There should a manifesto from the commission—and a strong manifesto, at that—on the matter of boycotts, on the matter of an employer's right to hire and discharge and the matter of "workmen having the right to sell his labor when, where and how he chooses without let or hindrance from a labor union.

Can Prove Assertion.

"We stand ready to prove what we have all along said that conditions do not warrant an increase in wages. If the commission sees fit to raise wages after hearing our testimony, it is the commission which will have to answer the public's question as to why they pay an increased price for coal."

Local superintendents of the coal companies, in common with the independent operators, are highly pleased at the new turn in events. Work on statistics and like evidence for the consideration of the commission is being pushed with all possible haste. Some companies have as many as one hundred men working on these statistics.

The ostensible purpose of the adjournment of the commission was to give opportunity to the accountants on both sides to get together and agree upon certain facts relating to the mathematics of the controversy. Nothing has been done, so far in this line, and as Judge Gray's hope that "nearly all, if not all" of the points in dispute might be amicably adjusted, is not to be realized, the ten day recess, it would seem, is so far all in vain.

It is likely that today the accountants will get together and do what they can between now and next Tuesday to carry out the purpose of the adjournment. Mr. Darrow said yesterday that the miners' accountants were ready to go ahead with the work and with the consent of the operators, will enter upon this task today.

There was a story afloat yesterday

to the effect that President Mitchell had summoned the executive boards here to confer about the failure of direct negotiations. Mr. Mitchell stated to a Tribune reporter last night that this was not so. He had informal conferences yesterday with the officers of the mine workers who are here to attend the sessions of the commission, but has not even considered the calling together of the executive boards.

Proceedings of Thursday, Nov. 27.

[From The Scranton Tribune, Nov. 28.]

Thanksgiving day saw little activity in mine strike matters. The only parties to the controversy who were at all active were the miners' representatives. Late in the afternoon Attorney Clarence S. Darrow, Henry D. Lloyd, Rev. Peter Roberts, Ph.D., and a number of the United Mine Workers, including National President Mitchell and District Presidents Nicholls, Fahy and Duffy, had a conference at the Jermyn to prepare for the resumption of the hearings before the commission next Wednesday morning.

That the conference was more than casual is attested by the fact that District President Nicholls was unexpectedly summoned to it from Carbondale, where he and his family had gone to spend the day with friends. The only thing given out regarding the conference was that it was for the preparation of testimony.

The Next Witness.

Attorney Darrow could not say definitely who the next witness will be after the cross-examination of Rev. Dr. Roberts is completed. The likelihood is, however, that it will be District President Nicholls. This was the programme before the ten-day recess was taken.

The operators promise some interesting figures regarding wages. One company, in anticipation of a controversy, kept tabs on its contract miners for five months, just preceding the strike, to ascertain how much time they actually spent in the mines, and will show to the commission that the average hours of labor for a contract miner are not quite six a day. This will be in the nature of a surprise to the miners of the company in question, as they were not aware that tabs were being kept on them.

A lively discussion can be expected almost any day after the hearings are resumed. It will be precipitated by the operators directly or indirectly asking the commission to make an announcement that the question of recognition is in no wise before the commission for action.

Miners' Contention.

The miners' representatives will contend that the question is before the commission, because it was one of the four matters in dispute between the companies and their employes and they agreed to submit to the commission the matters in dispute between themselves and their employes.

The operators confidently expect the commission will unhesitatingly rule that the question of recognition of the union was specifically excepted from the matters to be dealt with by the commission, and that as far as the commission is concerned it does not care to hear anything further on this particular subject. Even though the commission decides the question as not before it for a decision, the miners will contend that it should be discussed so that the commissioners may be enlightened as to its merits, and thereby be in position to recommend or disapprove it as a means of preventing further conflicts.

Got on the Record.

At the very outset of the hearings, Attorney Wolverton, in an incidental way, got it on the record that the operators insist that the question of recognition is not before the commission. This having been done, the operators proceeded, as they view it, securely, to combat the contentions in favor of recognition as advanced by President Mitchell.

The purpose of the operators, supposedly, in doing this was to put their side of the case before the public. It was a matter of general comment that all the lengthy discussion on this subject, as far as the operators were concerned, was addressed to the press box rather than the commission.

Both sides are preparing for a lively battle when this point is raised, and, it is a pretty safe guess, the commissioners are also preparing to deal with it.

What MacVeagh Says.

Concerning the breaking off of negotiations for amicable adjustment of the strike controversy, Hon. Wayne MacVeagh is yesterday quoted in a Washington dispatch as follows:

I said then, and I repeat, that the first move in the direction of an outside agreement was made by the Delaware and Hudson Canal company, Mr. Willcox, its vice president and its general counsel, drafted an agreement which his company was prepared to accept, but it was not satisfactory to the other companies. While I was still cross-examining Mr. Mitchell I was asked to meet him and his counsel in conference to make an effort to reach some adjustment of an amicable nature.

The matters in dispute we discussed on different occasions and at great length, and at last, with the assistance of E. B. Thomas, the president of the two companies I represent, the basis as we thought, of a possible adjustment was reached. When this was submitted to the gentlemen who, with Mr. Thomas, had signed the letter to the president, they all concurred in approving it as a basis of negotiations.

The conference held here yesterday was called by me in following out the line of policy which had been agreed upon. I did not expect Mr. Mitchell to be present, and had merely asked Mr. Darrow to meet me here instead of in Scranton. The conference was intended to be confined, and actually was confined, to perfecting some minor matters which were to form the basis of negotiations for an amicable adjustment of all difficulties, in case the gentlemen, who signed the letter to the president remained of the same opinion they expressed last Friday.

Proceedings of Friday, Nov. 28.

[From The Scranton Tribune, Nov. 29.]

President John Mitchell, of the United Mine Workers; District Presidents Nicholls, Fahy and Duffy and some of the other more prominent leaders of the organization spent nearly all day yesterday and a considerable portion of last night in conference at the Hotel Jermyn with Attorney Clarence S. Darrow and Nelson Lloyd, their representatives before the arbitration commission.

Mr. Darrow, when seen last night, said that the tabulated scales of wages prepared by several of the big companies for submission before the commission have been received by the mine workers and are being carefully gone over and compared with the similar schedules prepared by the latter.

He said that it has not yet been decided who will be put on the stand after the cross-examination of Rev. Peter Roberts, by Attorney John T. Lenahan, is concluded, but it is generally believed that District President Nicholls will be the man. His testimony will deal with the details regarding existing conditions in this district, which is the largest in the anthracite field. He will probably be followed on the stand by District Presidents Fahy and Duffy.

Alleged Discrimination.

It was learned yesterday that an important point to be brought to the at-

tention of the commission is the alleged discrimination shown against a number of men who have been refused employment since operations were resumed.

District President Nicholls claims that in this district alone there are about 2,000 men who were employed at various mines since before the strike began, but who have been unable to get their places back since it ended. He claims that these men have been blacklisted because they were aggressive unionists.

The company officials, on the other hand, contend that the number of men who have been refused work is not as large as the miners claim it is, and assert that the reason for not giving employment to those who have been refused is that they were actively engaged in either open lawlessness, intimidation or boycotting during the progress of the strike.

The operators and their attorneys will hold a meeting in this city Wednesday or Thursday, at which they will decide upon the manner in which their case will be presented.

An Utter Falsehood.

In the New York American yesterday one of the attorneys for the miners is quoted as having said, relative to the calling off of the peace negotiations that C. D. Simpson, of this city, had a conference with President Baer "and that Mr. Baer then went before the presidents of the coal roads and told them some interesting news. They were ready to act as he wanted them to after they received this news. Furthermore, Mr. Watkins himself was in New York at the same time. There will be some startling developments when the truth behind the move is brought out before the Strike commission, and we are determined that this shall be done."

Mr. Simpson yesterday said the story was an utter falsehood and that Mr. Watkins was not in New York at the time he was as stated by the man who allowed himself to be interviewed. The settlement of the matter in dispute outside of the commission had to be abandoned, he said, because the independent operators were determined that justice should be done them.

Proceedings of Saturday, Nov. 29.

[From The Scranton Tribune, Dec. 1.]

The mine strike commissioners will reassemble here tomorrow to proceed with the taking of testimony in the interrupted hearings. Commissioners, Watkins, Clark and Parker, comprising the sub-committee appointed to use the the good offices of the commission in assisting as conciliators in bringing about an amicable adjustment, are now in the city.

The other commissioners have re-engaged their rooms at the Jermyn for an indefinite period, beginning tomorrow.

Have Daily Conferences.

President Mitchell, Attorney Darrow, Mr. Lloyd, Dr. Weyl and others of the miners' representatives before the commission, are in daily conference regarding the reopening of their case. The miners' expert accountants are going over the figures of the companies on the matter of wages in pursuance to the suggestion of the commission that such matters of mathematics as can be agreed upon shall pe presented jointly, and without attendant controversy.

There is still a complete absence of any definite knowledge as to how long the sessions of the commission will last. Speculation as to how long the commissioners will be here taking the testimony, fixes the period at from three weeks to three months.

Dr. Roberts' Testimony.

When the commission adjourned, Rev. Peter Roberts, Ph. D., was on the stand about to be cross-examined by John T. Lenahan, of counsel for the non-union miners.

If the commission takes up the work where it left off the first day of the second sitting of the commission will likely develop some interesting reading matter as Mr. Lenahan, it is understood, has some very pointed questions to put to the miners' witnesses regarding their views on the rights and wrongs of the non-unionist.

Proceedings of Monday, Dec. 1.

[From The Scranton Tribune, Dec. 2.]

Today the mine strike commissioners will arrive here and take up the work they left off ten days ago when a recess was taken for the purpose of giving the parties to the controversy opportunity to effect an amicable settlement of "nearly all, if not all" the matters in dispute.

The commissioners will have a conference at Hotel Jermyn tonight to hear from Messrs. Clark, Parker and Watkins, the sub-committee appointed to remain here to represent the commission as conciliators in the peace negotiations.

Resume Hearings Tomorrow.

The hearings are scheduled to be resumed at 10 o'clock tomorrow morning in the superior court room. No definite details as to the programme to be followed have come to the surface, but it is thought by some that the parties in interest will renew the work in hand with an expectation of no further halts for possible settlement "out of court," and a determination to thoroughly thresh out every question involved in the controversy.

The breaking off of the peace negotiations seems to give general satisfaction to the public if the newspapers can be taken to be reflectors of public views.

"It is best for all that the president's strike commission proceed as it started and complete the work for which it was created. There were many thoughtful citizens who preferred to have the whole subject thoroughly considered by the tribunal acting under the president's appointment. It was a mistake from the public point of view to attempt to settle the strike 'out of court.' The commission should proceed with its inquiry. The commission exists for the purpose of settling the whole matter."

The above is a composite expression of editorials of leading papers of the large cities. At first there were some papers expressing regret at the failure of the negotiations but such expressions are no longer heard. Everybody, it seems, is quite pleased now that peace negotiations were broken off.

The Possible Exception.

If there is a single exception to this rule, as there is said to be to every rule, that exception is probably the miners' representatives. Had the hearings ended with the adjournment ten days ago, the miners would be in a most favorable light before the public. Their story of the case as told by President Mitchell would stand without refutation, or with only such refutation as came from the declaratory "questions" of the coal companies' counsel in their cross-examination, and together with this advantage they would obtain in all likelihood, in the matter of concessions, as much as the commission will allow them.

But, be that as it may, the recess did no harm and possibly will result in much good to the miners. The commission can not well give them less than the operators offered in the tentative proposition for amicable settlement. The miners know they are going to get something. This relieves them from concern on the score of their possibly being "non-suited." The operators have admitted liability. Now the only con-

cern of the miners is how much better will they fare at the hands of the commissioners than if the peace proposition had not been withdrawn.

What the commission will have to say on the matter of the failure of the recess to accomplish its purpose will be attentively listened to, it is safe to say. As far as the commission is concerned, the record clears it of any responsibility for the ten days' loss of time, for the record shows the recess was granted for the sole purpose of saving time. If the parties to the controversy wasted this time in efforts at accomplishing what it appears they had no assurance was not an impossibility, the commission is in no wise to be criticized.

Proceedings of Tuesday, Dec. 2.

[From The Scranton Tribune, Dec. 3.]

Contrary to expectations, the miners propose to put on witnesses from the Hazleton district instead of from this district, when the hearings before the strike commission are resumed this morning.

A score of men, women and children, who are to tell the story of conditions in the Hazleton district as the miners see them, arrived here yesterday, and during the afternoon and evening were drilled in their parts by Attorneys Clarence S. Darrow, John J. Murphy and D. J. McCarthy, who will lead in the conduct of the miners' case during this part of the examination. Mr. McCarthy is a Hazleton attorney, who was taken into the case for this especial purpose. For years he was an agent for Eckley B. Coxe, and on the death of the latter entered the law. He was at one time a mine foreman, and for over twenty years acted as a representative of Mr. Coxe in business and politics. The miners' attorneys claim he is a most valuable addition to their forces.

The purpose of taking up the Hazleton district first, instead of the Scranton district, is not divulged by the miners' representatives, but it is supposed it is that they may start off their detailed story with a recital of what they contend are the worst conditions existing in the regions.

Still Have Hopes.

The fact that in answering the MacVeagh invitation to meet the miners' representatives in Washington, the operators said they thought nothing gained by it "at the present," left a lurking hope in the breasts of the miners that the peace negotiations are not permanently abandoned. If it should come that the hearings are dispensed with, the miners want that the best story, or rather the worst story, they can tell shall be before the public. The Hazleton witnesses, as one of the attorneys put it, "will tell a story that will fairly shock the commission."

This same attorney admitted that the peace negotiations are still hanging fire and said he would not be surprised if another active attempt at amicable adjustment would be made in the course of two weeks. An attorney for the other side declared that while it was true the peace negotiations had not been wholly abandoned, there was little or no possibility of them being taken up again. "The thing is going to be threshed out before the commission," said he, "and nothing except the mathematics of the wage feature of the case will be a subject of amicable agreement."

Bishop Spalding was the first of the commissioners to return to this city. He arrived from Peoria, Ill., yesterday morning, and went to Bishop Hoban's residence, where he will continue as a guests during the session of the commission. Judge Gray came at 5.30 from his home in Wilmington and took up his quarters at the Jermyn. General Wilson and Colonel Wright, with Assistant Recorders Mosely and Neill, arrived at 10.30 and went to the Jermyn.

Had a Conference.

Bishop Spalding repaired to the Jermyn at 8.30 o'clock and met Judge Gray, Mr. Clark, Mr. Watkins and Mr. Parker. When General Wilson and Colonel Wright came at 10.30 a conference was held and a report heard from Messrs. Clark, Watkins and Parker, the sub-committee left behind to represent the commission as conciliators in the peace negotiations. Another conference will likely be held this morning before the session begins.

Proceedings of Wednesday, Dec. 3.

[From The Scranton Tribune, Dec. 4.]

Ridiculous as it may seem to some, it is not without difficulty that a man "up the tree" watching the resumed proceedings before the mine strike commission, gets away from the idea that negotiations for an amicable adjustment "out of court" of "nearly all, if not all" the matters in dispute between the operators and the miners are still on, and that before many days the commissioners will find themselves confronted with nothing more than the easy task of giving approval to a basis of settlement jointly presented by the parties to the controversy.

An attorney for the miners confidently said Tuesday that the commission's sessions for taking testimony would be concluded inside of two weks. Yesterday's proceedings tended strongly to corroborate this statement.

When the recess was taken it was for the primal purpose of giving time to the accountants to get together and agree on certain facts regarding wages. Yesterday when the commission resumed its sittings, both sides confessed they had nothing to offer as yet along this line. The day was consumed in the presentation of testimony regarding conditions at the collieries of Coxe Bros. & Co., of Hazelton, which company is not represented at the hearings. The attorneys for the coal companies sat idly by all day long and permitted the witnesses for the miners to come and go without cross-examination. With the suspicion in mind that the peace negotiations are not completely abandoned it looked very much as if yesterday's proceedings were nothing more or less than "killing time."

Other Operators Entered.

The feature of the day was the entrance of the independent operators of the lower region as parties to the contraversy. The Lehigh Coal and Navigation company also came in. This company and the lower region independents had not agreed till yesterday to abide by the commission's findings. Now, the leading operators of the whole region, with the exception of Coxe Bros. & Co., are parties to the agreement. The new comers are represented by Samuel Dickson, of Philadelphia, and George R. Bedford, of Wilkes-Barre.

In making his bow to the commission Mr. Dickson came within an ace of starting the bother that must some time come over the disputed point as to whether or not the matter of recognition of the union is before the commission for consideration. The operators contend that it is not. The miners with equal emphasis insist that it is; that it is the fourth of the four demands of the Shamokin convention and consequently one of "the matters in dispute" between the operators and their employes, which the operators agreed should be submitted to the commission for adjudication, and that having agreed to such adjudication, the operators could not later withdraw from the consideration of the commission any one or more of the matters submitted, by stating in their answers that such or such a thing was excepted from the disputes which the commission should settle.

Both sides and the commission have

religiously avoided bringing up this point for a final decision. The operators do not want that the decision should come until they have had opportunity of putting before the public, through the commission, their reasons for not wanting to recognize the union. The miners do not want the decision until they have put in all possible argument to sustain their contention that it is a desirable thing for the commission to recommend. The commission knows that it has a ticklish duty to perform and does not want to be forced to perform it, hoping that something will eventuate to relieve them from the performance.

Diplomatic Judge Gray.

Mr. Dickson's clients, knowing this testy question was still hanging fire, directed him to have an understanding about it before he committed them to the commission's powers. He proceeded to discuss the matter and was on the point of requesting a point-blank expression of where the commission stood in the matter, when Judge Gray interrupted him with the same non-committal statement with which he once before staved off the impending bother, namely, that the "commission's powers were circumscribed by the provisions of the letter of submission."

This had the effect of silencing, if not satisfying, Mr. Dickson. He took his seat, but his countenance plainly told that he was still wanting a more explicit expression of the commission's position. Mr. Darrow came to the rescue by introducing a new subject and the incident closed—for the present. The matter must be decided sometime, and when it is up for a decision there will be fireworks.

Mild objection was made by counsel for the coal companies to the introduction of testimony regarding the Coxe company, because it is not a party to the hearing and the statements of the miners' witnesses being uncontroverted, unjust prejudice would be worked to the other parties. Judge Gray decided, after consulting the other commissioners, to take the testimony under the protest, and if it is later decided to be incompetent, strike it from the record.

The hearing of the miners' witnesses was proceeded with after President Mitchell had given some explanations to testimony previously given by him regarding the increase in the price of coal that would come of an increase in wages such as asked for by the miners. According to expert calculations, he said, a 20 per cent. increase in wages would not increase the cost of coal more than ten cents a ton.

The Testimony Heard.

The testimony of three witnesses, one of them a miner's wife, and half a hundred photographs of miners' homes were presented to show the conditions in the Hazleton region. The witnesses all dealt with conditions at the Coxe Bros. & Co. collieries. Their uncontroverted stories put these conditions in a very sorry light. W. H. Taylor, of this city, president of the St. Clair Coal company, of Schuylkill, and Commissioner Watkins conducted some incidental cross-examination of these witnesses and adduced some very decided qualifications of their statements.

The commissioners listened very attentively to the testimony regarding wages. It was the first testimony they had heard that got down to the root of the matters they are to pass upon.

In the morning, while waiting for the commissioners to come on the bench to resume their interrupted sittings, the lawyers and other representatives of the parties in interest were busy shaking hands and chatting about the events of the ten days' interval since they last met. The crowd of onlookers outside the bar enclosure was quite as large as usual, every seat and all the standing room being occupied.

After the commissioners had entered and taken their seats, Judge Gray delivered himself as follows:

We trust all of you gentlemen have had a happy Thanksgiving, and that you have returned to your duties in a pleasing frame of mind.

When a recess was taken by the commission for the purpose of giving time to those interested to prepare statistics or data as to wages, hours and such matters as could be ascertained with certainty by a proper accounting, the hope was expressed by me on behalf of the commission that an effort to reach an understanding by conciliatory methods to cover the important points involved would be made in the interval.

I should not now refer to that remark made by me except for the fact that there seems to have been, notwithstanding that statement, some misunderstanding, a wrong impression, received by some of the parties to the controversy, that if an understanding was reached in a conciliatory way it would be a settlement "out of court," and that the subject would be dismissed without further investigation on our part. But nothing of the kind was expressed. I don't think that anything was said that would justify that belief.

The Sub-Committee.

The committee of three commissioners was here during the recess so as to be in touch with the parties on both sides and to forward by their good offices the movement for arriving at an understanding in relation to facts and figures which would prove by their very nature to be indisputable. But such committee, we have learned, very soon found that this misunderstanding to which I have alluded had gained some currency, and the committee thereupon gave out a statement which I will read and which explains the situation. The statements is as follows:

"Scranton, Pa., Nov. 22, 1902.

"It appears that there is some misunderstanding or some lack of understanding in connection with the recess taken by the commission, and the suggestion in that connection that possibly the contestants might be able to agree upon some of the important points involved.

"The recess was desired by counsel for both sides because authoritative statements of hours and wages which are being prepared are not as yet ready.

"The suggestion was made that perhaps some agreement might be reached between the principals which would simplify the problem and assist in reaching the proper conclusion. The chairman, speaking for the commission, stated that the commission would gladly co-operate as far as it could consistently be done, in furthering an effort to reach an understanding through conciliatory means and methods.

"The idea has gone out in some quarters that the matter is to be settled without further effort or responsibility on the part of the commission. This idea is entirely wrong. The commission will, as announced, cheerfully encourage conciliatory spirit and action between the parties to the controversy, but the commission has not surrendered, and will not surrender jurisdiction of any of the matters which have been referred to it, nor responsibility for the conclusion reached. No adjustment can be made, which does not, by its terms, commend itself strongly enough to secure the approval of the commission, and its incorporation in the award.

"With a view and for the purpose of removing any misunderstanding which might exist, the sub-committee of the commission invited such of the counsel representing the several interests involved, as could be reached to meet this afternoon."

That was on Saturday, the day we adjourned. This statement was made on that day, and as promptly as could be.

This declaration of the committee of the commission is now re-stated and affirmed by the commission.

Must File Statements.

It has been demonstrated that it is important and necessary that the commission, that the parties before it, and that the public shall know definitely who are and who are not formally and properly parties to this investigation. Therefore it will be necessary for counsel representing the operators who have not yet filed their statements to file them not later than 10 o'clock tomorrow morning.

The commission also wishes to say that parties to the investigation and award may not withdraw from here without the consent of the other parties to the controversy. We shall be glad to have the entire field represented in this investigation, and the entire subject covered before any award that can be made. All interested parties if they should choose to be parties to this hearing should so announce.

I hope, gentlemen, that what I have said and what I have read from the declaration made by the committee and the statement I have just made will remove any doubt as to the status of the commission in regard to any matters of agreement that have been arrived at or may be arrived at hereafter between the parties to the controversy.

When Judge Gray had concluded, Samuel Dickson, one of Philadelphia's leading lawyers, arose and announced that himself and George R. Bedford, of Wilkes-Barre, were present to represent the Lehigh Coal and Navigation company, and a number of independent operators of the lower region. The list included all the leading independents excepting Coxe Bros. & Co.

At this juncture the threatened pre-

cipitation of the "recognition" dispute occurred. After stating that it was possibly a superfluous caution to mention the matter, Mr. Dickson stated he wanted it understood that his clients became a party to the proceedings with the understanding that the powers of the commission were circumscribed by the provisions of the letter of submission, under which the commission was formed. He was going on, apparently, to explicitly state that his companies understood the question of recognition was not before the commission for action, when Judge Gray, divining his intention and possibly wishing to avert a precipitation of the pending conflict on this point, interrupted him with the declaration that the commission has already made an announcement that it had to deal with only such matters as had been submitted to it by the submission proposition, made by the parties who signed the letter to President Roosevelt and accepted by Mr. Mitchell on behalf of the miners.

No Specific Decision.

Thus the incident ended without a specific decision as to whether or not "recognition" is one of the "matters in dispute" between employers and employes.

After referring to the ostensible purpose of the recess, Mr. Darrow stated that so far the Delaware and Hudson company was the only one of the respondents to submit its books for examination by the miners' accountants and, singularly enough, Mr. Culver, the company's comptroller, who is to go on the stand to testify to the Delaware and Hudson figures, is ill of bronchitis and probably will not be about for a couple of days.

Hon. Wayne MacVeagh arose at this juncture and commanded eager listeners while he said:

It is impossible for us to understand how any misunderstanding could arise. We understood that the recess was taken to give us an opportunity to examine our books and produce a statement, the other side to be allowed to examine it, and to place it then before the commission as an agreed statement of facts. That was the primary object of the recess. During the recess every effort has been made to secure that result. We are, however, at least a day behind on our figures. We have used between forty and fifty expert accountants and we never relaxed our efforts, because we understand that everything we did was subject to the examination and approval and decision of the commission.

Therefore we have utilized every moment of the recess, but we are one or two days short. We hope to have our figures in a summary which will be intelligible to the commission. As to the second object of the recess, that was also taken into consideration, and progress was made by the companies I represent towards reaching an agreement with our friends on the other side on several important matters. When the telegram signed by me was sent to you as chairman of the commission, it was supposed that a general basis in several important respects were acceptable to both sides.

Afterwards on further reflection the gentlemen who signed the letter thought it better not to pursue that line of conference further and that it was better to submit the matter to the commission, rather than agree upon the basis and then submit the agreement to the commission.

"But it never was contemplated that anything could be done except unqualifiedly by and through the commission. I am sorry that some gentlemen thought that there was an effort made to commit the independent men. I acted for the companies I represent, and it was only after I received the qualified approval of my clients that the matter could be communicated, and it was communicated. That was simply an effort to carry out the suggestions of the commission in every respect.

Acted in Harmony.

Judge Gray said he had no doubt but that Mr. MacVeagh acted in harmony with the commissioners' idea of the purpose of the adjournment. In trying to effect an amicable agreement on the different matters in dispute Mr. MacVeagh, the judge said, was acting wholly in line with the purposes of the recess. "We said we hoped that an agreement might be reached on nearly all, if not all, the matters in dispute," continued Judge Gray, "and, I might say, we will entertain that hope, and stand ready as before to co-operate with the parties to the controversy in affecting the hoped for result."

Said Mr. Darrow: "We recognize the immense amount of work involved in this case. We believe we ought to get together and agree on important facts. My clients are ready to do this at any time."

"Unless," said Judge Gray, "some such common sense method of eliminating some of the matters in dispute is adopted, the average expectancy of life of these commissioners will prevent their ever seeing the end of this case."

Attorney Dickson stated that one of his companies had been asked by the miners' expert accountant to furnish its profit and loss account. This, he said, the company would not do. The question at issue was whether or not the miners are paid fair wages. They are entitled, he said, to fair wages for their labor whether or not the company is making or losing money.

Mr. Darrow said the request was prompted by the answers of some of the companies to the miners' demand for more wages, which answers were in effect that the companies could not afford to pay more wages than they are now paying. If the companies are willing to have it understood that the question of their profits or losses do not enter into the matter of the wages they should pay, the miners would be perfectly satisfied to let it stand that way. If not, it would be reasonable, he thought, for the companies to submit their profit and loss accounts.

After some informal talk about the details of the work of examining the companies pay rolls the taking of testimony was resumed.

The First Witness.

National President Mitchell, of the mine workers, was the first witness called. He was examined by Mr. Darrow as follows:

Q. In your examination by Mr. MacVeagh you are asked some questions in reference to the increased cost of coal. What was the output of coal last year?

A. Approximately 60,000,000 tons of anthracite.

Q. Do you know how much 20 per cent. increase in the cost of wages, such as we ask for here, how much it means of an increase in the cost?

A. The calculations I have made are based upon the statements of the operators. Mr. Baer in his statement to Commissioner Wright of the labor department, says that in the year 1901 all the companies paid $66,000,000 in wages. The Mining and Engineering Journal making a calculation as to the increased cost of coal which followed an increase of 10 per cent. in wages concludes that that amounted to less than 5 cents a ton, so that it would increase the cost of coal less than 10 cents a ton to increase the wages twenty per cent. I have made calculations based on the statements of Mr. Baer as to the wages paid by his company. He states that the average wages to his employes was $1.98 a day. Applying that as the average income of mine workers in the anthracite field it would amount to $53,000,000, which would be about 88 cents a ton, so that 20 per cent. on that would add about 17 cents a ton.

Q. Already they have increased the price of coal without increasing wages?

A. A general increase of fifty cents a ton.

By the Chairman:

Q. Was not that increase made temporarily? Was it not made to compensate for losses during the strike? A. Yes, sir. I believe so. I understood that increase was to cease on Jan. 1.

Q. That fifty cents amounted to $2,500,000 a month?

A. Yes, on the basis of 5,000,000 tons per month.

W. H. Taylor then cross-examined Mr. Mitchell briefly, as follows:

Q. I understand that your deduction regarding the advance of 20 per cent. had to do entirely with wages?

A. Yes, sir.

Q. You don't take anything else into consideration in figuring on the 20 per cent. increased cost?

A. No, sir.

Cross-Examination.

Attorney James H. Torrey, of counsel for the Delaware and Hudson company, next cross-examined Mr. Mitchell:

Q. I think that you stated that 40 per cent. of the production of the mines was in steam sizes?

A. No, sir; I said that was the statement of Mr. Baer.

Q. And that is to be sold in competition with bituminous coal?

A. No, sir; I don't know that. Mr. Baer said so.

Q. You don't deny it?

A. I am not prepared to admit it.

Q. Your 60 per cent. includes the washery coal also, does it not?

A. I understand so.

Q. You have taken into consideration all this in your calculations without considering that washery coal costs practically nothing?

A. If any proportion of it costs nothing for labor then the twenty per cent. increase would apply only to those who do receive wages.

Q. Washery coal costs about five cents a ton for labor, and you have taken that into consideration in your estimate as to the cost of labor per ton?

A. The washery coal is not a very important factor.

Q. Then your calculations are somewhat subject to error in those parts?

A. I have explained that it is.

Q. The fifty cents increase per ton of coal was placed only on the domestic or prepared sizes?

A. I am not sure.

A few questions were then propounded to Mr. Mitchell by Hon. Wayne MacVeagh:

Q. I know you do not intend to mislead this commission, but you must be mistaken. I understand that before the increase of ten per cent. was obtained in 1900 by you from the operators the labor cost of the average ton of coal was about what according to your best judgment?

A. I don't know what it was.

Q. If it was $1.20 then as I understand your calculations, ten per cent. of that would be 12 cents additional cost and ten per cent. increase would increase the cost ten per cent. and you say that they raised the cost fifty cents a ton, as I understand it?

A. Yes, sir.

Q. Therefore you have the commission believe that they increased the cost forty cents for themselves on sixty million tons?

A. I am not sure the increase was made on all of the different sizes, but I am sure that it was on all of the domestic sizes.

Q. You don't know the proportion of the domestic sizes to the other sizes.

Not Sure of Proportions.

A. No; I am not sure. But my calculations are not based entirely upon the circulars or the reports of the railroad presidents. They show the increase in the seling price of coal and the government reports show that it was higher than any year previous since 1880. Mr. Olyphant's reports showed that the increase in the cost per ton was 13 cents, while the increase in the selling price was 40 cents. The profit under those figures would be 23 cents to the operator.

Q. When the increase in wages means an increase in the profits of the companies, can you tell me why they should oppose the granting of the increase?

A. The operators were not as much opposed to granting the increase, Mr. MacVeagh, as they were to recognizing the union.

Q. At the present advance of 20 per cent. in the labor cost which you are asking, suppose it should go up to $1.32, and you asked 20 per cent. advance; that would be 26 cents a ton; would not the operators profit themselves if the present advance of 50 cents a ton were continued? It would make enormous profits. How can you account for their opposition to this advance?

A. I cannot account for it.

This last answer was provocative of a loud burst of laughter and applause from the spectators. General Wilson appeared to be very much nettled at this, and Judge Gray gave directions that it should not be repeated. "We do not wish to hear any demonstrations of approval or disapprobation from the listeners," said he.

Photographers John E. Whitman, of Hazleton, and R. H. Herbst, of Freeland, were sworn to identify half a hundred photographs they had made of miners' homes at the direction of Rev. Peter Roberts. Mr. Darrow admitted they were not pictures of the best of the homes of miners, and when General Wilson asked if it was not true that they were the worst, Mr. Darrow smilingly said he believed some of the worst might be among them.

Judge Gray said the commission did not care to have much time consumed in offering these exhibits, as they had been through the region themselves and seen thousands of miners' homes. He also suggested that the counsel should not lay too much stress on the matter of miners' homes.

When Attorney Bedford elicited from Photographer Whitman that it was Dr. Roberts who directed him to make the pictures, he provoked a hearty laugh, in which the commissioners could not resist sharing, by asking seriously: "Who, might I ask, is Dr. Roberts?" It was Mr. Bedford's first appearance at the hearings. When Dr. Roberts was pointed out to him at the subsidence of the laughter, he seemed to recollect having heard about him, and turning to Dr. Roberts, said: "I am pleased to make your acquaintance, doctor."

A Miner Sworn.

The first of the actual miners to be called to the stand as a witness was then put on for examination by Mr. Darrow. He was W. H. Dettrey, an employe, prior to the strike, of Coxe Bros. & Co., at their Derringer colliery in Eckley. He is president of the Derringer local, a board member in the Hazleton district, and an aspirant to succeed Thomas Duffy as district president.

He stated that his age is 40 years; that he has been working in or about the mines since he was nine years old; that he has been a miner for seventeen years, and a contract miner at the Derringer for six years. He was one of the men not reinstated when the strike at the Coxe collieries ended a week ago last Tuesday, and claims he is being blacklisted because of his activity in the union.

At this juncture, General Counsel Willcox, of the Delaware and Hudson company, objected to hearing testimony regarding the Coxe mines, as explained previously. It was brought out that the Coxes had simply replied to the invitation to become a party to the hearings; that they proposed to offer the findings of the commission as a basis for an agreement with their men. They did not bind themselves to accept it, as did the other companies represented before the commission.

Judge Gray said the commission would take the testimony and decide later whether or not it should go on the record.

Mr. Wolverton reserved the right to cross-examine these witnesses later if the company advised that he should do so.

In answer to questions by Mr. Darrow, the witness gave testimony substantially as follows:

At the Derringer, the men are paid by the yard or by the car. The highest pay by the yard is $5.25. The pay by the car ranges from 80 to 97 cents. The car has a capacity of 96 cubic feet. The dockage reached an average of 40 per cent. in the early part of 1900. Since the 1900 strike it has decreased. Cars were liable to be docked by a dozen different officials.

He Lost Some Time.

His pay did not exceed $350 a year, for the last couple of years, but he lost some time by reason of his being engaged in work for the union. This explanation was adduced by a question from Commissioner Watkins. The witness could not tell Commissioner Clark how much his pay would have amounted to had he worked every day the colliery worked, but he said he had worked some years every day the colliery worked and earned not more than $200. Last year's pay of $350 was the best he ever drew. After the 1900 strike the foreman gave him a better place and showed him many favors, presumably because of his being president of the local. The average wages of a miner at this colliery were from $275 to $325 last year although the colliery worked 270 days.

At the close of the last strike, the employes of the Coxe collieries presented themselves for work according to the directions of the Wilkes-Barre convention. They were told the company was not ready to start. After some conferences the company agreed to take back 2,651 of their 3,080 employes, the remaining 429 to go on the waiting list. The 429 men who were on the waiting list included every man who was prominent in the union. The men would not go back under this offer, and the strike was continued. Every officer of the Derringer local except the treasurer was on the list.

Finally, two weeks ago, it was agreed that the men should return on condition that the company did not have to take back any man against whom a charge of law-breaking during the strike was pending or such men as had been displaced by the introduction of new machinery, like patent slate pickers, installed during the strike.

The witness and five others prominent in the union and against whom there were no charges of law-breaking pending were among those who were refused re-employment. The witness had been arrested for taking two revolvers from a coal and iron policeman, for assault and battery and for inciting a riot, but was acquitted on all three charges.

Under the company rules a contract miner must go into work at 7 o'clock a.m., and stay there until 5 o'clock p.

m., no matter whether or not he is permitted to work. He knew of miners who went in at 7 o'clock in the morning and laid around idle until 2 o'clock in the afternoon waiting for cars, for a fall to be cleaned or for something else of this nature.

Standing Black List.

He knew of the existence of a standing black list in the Hazelton region for six years. He was on it, himself, he said, for nine months because he refused to continue in a place where he was unable to earn more than $3 a week.

This concluded the morning's testimony.

At the opening of the afternoon session Mr. Dickson suggested that an arrangement be made by which it shall be known in advance what company's affairs are to be taken up, so that it will not be necessary for all the lawyers to be present all the time. Judge Gray said this commended itself to the commission, and Mr. Darrow said he would confer with the other lawyers regarding this after adjournment.

Board Member Dettrey was then put back on the stand and proceeded to tell more about the alleged discrimination against union men by Coxe Bros. & Co.

The proposition on which the Coxe Bros. & Co. strike was settled last week was offered in evidence. It was made by the miners and proposed that the company should take back all men except those displaced by the introduction of new machinery in the breaker, and those who were under indictment for violence during the strike.

The witness told that five men, including himself, who were active in the union, and who were not in the classes excepted by the proposition, were refused re-employment.

Mr. Darrow here presented a notice sent out by Coxe Bros. & Co. to Timothy Malony, secretary of the Oneida local of the United Mine Workers, ordering him to leave the company house he was occupying.

Mr. Dettrey testified there were nine such notices sent out to Oneida employes of this company, and that in one case where the tenant refused to leave an eviction took place. John J. McNellis, an under boss for the company, refused to take the place of a striking miner and was discharged. Every man who was refused re-employment was either prominent in the union or the close relative of a prominent union man.

Wages of a Laborer.

Returning to the question of wages, Mr. Dettrey told in answer to Mr. Darrow's question that a miner's laborer received $1.62 for work at a breast and $1.94 for work in a gangway. If a laborer was put at company work he would receive from 90 cents to 98 cents. The most he ever would receive would be $1.22. When a miner's place plays out he must remain idle till he gets a new one, or take company work at $1.22 a day. A laborer loading company coal, or coal mined by the yard, gets eighteen cents a car. When a contract miner pays him, he must pay him twenty-one cents a car.

Mr. Dettrey told of once having worked eight days at the head of a shift rescuing imprisoned men and afterwards cleaning up debris and was allowed only $2.40.

He also told of an incident of last month, during the strike when a number of strikers, with the permission of the union, went in to fight a fire in the Derringer colliery. When they came to inquire what pay they would get and were told it would be $1.22 a day, they all quit work at the call of the witness, who is president of the local.

Commissioner Watkins asked what pay drivers got at Coxe Bros. & Co.'s mines. The witness said it was $1.85. Mr. Watkins asked how he accounted for the fact that where drivers get this pay, miners are willing to work for the small wages he was testifying to. The witness answered that it was likely that they were like himself, men of families, who could not get up and leave a place when they wanted to.

The witness then went on to tell about the dangers of mining, the experience necessary to make a good practical miner and the unhealthfulness of mine work.

Judge Gray asked the witness concerning the cause ascribed for turning out tenants. The witness said the only reason was they were "obnoxious" to the company by reason of their activity in the union.

Hires the Laborers.

In answer to further questions by the commissioners, the witness told that the company hires the laborers for the miners and stipulates how much they will be paid.

The next witness was Mike Middlick, of Eckley, who was a miner at the Eckley colliery of Coxe Bros. & Co. He came here from Hungary eleven years ago and has been working in the Coxe mine for six years. He is married and has four children.

In response to questions by Mr. McCarthy, he told of having been ordered to leave a company house during the strike and of being told to quit town, that he could not get any work.

His average earnings as a contract miner, he said, were $250 a year. When he worked at a breast where it was necessary to carry the coal out on a "buggy," he was paid 96 cents a car. When the pitch of the vein would permit the car to be taken in to the face the allowance per car would be 87 cents. He was allowed on the average four cars a day. His dockage on the average amounted to eight cars out of forty every two weeks.

The witness here produced a large batch of his due bills. The highest of them showed $18 for two weeks and the lowest $1.56 for two weeks. When asked by Judge Gray if he worked every day during the period represented by the $1.56 due bill, the witness said "yes, sir --except when I'm sick or something the matter with my family."

In telling of the dangerous and unhealthy conditions in the Eckley mines, the witness stated that during six years he never saw the mine inspector in the mines but twice, and never once in the face of a chamber.

At collieries adjoining the Coxe collieries the miner makes $2.37 a day, when put at company work. At the same work in the Coxe colliery the pay is $1.22. The witness could not explain for Commissioner Watkins why it was the Coxe men were content to work for wages so much smaller than those paid in adjoining mines. Commissioner Watkins asked if there were not some allowances paid in addition to the wages. The witness answered in the negative.

The witness told that when he worked in the soft coal regions as a mule driver he was paid $2.15 a day. When it came to cross-examination, W. H. Taylor asked him why it was he did not stay in the soft coal region. He replied that it was because his wife and family were in this region and his wife was in ill-health and could not stand the soft coal smoke.

Mr. Taylor brought an admission from the witness that despite the small wages at the Eckley and the comparatively large wages at the adjoining collieries he never but once looked for a job at any of the adjoining collieries. The reason for this, the witness said, was that he could not afford to pay for moving his family and goods a long distance.

Woman Called to Stand.

The first woman witness to appear before the commission was Mrs. George Bolan, wife of a German miner at the Derringer colliery. She was examined by Mr. McCarthy.

Her husband has worked for the Coxes for eighteen years. They have seven children and all of them have been sent out to work to help support the family. The husband, she declares, is a frugal, thrifty man, who works every day he can get work and never wastes any money for drink. She, herself, takes in washing and sewing. Despite all this, they can never save a penny and are usually in debt for the necessaries of life.

She did not give very much evidence of a satisfactory nature regarding her husband's earnings.

"Since 1900 it is sometimes $3 and sometimes $7, $10, $15 for two weeks," she said. Before 1900, she averred it was "one-fourth or one-half" less than this. One time his pay, after deductions at the store, was 56 cents, and another time 81 cents.

In answer to Mr. McCarthy's question as to how long it had been since she bought herself a new dress, she replied: "Eight years."

Some photographs showing evictions of miners' families from Coxe company houses were submitted by Photographer Whitman. The afternoon session closed with Judge Gray expressing the hope that the lawyers would get together after adjournment and arrange for a more orderly and expeditious method of procedure.

Proceedings of Thursday, Dec. 4.

[From The Scranton Tribune, Dec 5.]

Yesterday nothing occurred to halt and nothing occurred to further the impression gained by many at the sessions of the Mine Strike commission that the parties to the controversy are expecting another interruption for the active renewal of the negotiations for amicable settlement.

The statistical evidence which was to be prepared during the ten days' recess is still wanting and nothing is heard of it. The more orderly and expeditious method of procedure which was to be agreed upon by the attorneys is not apparent. Practically all the evidence submitted yesterday concerned companies not represented before the commission, and scarcely a word came from any attorney representing one of the big companies.

It was given out the night before that the miners would proceed during the succeeding three or four days with the examination of witnesses from the Hazleton district. The witnesses from the collieries of Coxe Bros. & Co.—an unrepresented company—were exhausted before adjourning time, and instead of taking up the other and represented companies from that district the miners stepped over the mountain to Nanticoke, in the Wilkes-Barre district, and took up the consideration of affairs at the collieries of another unrepresented company. There were not enough of these to fill in the remainder of the day, and another skip was taken up the valley to Scranton, and a couple of Delaware, Lackawanna and Western witnesses put on to tell harmless stories about being refused employment. The only one to controvert any considerable amount of testimony was Attorney John T. Lenahan, representing the non-union men. Attorney H. C. Reynolds, of the independents, and several of the independent operators themselves, helped some in filling in the day by asking a few questions now and then on rather general matters. As far as furthering the work of the commission is concerned the day was not what might be properly termed a big success.

Not Yet Instructed.

At the opening of the morning session, Attorney Wolverton stated to the commission that he had not heard from Coxe Bros. & Co., as to whether he should or should not cross-examine the witnesses who were being put on from this company's mines. He hoped, however, by 2 o'clock to be able to say definitely whether or not he would conduct such cross-examinations. At 2 o'clock Mr. Wolverton asked to be further indulged until morning as he had not "been able to get in communication with the company." It was brought out later on the witness stand that Mr. Cudlick, of Coxe Bros. & Co., was in the city during the day. It appears, however, he did not come clothed with authority to advise the counsel as to whether or not the company would become a party to the hearings.

General interest in the proceedings seems to be materially on the wane. Yesterday morning for the first time in the history of the sessions there were vacant seats, both in and out of the bar enclosure. Usually, it has been that four policemen and as many more tipstaves were necessary to keep the crowds from overflowing the room.

The witnesses from the Coxe mines were asked a set series of questions bearing on wages, hours, dockage, the danger and unhealthfulness of mine work, lack of proper inspection, injustices, discriminations, blacklisting and so on. The stories of these witnesses being allowed to stand with scarcely any qualification that would come from cross-examination, put the company in a very poor light. The commissioners, and Mr. Watkins more particularly, brought out some important qualifications by questions regarding statements that seemed to them vague, unreasonable and erroneous. Scores of half truths would have gone on the record unchallenged had it not been for the commissioners' questions.

For instance, a fireman from one of the Coxe collieries told that he had to work twenty-four hours every second Sunday. Questioning on the part of the commissioners developed the fact that on the intervening Sunday he had twenty-four hours off, and that three men work with him, so that it was fair to be inferred he caught a little nap, at least, on the long Sunday.

An Interesting Story.

Rev. J. V. Hussie, rector of St. Gabriel's church at Hazleton, was one of the afternoon witnesses and told an interesting story of conditions in the Hazleton region. He was cross-examined by Attorney John T. Lenahan on the treatment accorded non-union men and strike violence generally. The witness contended that there was very little disorder in Hazleton during the strike, and what little occurred was grossly exaggerated in the newspapers.

Attorneys Darrow, McCarthy and James L. Lenahan did the examining for the miners' side. President Mitchell, sitting convenient to the lawyers, coached them constantly and twice, with permission of the commission, made explanations of matters under discussion, upon which he was more competent to speak than either the witnesses or the attorneys.

An amusing incident took place towards the close of the afternoon session. Andrew Matti, a Slav, who is one of the board members in the Hazleton district, was on the stand in the morning and told of having been engaged by a "boss" of Coxe Bros. & Co. to import men from the old country. It was noticed by the miners' attorneys that the commission was apparently very much interested in this matter, and when they got to talking it over during the noon recess came to the conclusion to give the commission some more of it.

Accordingly, Matti was recalled and led by questions from Mr. Darrow, told all the details of the importations, including how he was paid money by the mine boss to perform this work. The commissioners were listening eagerly to the recital and asking quite a few questions. Suddenly Judge Gray said: "By the way, when did this happen?" The whole assemblage, commissioners, miners' representatives and all fairly roared with laughter when the witness answered, "Seventeen years ago."

First Witness.

Matti was the first witness of the day. He was called to the stand by Mr. Darrow immediately upon the opening of the morning session. He was a former miner at the Prospect Colliery of Coxe Bros. & Co., and holds the position of district vice president of the union. He told of being discriminated against because of being prominent in the union and how he lost a good job for the same reason. He was earning $10 a week, he said, and this was as high as any other man at the mine. He never had more than $20 together at one time that he could call his own, although he worked every day he was given opportunity to work.

When asked if he knew anything about operators bringing his countrymen, Slavonians, here to work in the mines, he said he, himself, had brought many of them over at the behest of the mine boss.

Like the witness of the day before, Matti told that he never saw the mine inspector in his "breast" but once and then he was being escorted by the mine boss.

Commissioner Watkins asked what the purpose was of the testimony regarding the mine inspector. Mr. Darrow called on Mr. Mitchell to explain.

Mr. Mitchell stated that they wanted to show that the mine inspector never goes on his rounds unless accompanied by a mine boss and because of the boss being along the attention of the inspec-

tor, instead of being directed to, is diverted from bad conditions, and besides, when the boss is standing by the miners do not dare to make complaints.

Judge Gray wanted to know if it was not necessary to have some one go about with the inspector as a guide.

Attorney McCarthy explained that a good experienced miner, such as an inspector ought to be, does not need a guide. He can follow the map or even find his way about by following the air current.

General Wilson, addressing Mr. McCarthy, asked if a mine boss who himself had been a miner, would be so lacking in love for his fellow man that he would intentionally expose him to danger by diverting the attention of the inspector from dangerous conditions.

Mr. McCarthy answered in the affirmative and then explained that the mine boss is responsible for bad conditions and can be counted upon to hide his own derelictions.

Reynolds Protests.

Attorney Reynolds, of counsel for the independent operators, protested against further inquiry concerning the inspectors. It is unreasonable, he argued, that a company is not just as desirous of an inspector doing his duty as the employes possibly could be, because in protecting the miners he is also protecting the company's property. At all events, Mr. Reynolds said, it was not fair to allow the reputations of the inspectors to be attacked when they are not here to defend themselves.

Judge Gray said that anything throwing light on the conditions into which the commission is inquiring, is relevant testimony. He would be pleased, he said, to have the inspectors come before the commission and tell their story.

Mr. Mitchell said it was not the purpose of the miners to assail the inspectors or the foremen. They are victims of environments. The purpose is to show that the miners do not dare to make complaints to the inspectors.

Attorney Reynolds pointed out the fact that in every district the mine inspector maintains an office where miners can wait on him.

Attorney Torrey called attention to the Garner act providing for the election of mine inspectors by the people, and told that it was passed at the instance of the miners. Judge Gray expressed surprise to learn that the miners favored a law permitting all the people to elect inspectors.

After some explanations were made as to the old and new ways of electing inspectors, the cross-examination of Matti was proceeded with. About the only further thing of interest adduced from him was that one of his grievances consisted of the company loaning him money and keeping him in debt. "You didn't have to take it, did you?" asked Judge Gray. The witness admitted that he didn't.

John T. Strannix, of Drifton, an old employe of Coxe Bros. & Co., was the next witness. He told that his wages ranged from $80 for two weeks to $15 less than nothing. This last condition, it was explained, resulted from subtractions for powder, etc., while he was cutting coal which could not be loaded within the same two weeks that it was cut.

Rather a Homebody.

He worked twenty-two years for the Coxes, and never in that time was out of Luzerne county except to take a run down to Allentown during the strike. He was never able to save any money.

He told that it was his invariable experience that when he went to a boss to make a complaint he was told that if he didn't like it he could get out.

Practically similar testimony was given by John Farreri, an Italian, who came from the Alps, and who has been working for Coxe Bros. & Co. for twelve years. He is vice-president of the local and is one of the men turned out of the company houses and refused re-employment at the end of the strike because of his connection with the union.

He was told it was because he "chased men from work" that he would not be re-employed.

Judge Gray asked him if it was true he had chased men away from work. The witness said he had only "advised" them to stay home.

Just before the strike, the witness said, he had a good place and could earn $1.90 a day if he worked hard. He started saving a little something "for a rainy day," in 1895, and at the beginning of the last strike had amassed $60.

In telling of the extent to which dockage is carried, he stated that once he sent out fourteen cars and they were condemned. He had to "pick" them over and was docked 25 per cent. at that. President Crawford, of the People's Coal company, asked the witness how many cars he filled from the fourteen when they were "picked" over. The witness said twelve. "Then you sent out two cars of dirt?" said Mr. Crawford. The witness did not reply.

Timothy Maloney, secretary of the Oneida local, was the next witness. He is also one of the men turned out of a company house and refused re-employment. He was working as a footman at the Oneida for ten years prior to the strike and earned $9 a week. His father had to quit work in the mines three years ago on account of asthma.

The witness identified a notice posted by Coxe Bros. & Co., in the latter part of last September, in which warning was given that discharge would be the penalty on any employe who "by intimidation or moral persuasion" attempted to induce any other employe to join or leave any society or union, or refused to work with any fellow-laborer because of his not being a member of any society or union. The notice was offered in evidence.

Lenahan Takes a Hand.

The witness was then cross-examined by John T. Lenahan, representing the non-union men. Mr. Lenahan brought out the fact that employes of the Coxe Bros. & Co. railroad had been attacked by mobs during the strike, and then asked the witness if he did not lead these mobs on two different occasions. The witness denied the allegation contained in Mr. Lenahan's question, and further denied having participated in any strike violence.

Attorney H. C. Reynolds brought from the witness an admission that he left his job two days before the strike was declared, and that when he was dispossessed of the company house he was owing four months' rent. Mr. Darrow brought out that the notice ordering him to quit the company house contained no demand for or mention of rent, and that it was not infrequent for him to be in arrears.

Hugh Boyle, a miner's laborer, of Nuremberg, employed by Coxe Bros. & Co., corroborated the preceding witnesses on matters pertaining to general conditions and told, besides, that as a laborer for a miner he was paid $1.94, while as a laborer for the company he would be paid only $1.22.

The testimony of the morning session closed with this witness.

The first witness of the afternoon was W. H. Dettrey, board member of the Hazelton district, who was on the stand the day before. He was recalled to be examined more particularly regarding the strike at the Coxe Bros. & Co. collieries.

When the strike at these collieries ended last week it was agreed that the company should not re-employ men who had been displaced by the introduction of machinery or those under indictment or arrest for crime. The list of men the company put in these two excepted classes numbered 439. The witness testified that he carefully examined the list and found only eighteen who were ever under arrest for crime. It was not until the company cut the list down to 169 that the strike was finally ended.

The witness was then cross-examined by John T. Lenahan. Mr. Lenahan brought out the fact that there is a Central Labor union in Hazelton, with which the miners are allied; that its official organ is the Trades Unionist; that the editors of the paper have been held under $10,000 bail each for libelling Superintendent Smith of Coxe Bros. & Co., and that articles from Freeland and Drifting abusing Superintendent Smith appeared in this paper.

He Did Not Know.

The witness averred that he did not know that there were many strikers engaged in violence who were not arrested, or that twenty-five of the strikers from the Coxe mines were arrested in Wilkes-Barre.

Jackson Anspach, of Rock Glen, a fireman at one of the Coxe breakers, told that he worked twelve hours a day and twenty-four hours at a stretch every other Sunday, when changing shifts. This condition prevails all through that region. Sometimes he can get off for a few hours to go to church. The pay of a fireman is $1.57 a day. A question from Commissioner Parker adduced the fact "that the fireman has every other Sunday off." The witness admitted he favored an eight-hour day in response to Mr. Dickson's direct question.

For the last six years the witness has been trying to pay $900 on a home he purchased. He has succeeded in paying off about $700 of the debt.

Commissioner Watkins put questions to the witness which brought out the fact that two other men work with him. The witness denied, however, that either of these men could "spell him off."

Rev. J. V. Hussie, rector of St. Gabriel's Roman Catholic church, and one of the deans of the Scranton diocese, was then called to the stand.; He was examined by Mr. Darrow. He told that he has spent his whole life with the exception of a few years in the coal regions. His parish is composed of 700 families and ninety per cent. of the men are mine workers. He is frequently at the homes of miners and knows their conditions and mode of living.

The Fourth legislative district, of which Hazelton is a part, contains 3,000 total abstainers, one half of them adult men. Every member of his congregation took the total abstinence pledge the first Sunday of the strike. Drinking was at his minimum among his people during the strike, and he only saw five drunken men in Hazelton during the five months the strike was on.

Conditions among the miners of the Hazelton region, he said, were truly deplorable. They are barely able to exist. He had been in other places where he saw conditions, which, he thought, were deplorable, but no place he had ever been could compare with Hazelton in this respect.

Can't Be Called Homes.

The homes can not properly be called homes. They are habitations. The miners, he said, are frugal, conservative men, reasonable in their demands and that they are a God-fearing people is attested by the fact that in the city of Hazelton there are eight Roman Catholic churches, to say nothing of the churches of other faiths. All of them are crowded every Sunday.

He has found that in sickness the miner is scarcely able to pay for attendance and medicine and a death means a long-standing debt. One frugal German miner told the witness that he was six years paying off a debt of $200 contracted for a funeral.

The witness told, incidentally, that G. B. Markle & Co. maintain a burial fund for their employes. He commended the company for this very humane action.

Because of the poor wages received by the head of the household it is impossible to keep the families together. Girls leave home as soon as they are able to work, some of them going to other places to live as servants, and many of them going into the silk mills and other like industries. The boys go into the breaker as soon as they are able to toddle out of the house. The average age at which miners' children leave school, the witness said, is a little over eleven years.

During the last strike there was great privation among the miners, but he knew of not a single instance where a striker wanted to return to work until the union decreed he should return. Out of fifty or sixty men of whom he made inquiries, he found only three who had money saved. One made it in Scotland, another made it in Australia, and the third inherited it.

He examined the list of taxables in the city of Hazleton and found that out of 1,723 persons on the list there were only eighty miners assessed as owners of homes. Seventy per cent. of the population of Hazleton, he said, is made up of miners and their dependents.

There was no considerable feeling or excitement in Hazleton during the strike, the witness asserted. It was, on the contrary, remarkably quiet. He had protested as a citizen, in a letter to the public, against the stories sent out regarding disorder in his city. The newspaper reports were grossly exaggerated. One morning he read an account of a man being attacked by strikers on the streets of Hazleton. Alongside of it was a story to the effect that the chief of police declared there were fewer arrests and less drunkenness in Hazleton during that month than in any month of the preceding year.

Considered Conservative.

He did not know any of the mine workers' officials personally except District President Duffy and he considered him a very conservative man.

The sending of the military to Hazleton, the witness declared, was wholly uncalled for. Their arrival was a big surprise to the people of the town. There had been no call for them by the citizens and absolutely no occasion for their coming.

On cross-examination, Mr. Lenahan related a series of strike disorders, which occurred in and about Hazleton, including the dynamiting of the home of a non-union man; an attack on a car conveying non-union men through Hazleton, and the mobbing of the crew of a railroad train on the Coxe Bros. & Co. road at Drifton, and asked the witness if he had heard of these things.

The witness had heard of some of them through the newspapers. Some of the reports he knew were exaggerated. Others he knew something about, but was ready to believe the newspaper reports of them were exaggerated.

The witness admitted he knew that Sheriff Jacobs, of Luzerne county, resides in Hazleton and that it was he who called out the troops, but denied all knowledge of the alleged fact that it was after a night of tumult in and around Hazleton, with mobs menacing miners and workmen at Hazle and Foster, that the sheriff made the requisition on the governor.

Commissioner Clark asked if conditions changed after the troops arrived. Father Hussie answered that the same peace and quiet continued, and the people and soldiers were the best of friends.

In conclusion, Father Hussie expressed the opinion that lack of intelligence and want of charity on the part of the mine bosses, who have the immediate direction of the work of the men, are responsible mainly for the ills of which the miners complain.

John Price, a check docking boss at No. 5 breaker of the Susquehanna Coal company, Nanticoke, testified that prior to the time the miners put on a check weighman the dockage was from eight to ten per cent. Just before the last strike the dockage was reduced to one and one-half per cent.

Check Docking Boss.

The witness further told that at the close of the last strike the company discharged the check docking boss at No. 7 breaker of the Susquehanna company. When a committee asked the superintendent why the check docking boss was dispensed with, he answered that he did not propose to put him on until a decision had been rendered by the commission.

W. H. Wright, of West Scranton, who was a clerk at the Hyde Park colliery of the Delaware, Lackawanna and Western company, told of his being discharged because he refused to be sworn in as a coal and iron policeman.

Major Warren got him to admit on cross-examination that he quit his job as clerk when asked to be sworn in as an officer to help protect the company's property, and that when the strike was over and he applied for reinstatement he found another man had taken his place.

William Martin, who for fifteen years was an engineer at the Sloan colliery of the Delaware, Lackawanna and Western company, told that he went on strike June 1, and when the strike was over the company refused to reinstate him.

Adjourning time came as Major Warren was about to cross-examine him.

Settlement talk was running rather high last night. Attorney MacVeagh emphatically declared to a number of

newspapermen that the negotiations are still on and that there is something doing. Mr. Mitchell, Mr. MacVeagh, Mr. Willcox, Mr. Darrow, Mr. Murphy and a number of other representatives of the two principal parties went up stairs in the elevator about the same time last night, but none of them would admit they had a meeting.

Proceedings of Friday, Dec. 5.

[From The Scranton Tribune, Dec. 6.]

A settlement of the anthracite coal working issues is now not to be long delayed, for there is much confidence that present plans to bring it about will be successful. The independent operators and the big companies are about to come to terms, the mine workers and the big companies are already acting in harmony, and the mine workers are doing as much as the big companies in the endeavor to get the independents in line.

The latter are not, as it has frequently been stated, concerned about the increased cost to be caused by giving the mine workers an advance in wages and reduction in hours. They realize that as the big companies, controlling seven-tenths of the output, will have to pay the same increase they will do as in the past, raise the selling price of coal. The independents get sixty-five per cent of the selling price, so this raise would protect them against the increase to the miners.

What the independents want is this: Opportunity to show to the American public that they are right in the position they took on May 1 and have maintained since.

This they will be able to do in the plan of settlement which is now proposed and which it is believed is rapidly reaching a culmination.

The plan is briefly this:

Outline of Plan

First—That each side shall make a case stated and agree upon a verdict.

Second—That the mine workers shall agree that the figures of the operators relative to wages, hours of work and weights of coal are substantially correct.

Third—That these shall be embodied in the findings and the reports of the commission.

The mine workers are eager for a settlement because they realize they will have difficulty in presenting their case, all the evidence they can well give being such as has been given during the last three days, individual statements, which do not represent in tangible shape the conditions of work for all the employes of each company and from which it is exceedingly difficult to draw a fair average.

The operators are willing to settle for the following reasons: Because cordial relations between a company and its employes is vitally essential to successful mining; the efficiency and productive capacity of the mine workers being reduced 12 per cent since the advent of the union and the bitterness caused thereby.

Because a rehearsal of the bitterness engendered by the strike before the commission would be a re-enactment of the strike conditions and aid further in preventing the necessary good feeling.

Because it will save immense expense and avoid the almost impossible task the commission would have in making a satisfactory award.

Public Sentiment.

Because they realize the fact it was pubic sentiment that settled the strike of 1900; and strengthened the miners in their purpose to project the strike of 1902; because public sentiment forced President Roosevelt to take the steps he did for a settlement, and that therefore it is incumbent upon them, for the sake of the future, to get their case before the public so it shall realize the miners are not poor, down-trodden workers, and yet get it before the pubic without increasing the present condition of bitterness.

These are the reasons of each side and as there is a very thorough understanding, there is much hope among those concerned that arrangements may quickly be made to proceed with the adjustment on these lines

This afternoon Attorney Wayne McVeagh, who has been the prime mover in the settlement plan and Commissioner Parker went to New York city and will go from there to Washington. What they are to do there is not stated here, but it is understood that they are to further the peace proposition. Mr. MacVeagh said of the outlook before he departed:

"A majority of the operators think it better to adjourn all efforts to reach by amicable conferences a basis for the award of the commission until both sides have presented all the testimony they wish to offer. Whether the efforts to reach such a basis will be then resumed can only be decided after the testimony is closed.

"I think in view of the extraordinary conditions existing in the anthracite region, that this is a mistaken attitude for the operators to assume, as I fear each day's testimony will tend to increase the bitterness or feeling, but it is not only the right but the duty of the operators to act on their own judgment of the situation, and I sincerely hope the result will fully justify the conclusion reached."

This is taken by some of the independent operators as an effort to mislead those who are stubborn and prevent them thinking their compliance is greatly desired.

Sparring for Time.

There is no doubt that at the present hearings the mine workers are merely sparring for time.

One of the independent operators, who was present at the meeting in New York and one of those chiefly concerned in a settlement, said yesterday afternoon: "Of course it is sparring for time in the expectation that the proposed settlement will soon be reached. It looks hopeful now. All we desire, except a few of us, is that the public shall understand we believe we were, and we are now, right in maintaining that our position is the right one, but we will agree to a conciliatory adjustment. Our position was that if the big companies settled now by conciliatory measures it will be a confession that in May last they were wrong and that they are thus morally, if not legally, responsible for all the trouble during the strike. We told them we were willing to make an amicable settlement, but we would not do it without putting our case before the public, so the public could see we were in the right.

"It was then decided not to abandon the negotiations, but to say they had been suspended 'for the present.' The wisdom of this is now apparent, for negotiations are now on again."

An attorney for one of the parties in interest, discussing the settlement negotiations, said:

"The plan is for the independents to draw up a statement and the big companies to make one. These are to be submitted to the mine workers, and they will specify on what points they agree and disagree. We will then get together and reach a verdict, which will be submitted to the commission. The commission will take the case as stated and make their finding, and report on how such controversies in the future may be avoided."

It is understood that only a few of the more stubborn of the independents now oppose this measure, and they are being gradually won over.

Some of the mine workers are doing what they can with these men, as well as the representatives of the big operators.

Absorption May Be One of the Results.

The absorption of all the independent anthracite coal holdings by the big coal carrying roads may result from the strike and the present hearings before the commission. This would remove from the field of operations a thorn which has been in the side of the big corporations for some time.

It can now be stated that recent

events have resulted in the serious consideration by the big companies of a wholesale purchase of the independents. It is not at all likely that this will take place at once or before the commission makes its finding, but it is not improbable within six months or a year that many of the independents will have sold out. It is estimated that the sixty-seven independent companies are valued at about $145,000,000. They produce three-tenths of the total output of coal and get for it about sixty-five per cent. of the selling price, the coal carrying roads taking the thirty-five per cent. for haulage and profit. As they charge for haulage on a basis of $1.60 a ton, while the regular rate for rough freight of a similar nature is less than half that amount, their profits are stated to be large. As the independents also make a good profit, the coal roads, by controlling all the mines, would increase their earnings, as well as have the situation entirely in their hands.

Source of Irritation.

The independents, although relying upon the big roads to market their product, have been a source of constant irritation to the big companies. It is not so long ago that an independent railroad to New York from the upper coal field was planned and the big companies found it necessary, in order to prevent it, to buy out the operators backing the scheme. Now again they see a profitable venture and self-protection in the gradual absorption of all the small companies.

These would be parcelled out to the railroads which now carry their coal to market, as far as desired by those roads. Some would not want to increase their holdings greatly. The Delaware, Lackawanna and Western, for instance, would take few, while the Erie and the New York, Ontario and Western would eagerly take all those along their lines. The Erie taps the Scranton and the Pittston districts and has a good highway to tidewater. The New York, Ontario and Western, with its road tapping many of the independent mines in the Scranton district, could readily handle all the coal these collieries give it, and others besides; while the Delaware and Hudson, reaching most points in the upper coal field and with its big trade possibilities in the north and east, is considered one of the largest factors in the proposed scheme.

Owing to its large through traffic and the fact that its big passenger and freight traffic would interfere with its taking large new coal interests, the Delaware, Lackawanna and Western might not take many of the properties. It now ships about 5,000,000 tons a year, while the Erie does not ship half that amount of its own coal, and the New York, Ontario and Western is a still smaller factor.

Lehigh Valley's Position.

The Lehigh Valley with its lines east and west, and its connections with the Philadelphia and Reading, would be one of the largest movers in the proposed scheme, tapping as it does the Pittston, Wilkes-Barre, Hazleton and some of the Schuylkill region, while the Philadelphia and Reading, with almost all the Schuylkill region at its command and already thirty-seven collieries of its own, could add some 6,000,000 tons a year to its output and send it to the large trade it has in the south.

Another feature which would be made a portion of the plan would be a saving by dispensing with the middlemen. If the entire anthracite field was in the hands of the big companies, they, acting for mutual interest, could save by dispensing with the middleman about $25,000,000 a year, it being estimated that his services cost the companies close to fifty cents a ton.

Operators who have spoken about the plan, while admitting that it is not ripe yet owing to the aggressive attitude of the independents and their supreme confidence in their power, declare that the scheme will probably culminate within a year in the intended absorption. As far as affecting the independents' position in the present strike is concerned it is not likely to have much direct effect. Speaking of the prospect of the absorption plan being effective soon one big operator said:

"It is impossible to say when the negotiations, if there are any, will commence. No definite plans have as far as I understand it, been formed yet, the operators are too busy with the hearings before the commission, but I consider the absorption of the independents a plan which will not be long in developing."

Estimated Value.

The appended table shows the estimated value of the independent operators' workings, their output and the railroad companies that will likely take them when an apportionment would be made:

Scranton—Output, 3,861,372 tons; value, $25,000,000; Ontario and Western, Delaware and Hudson, Erie, Delaware, Lackawanna and Western.

Pittston—Output, 2,070,890 tons; value, $18,000,000; Erie, Delaware and Hudson, Lehigh Valley.

Wilkes-Barre — Output, 1,620,802 tons; value, $14,000,000; Lehigh Valley, Delaware and Hudson, Central Railroad of New Jersey, Delaware, Lackawanna and Western.

Hazleton—Output, 5,354,574 tons; value, $38,000,000; Lehigh Valley, Pennsylvania.

Schuylkill—Output, 6,152,890 tons; value, $50,000,000; Philadelphia and Reading; Lehigh Valley, Pennsylvania.

Total —Output, 18,361,708 tons; value, $145,000,000.

Total output for 1901, 59,905,951 tons.

Testimony Heard at Yesterday's Session.

Most of yesterday's session of the commission was consumed in the reception of evidence bearing on the alleged discrimination against union men after the strike. Witnesses from Scranton, Freeland, Avoca, and Olyphant were presented in support of the miners' contentions on this score. Two clergymen, Rev. Dr. Moore, of Avoca, and Rev. J. J. Curran, of Wilkes-Barre, gave testimony on general conditions tending to favor the miners' cause.

The commissioners showed more impatience at the absence of the really important and helpful testimony they counted on getting upon reassembling after the recess and in the afternoon announced that they had drawn up a statement of the testimony they want and would be pleased to confer with the attorneys in the evening regarding it. Counsel for all the parties in interest met with the commissioners last evening and received the commissioners' ideas in this regard.

Attorney Reynolds called the attention of the commission to the fact that the People's Coal company had become a party to the agreement with the provision that it should not, by any award of the commission, be compelled to break its promise to keep in employment the non-union men who worked for them during the strike. This is a moral obligation which Mr. Crawford, the president of the company, does not want to be compelled to break.

Judge Gray declined to express an opinion on the question of the status of the non-unionist which was involved in Mr. Reynolds' "notice." "We cannot accept any provisional submissions," said he. Mr. Reynolds later announced that Mr. Crawford agreed to unconditional submission.

Marwick's Testimony.

William Marwick, who was an engineer who went on strike at the Delaware, Lackawanna and Western mine, who was not re-employed, was on the stand at the end of Thursday's session and was recalled at the opening of yesterday's session. After there had been some discussion between Major Warren and Mr. Darrow, in which the commissioners took an occasional hand, concerning the relevancy of the testimony, the commission decided to hear him.

Attorney James T. Lenahan then proceeded to examine the witness. He brought out that engineers at this colliery worked twelve hours a day and twenty-four hours on Sunday. The witness also stated that at times he was called upon to work three, four and five shifts continuously, because there was no one to be secured who could handle the extra heavy engines there.

Since the strike, two men are doing the work witness used to do, and besides a smaller engine has been put in to be used in reversing the big engine. It is so hard to handle the levers of these engines and the nervous strain is so great because of constant watchfulness required that one man had to give up the job after two months, because of his health breaking down. He was paid $2.31 a day.

To show to the commission that he was not the kind of a man who deserved to be charged with trying to destroy his employer's property, the witness recited half a dozen instances of more or less heroic work in putting out fires, rescuing miners and the like. He did not leave his job, he averred, to jeopardize his employer's property. Before quitting, he gave the notice contained in the call of the union that he would quit unless allowed eight hours.

Received Full Pay.

On cross-examination Major Warren sought to discount the witness' hardship story and to this end brought out admissions that, for several months, while the Sloan was idle, the witness received full pay as an engineer for doing odd jobs and such little hoisting as was called for, and that he was one of a committee of Delaware, Lackawanna and Western engineers who on February 12, last, requested District Superintendent Williams in writing that the swing shift be not abolished, but that the twenty-four hour Sunday shift be continued.

Questions by Major Warren regarding the request of President Mitchell from the Delaware, Lackawanna and Western steam men that they be excepted from the strike order, precipitated a lengthy discussion regarding the calling out of the steam men, in which President Mitchell took a hand.

Major Warren brought out that the Delaware, Lackawanna and Western steam men held a meeting in St. David's hall, June 1, and framed a letter to President Mitchell, setting forth that they had been forced into the mine workers' union against their wishes; that they did not want to be ordered on strike; that if the strike order was not rescinded as to them, they would be compelled to disobey it, and that President Mitchell declined to grant their request and that only nine out of the eighty Delaware, Lackawanna and Western men obeyed the order to strike.

After showing that in the 1900 strike the steam men were not called out and yet shared in the ten per cent advance, Major Warren asked the witness why it was they went out in the last strike if it was not to abandon the company's property to destruction. The witness replied that he struck because he wanted to get an eight hour day. He demanded the eight hour day and when it was not granted, joined the strikers.

Judge Gray inquired if it was not true that the steam men conducted an independent strike. He had so understood from Mr. Mitchell's testimony, he said.

Major Warren said the commissioner's idea of the affairs was entirely wrong. The strike was ordered and conducted by the mine workers.

Why They Affiliated.

Mr. Torrey sought to throw some light on the affair by outlining the matters which led up to the affiliation of the steam men with the miners' union. The American Federation of Labor, he explained, with which both were allied, decreed, at the instance of the mine workers, that engineers and firemen, working about collieries, should forego the jurisdiction of their own organizations and join the United Mine Workers. The steam men protested against this, but were overruled.

Judge Gray asked if it was not true that the steam men would have remained at work if the companies had granted their demand for eight hours.

Some miner in the rear of the room clapped his hands vigorously at this seeming "poser" from the chairman. A tipstaff cautioned him not to repeat the demonstration.

Major Warren answered the judge's question by saying that at the Lackawanna colliery of the Temple Iron company, the eight hour demand was granted yet the steam men went out.

President Mitchell in explanation of this stated that the Temple company granted an eight hour day at some of its collieries and refused it at others. It was because the company failed to conform to the demand to grant all its steam men the eight hour day that those to whom it was granted would not accept it.

Continuing, President Mitchell denied that the miners' union absorbed the steam men against the latters' wishes. The protest made to the American Federation of Labor was an Illinois affair. The strike of the steam men, he reiterated, was projected by the steam men themselves. The order from the United Mine Workers was that they should remain at work and protect the companies' property, provided they were granted an eight hour work day. Some operators conceded the demand, Mr. Mitchell went on to say, and their men remained at work. Later a few of them withdrew the concession at the behest of the big companies. One individual operator in the Hazelton region made a secret agreement with his steam men that they should be granted the eight hour day provided it was not noised about. He was afraid the big companies would hear of it.

Read Resolutions.

In contradiction of Mr. Mitchell's statement regarding the protest of steam men against absorption by the Miners' union, Mr. Torrey read the resolutions adopted by the Delaware, Lackawanna and Western steam men at St. David's hall, in which it was set forth that they had been compelled to disband their separate organizations; that they had protested vigorously against this at the national convention, and that their protest had been ignored.

W. H. Taylor asked Mr. Mitchell who it was directed the steam men to come out.

Mr. Mitchell replied that it was the executive board of Districts 1, 7 and 9, under authority delegated to them by the Hazelton convention.

This, Mr. Taylor contended, indicated the steam men did not conduct a separate strike.

"Then we are to understand," said Chairman Gray, "that the steam men had no separate organization and were ordered to come out by the United Mine Workers unless they got an eight hour day?"

Silence assented to this being a fair settlement of the situation.

Major Warren spoke briefly to impress on the commission the significance of his point that two years ago the steam men got a raise in wages without joining in the strike, and that it follows they would have shared in whatever victory the miners won without sharing in the strike.

The cross-examination of Mr. Marnick was then resumed. Major Warren elicited from him the fact that he went to Buffalo a few days after quitting his post at the Sloan, secured a job at $2.25 for ten hours and worked at it for five months, yet when the strike was declared off he hastened back to Scranton and applied for his $78 a month, twelve-hours-a-day job.

On re-direct examination by Mr. Darrow, the witness said he came back from Buffalo because his home and family are here.

William Major, chief of police of Moosic, who was refused re-employment at the Law shaft of the Erie company at Avoca, testified that Superintendent Henry McMillan told him he was refused his job because he "called scabs at people," which, the witness maintained, was a false accusation.

Joseph O'Brien, representing the non-union men, asked a few questions as to Mr. Major's whereabouts at various times, with a view of laying grounds for future contradiction.

'Twould Be Fuuny.

Major Warren asked the witness if it was not true that he had threatened harm to one Thomas J. Brown, who was working at an Erie washery in Pittston. Chief Major admitted having encountered Brown bound for work, but denied having threatened him or any other man. "It would be funny, wouldn't it," said the witness with some show of offended dignity, "to see a police officer of Moosic borough threatening people?"

The major declined to commit himself in an opinion as to whether or not this would be funny.

Tony Lorri, a 22-year-old employe of Coxe Bros. & Co. at Drifton, told that he was refused reinstatement and that he had not done anything which would justify the company in not taking him back.

"You acted as interpreter among the Italians for the union, a great deal, didn't you, Tony?" Attorney McCarthy asked.

"Yes, sir."

"That's the only reason, as far as you know, why you didn't get your job back, is it?"

The "question" was about the limit

thus far in the way of latitude in examining a witness and provoked loud laughter among the attorneys. Judge Gray was facing Mr. McCarthy, apparently bent on gently reminding him that there was a limit, but Mr. McCarthy indicated by gestures and nods that the judge needn't admonish him, and the two joined in the general laughter.

Rev. Dr. James Moore, of Avoca, who, it will be remembered, addressed a number of miners' mass meetings during the strike, was the next witness put on the stand. He is pastor of the Primitive Methodist church at Avoca, and has spent most of his twenty-one years in the ministry in Avoca, Plymouth, Shenandoah and other mining towns. All the adult male members of his present flock are miners, with the exception of one, who is a mine blacksmith. All of them were strikers, except a superintendent, a fireboss and a driver boss.

His congregation, he told, numbers 300. There are twenty-five householders in the number. He believed most of these homes were mortgaged. The miners are, he said, nice, law-abiding people. "They cannot be surpassed," he declared.

Examined Due Bills.

He examined thirty-nine due bills of three miners. They were for the years 1898 and 1899. Averaging them he found that for 419 ten-hour days the pay was $487.15. They were the due bills, he understood, of contract miners.

This was insufficient, he thought, for the support of a family. He knew of boys of miners' families being sent to the breaker when they were barely able to carry a dinner pail. Daughters of the family went into the mills and factories at a very early age.

Miners, he asserted, do not drink more than the average workman. During the five and one-half months of the strike, in Avoca, a town of 4,500 inhabitants, he saw only one drunken man. Special efforts were made by clergymen, mine workers' leaders and other men of influence to promote sobriety during the strike. The witness declared he never lived in a more peaceable community than Avoca was during the strike.

Under cross-examination by Mr. Torrey, Dr. Moore admitted he saw four effigies suspended in Avoca during the strike. He contended they were hung by mischievous boys, and to indicate that they were hung indiscriminately he told that one of them was suspended in front of his own house.

Attorney H. C. Reynolds next cross-examined Dr. Moore. Mr. Reynolds developed the fact that the best paid Primitive Methodist clergyman in the United States receives less than $1,200 salary per annum, and that the average salary of the clergymen of this denomination in the local field is $600. Dr. Moore said his salary is about $700 a year.

Since the strike, the witness has seen about half a dozen drunks. He saw them on or immediately after pay day. "The miner, you know," said the witness with evident anxiety to qualify his admission, "is not addicted to drink and just a little will upset him."

Question of Wages.

Mr. Reynolds took the witness back to the question of wages and sought to demonstrate that if a clergyman, who has many expenses not necessary to a miner's mode of living, such as extra quality of clothing, books, entertainment of guests and the like, can live on a salary of $700 a year, a miner ought to be able to live well within his station for $487.15.

Dr. Moore's comment on this was: "Well, Mr. Reynolds, I would say to that, if you please, that the ministers are not receiving enough."

"Why don't you strike, doctor?" chimed in the ready Mr. Torrey.

When the laughter had subsided, Dr. Moore rejoined that he would strike if he was not afraid some one would take his place.

The witness admitted he had made no computations as to the relative earnings of miners and other workmen in the community, and that he went about to the mass meetings encouraging the miners in their demand for higher wages, with his faith in the justice of this demand founded mainly on his general observation that miners were not receiving enough wages to live with any degree of comfort.

In the cross-examination of the next witness, Peter Ingoldsby, of Grassy Island, one of the big companies, the Delaware and Hudson, put in the first bit of the statistical evidence it has been preparing for two months past to show to the public, and incidentally the commission, that the miner's recital of his ills are sometimes to be slightly discounted.

Mr. Ingoldsby was a miner at the Grassy Island colliery of the Delaware and Hudson company for fifteen years. He was active in the union during the strike, and was not re-employed. He was one of four men from this colliery whom the union put on the stand to prove the contention that men whose only offense was zealous fidelity to their union, are being discriminated against to the extent of being refused employment.

His story, in substance, on direct examination by Attorney James L. Lenahan, was that he received 69 cents a ton for sending out coal; that he averaged only two cars a shift; that the laborer had to be paid 25 cents a ton out of this, and that he worked usually from 6.30 in the morning until 5.30 in the evening.

Mr. Ingoldsby was on the stand at the noon recess. His examination was resumed by Attorney James L. Lenahan at the opening of the afternoon session.

Very Wet Mine.

He testified that the Grassy Island is a very wet mine and only once in his experience was he allowed anything for bailing water. Then he got two cents a ton added to his car for this extra work.

When the strike was over, the fireboss told him he was not to go in until he saw Foreman Lewis. The foreman told him his "number was stopped," and he went home. Later he saw General Superintendent Rose. Mr. Rose seemed to know nothing about the case and referred him back to Foreman Lewis. The foreman gave him no satisfaction and no reason for refusing him re-employment.

The witness admitted he took a prominent part in the strike and succeeded by moral persuasion in inducing three men to quit work, one of whom was a son and another a nephew of Foreman Lewis.

On cross-examination, Mr. Torrey adduced admissions from the witness that in addition to what he earned for cutting coal he got allowances for yardage and the like. That he must have been receiving some allowances was made apparent a moment later when Mr. Torrey presented the following summary of Mr. Ingoldsby's earnings during the year 1901:

January, $113.43; February, $87.07; March, $100.46; April, $52.66; May, $95.07; June, $103; July, $94.50; August, $90.57; September, $95.71; October, $78.08; November, $77.61; December, $68.38; total, $1,056.54.

This, Mr. Torrey explained, represented the miner's gross earnings after all charges for powder, oil, etc., were deducted. Out of this he had to pay his laborer. The miner, according to the estimates made by the company, receives 58 per cent. and the laborer 42 per cent. of the net earnings. This would give Mr. Ingoldsby a net earning in 1901 of $630.

Judge Gray, addressing the miners' representatives, asked if this proportion of the division of earnings was admitted to be correct. Mr. Darrow responded that his side estimated the proportion at 60 per cent. for the miner and 40 per cent. for the laborer.

Thought It Too High.

The witness was asked if Mr. Torrey's statement of his earnings was correct. He said he didn't know, but believed it was too high. Mr. Torrey said the company would prove it was absolutely correct.

Turning attention to the claim of the witness that he was being kept out of employment because of his connection with the union, Mr. Torrey had the witness admit that he was arrested and is still under bail for throwing stones at the soldiers in Olyphant. The witness denied that he distributed lists of non-union workmen to Olyphant merchants with a demand that they refuse to sell them provisions, under penalty of being boycotted.

Before dismissing the witness, Mr. Torrey secured from him an admission that he often finished his day's work before noon, and that he knew of the fact that mine workers at the Grassy Island are now refusing to work in a certain heading because William Hill, who had it before the strike, has not been re-employed. The witness denied he told the young son of John Smakola that his father would be killed like Winston if he worked in the Hill heading. The excuse District Superintendent Benentt gave the witness for not re-employing him, he admitted, was because the company had too many men.

Robert Jones, who was a hoisting engineer at the Lackawanna colliery of the Temple Iron company, said, in answer to questions by Attorney John Shea, that he was refused re-employment at the close of the strike, although he had applied four times. Major Warren dismissed him after eliciting the fact that he left his position voluntarily, and that the company immediately put another man in his place.

Had Too Many Men.

James Reap, a Delaware and Hudson miner from Olyphant, told that he was refused re-employment and that District Superintendent Bennett would only say to him that the company had too many men. He was a member of the union relief committee. Mr. Torrey had no questions to ask him on cross-examination. Thomas Powell, a Delaware and Hudson miner at Olyphant No. 2, had a similar story to tell. Mr. Torrey contented himself with extracting from the witness the information that the chamber Mr. Powell had been working was cut off by a fall of roof during the strike, and that there was only enough coal left in the place, at all events, to give him a few weeks' work. The witness insisted that it would pay the company to open up the chamber.

S. W. Jane, president of the Grassy Island local, was not re-employed after the strike, being told by District Superintendent Bennett the company had too many men. He went to see General Superintendent Rose, and Mr. Rose referred him back to Mr. Bennett. Mr. Jane and three others of the union men, who were refused re-employment, waited on District Superintendent Bennett and complained to him that his grounds for refusing to take them back were unstable, because new men were being employed. Mr. Bennett asked him to name a single new man who had been taken on. The witness gave him the name of John Watkins. Mr. Bennett took a note of the name and said he would look into the matter.

On cross-examination Mr. Torrey brought out an admission from the witness that Watkins went to work during the strike.

Blind and Crippled.

John Price and David J. Davis, two blind and badly crippled men, who had received their disabilities as the result of premature explosions in West Scranton mines of the Delaware, Lackawanna and Western company, were brought before the commission and examined in turn as to how they came by their injuries, and what the company has done for them. Mr. Price had both eyes blinded, his left arm blown off and his right hand badly crippled. The company gave him $12.50 a month for one year after the accident. Mr. Davis had both eyes blown out, his left ear torn off, his right hand crippled and a big hole cut in his breast by an explosion. The company gave him $25 or $30 in cash and free coal for a year.

The only cross-examination was one question put to the last witness by Mr. Burns. "Did you have any connection with the 1902 strike?" he asked. The witness said no.

Then Mr. Burns criticised the action of the other side in bringing in "harrowing spectacles" to prey on the sympathies of the commission.

Judge Gray would not coincide with Mr. Burns' view. He expressed the opinion that such evidence, while not pleasant to receive, was perfectly proper. He hoped, however, it would not be carried to an extreme.

Mr. Darrow assured the commissioners he would not overdo the thing. Attorney Reynolds asked how it would look if the companies brought in the widow and children of James Winston, the victim of the horrible murder at Grassy Island.

The last witness of the day was Rev. John J. Curran, pastor of Holy Savior Roman Catholic church, of Wilkes-Barre. He worked in the mines for seven years and has spent his whole life among miners. Among the interesting things he told was that there are 20,000 total abstainers in the anthracite region.

Detailed Conditions.

He told in detail of the conditions of the miners, which, to his mind, warranted their grievances, and declared that the stories of the disorder during the strike were grossly exaggerated. In proof of this statement he exhibited an illustration in John Wannamaker's Everybody's Magazine, showing an alleged photograph of a riot scene. It represented a non-union man being overpowered and mobbed by strikers. The non-union victim was identified by Father Curran as one of his parishioners, William McGroarty, who was one of the most ardent union men in Wilkes-Barre. The "scene" was Baltimore lane, two blocks from the witness' residence. No such affair ever occurred, Father Curran asserted. The characters in the scene had been hired by a magazine photographer to pose in a mob-attack attitude for a dollar a head. They thought it was fun.

Judge Gray asked the witness what he thought of the boycott as a weapon in a strike. He answered that it could be carried to dangerous extremes. The judge told of an incident in the last trolley strike here where four girls were discharged from a store because the union had detected them riding on a car and demanded that they be discharged. Father Curran said that this was wrong.

"There is an under current of public feeling now in motion," said Father Curran, "which will settle this sort of thing."

"I agree with you," quickly retorted Judge Gray. "It must or the country will go to pieces."

Proceedings of Saturday, Dec. 6.

[From The Scranton Tribune, Dec. 8.]

Another step towards a settlement of the mine strike controversy by the case-stated plan told of in Saturday's Tribune was taken at the session of the commission Saturday morning.

Type-written forms outlining the information the commissioners want regarding the vital features of the inquiry were distributed among the representatives of the various parties with the request that, if possible, they agree to the facts called for.

In addition to specifying what information is wanted, the commissioners indicate the manner in which they would have it presented. Instead of averages as to wages, for instance, they want a table showing the number of men who earned over $1,000 a year; the number who earned between $900 and $1,000; between $800 and $900, and so on down. They also want the hours of work tabulated in such form as to show how many full days, nine-hour days, eight-hour days, and so on, were worked. Information is also asked for regarding the weighing and measuring of coal and the percentage of dockage.

As rapidly as possible the parties to the controversy are expected to prepare and present this information. The miners' experts are now going over the companies' statistics with a view of agreeing, as far as possible, on their correctness. The information asked for by the commission is all contained in these statistics, though it is not in the form desired. It will take some time to re-arrange the data to meet the requirements of the commissioners' request.

One Session Saturday.

Only one session of the commission was held Saturday. At 1 o'clock p. m.

adjournment was had until 10 o'clock this morning, to give the representatives of the different parties an opportunity to go home over Sunday.

Despite their declaration that they did not care for individual statements of wages, hours and the like, the commissioners continue to hear practically nothing else. That they are doing this is accounted for by the fact that they recognize an effort is on at adjustment and until that effort is either successful or abandoned, neither side cares to do much more than keep the press gallery interested.

At the opening of Saturday's session, Rev. J. J. Curran, who was on the stand at adjourning time Friday, was called for cross-examination by Attorney H. C. Reynolds, representing the independent operators. Mr. Reynolds tried to have it appear that the witness had formed his opinions concerning the mining situation without having given it close study, but the witness insisted that his opinions were based, for the most part, on personal observations and investigations.

Troops Unnecessary.

Attorney Joseph O'Brien, of counsel for the non-union men, then cross-examined Father Curran on the matter of strike disorders. Father Curran, on direct-examination, asserted that the calling out of the troops was unnecessary. Mr. O'Brien read a set of resolutions passed by the ministers of Hazleton during the strike, deploring the lawlessness, boycotts and the like that then existed, and asked the witness if he concurred in the sentiments therein expressed. Father Curran would not admit that there had been any great amount of disorder.

Mr. O'Brien read a list of disorders that occurred the day before the sheriff called for troops in this county, and asked the witness if he thought that warranted the sheriff in making a call for troops. The witness did not think so. "If the troops were here, those things would have occurred just the same," he added.

When the cross-examination of Father Curran was ended, Mr. Darrow proceeded to the consideration of conditions at the collieries of G. B. Markle & Co., of Hazleton. Two witnesses, a breaker boy and a miner, were put on the stand to tell how some mine workers never receive any money by reason of their inability to get out of the company's debt.

The boy, Andrew Chippie, told that he is 12 years of age, and picked slate in the Jeddo colliery of Markle & Co. Four years ago, his father was killed in the mine. The father was then owing the company $54.95. The mother took in boarders and worked hard to support herself and four small children, but could make no headway and had to send the boy into the breaker. He was given a job at forty cents a day or four cents an hour.

Was Going Backward.

Six weeks before the strike began he went to work. His first due bill credited him with 56½ hours at four cents an hour, or $2.26. Charged against him was the $54.95 his father had owed the company; $4.65 for rent and $2.75 for coal. This left the boy indebted to the company $60.09. His next due bill, dated November 15, credited him with eight hours or thirty-two cents, which was the balance owing him when he went on strike. On the debit side was a charge of $87.99 for the balance of the debt owing the company plus the rent for the strike period. There was also a charge of fifty cents for a brass check, which the company furnished to breaker boys. This left the boy owing the company $88.17.

"You weren't getting ahead very fast, were you?" remarked Judge Gray.

The boy also told of the hardships of a slatepicker's life, how he worked in a bent position picking the cold, wet slate and how the breaker boss sometimes pulled his ears to make him work faster. The commissioners were deeply impressed with the boy's recital, and asked him a number of questions concerning his sorry lot.

James Gallagher, a Markle & Co. miner, 60 years of age, was next called to the stand. He was refused re-employment at the close of the strike, and during the strike was evicted from a company house. He supposed he was accorded this treatment because his son was secretary of the local of the miners' union.

Only Fifty Dollars.

He told that he worked at one stretch for seventeen years and nine months without drawing any pay, except once when he got $50. He was compelled to trade at the company store, he said, and was unable to get out of the company's debt. When the debt would get very large, the company would give him a good chamber. When he would be nearly out of debt, he would be put in a bad chamber and his earnings reduced so much, thereby, that he could not get out of debt. His pay averaged less than $1.25 a day, he said.

Mr. Darrow asked the witness if he was ever hurt in the mines.

"A man is never hurt in the mines unless he is half-killed," said the witness.

Well, were you ever half-killed?"

"Yes, indeed."

"How many times were you half-killed?"

"Twice."

"Then you were killed entirely," remarked Judge Gray, after the laughter subsided.

"No; it was this way. The first half was healed before I got the second."

He was evicted from the company house, he stated, two days after receiving notice to quit the premises. His goods were thrown out in the road during a rain storm. He carried them into the cellar of a neighbor's house. His wife was old and feeble, and had to be helped out of the house by two deputy sheriffs.

He also told that one of his sons lost his arm while in the employ of Markle & Co., and that when he went to the company's office to ask for assistance, was told that Markle & Co. was not a charitable institution.

The witness was cross-examined briefly by Attorney George R. Bedford regarding the alleged breach of agreement on the part of the Markle & Co. employes, when they joined in the 1900 strike. That agreement was in effect that the men would not strike under any consideration without first submitting the matter in dispute to a board of arbitration. The men hesitated to join the 1900 strike, but were finally persuaded to do so by President Mitchell.

Referring to the memorable mass meeting at Jeddo, at which President Mitchell and John Markle had a lengthy discussion, Mr. Bedford tried to have the witness admit that President Mitchell directly urged the men to pay no attention to their agreement. The witness said that President Mitchell was addressing Mr. Markle and not the men.

Another Markle & Co. miner, Frank Ray, was called to the stand just before adjournment. He told that he worked in what is called a "dog hole," which is somewhat removed from the main airways, and that after a shot was fired the air was stifling. He never saw the mine inspector in his workings, he said.

During the session, Commissioner Watkins presented the following additional request for information to Mr. Darrow:

After the settlement of the 1900 strike, which, as every one knows, was settled through the influence of outside parties and without the principals getting together, the companies posted a notice which read about as follows:

"This company makes the following announcement to its mine employes: It will adjust its rate of wages so as to pay its mine employes on and after Oct. 1, a net increase of 10 per cent. on the wages heretofore received, and will take up with its mine employes any grievances which they may have."

As I remember, it was agreed through this third party, by both sides, that the strike should be called off and work resumed if such notice were posted by all the anthracite mining companies, which was finally done. Now, as the notice reads, all grievances will be taken up by the companies with their own employes, it would be inferred that there were some grievances on the part of the miners that were not covered by the advance in wages.

Attitude of Companies.

Now, what I should like to know is, whether you intend to show, or whether you think that in taking up these grievances there was anything in the attitude of the company officials generally toward the committees representing these grievances that prevented their having a fair and free discussion in order to arrive at a satisfactory settlement. And also whether a proper effort or any

effort was made by the mine workers to take up the grievances in that manner. As is well known, immediately after resumption of work, a number of strikes occurred in different localities, and continued to occur, until the general strike was ordered, which we are now investigating.

The point in my question is this, to learn whether any efforts were made by the companies to get into close and more harmonious relations with their own employes, and did the employes try to get settlement in this manner, as stated in the notice; or was everything regarding the adjustment of grievances left to officers of the union, whom the operators had said they did not wish to treat with. And if the latter were the case, was it one of the reasons for the constantly growing trouble and irritation which finally led up to the strike of May 12th?

I am of the opinion that we should have some further light and evidence on the manner of adjusting grievances in the past, and while you may have some witnesses for this matter whom you have not brought to us yet, I am asking the question now, as I think the methods and experiences of the past may guide the commission and help in finding some satisfactory way of treating these questions in the future.

Mr. Darrow said he would endeavor to furnish the information wanted.

Proceedings of Monday, Dec. 8.

[From The Scranton Tribune, Dec. 9.]

One of the principal reasons the independent operators advanced for not consenting to a settlement out of court, was that they wanted vindication. They claimed they could show, and would show, to the commission and world at large that the miners' allegations against them were unfounded; that the wages paid were better than received by other classes of labor from which the same amount of skill, experience and muscle were required, and that all in all the mine worker ought to be pretty well content with his lot.

Ever since the hearings were resumed, last Wednesday, the miners' lawyers have been whacking away at the independents, but the latter, strange to relate, have made little or no attempt at striking back or even defending themselves. Coxe Bros. & Co., a quasi-independent concern, was attacked for three days, but did not even have a lawyer present. Part of Friday, all of Saturday and all of yesterday the miners poured hot shot into George B. Markle & Co., but the two lawyers recorded as the representatives of this firm, Samuel Dickson, of Philadelphia, and George R. Bedford, of Wilkes-Barre, remained away and left the miners free rein to put in any kind of testimony they saw fit, and allowed this testimony to go on the record and to the commission and public without being controverted, explained or qualified by cross-examination.

Damaging Charge.

The very last bit of testimony put in yesterday afternoon was a most damaging charge against the defendant company and the companies' side in general, but it was allowed to go unchallenged. As is generally known, the operators have claimed all along that they are willing and anxious to adjust all grievances between themselves and their own employes, and that they stood ready to guarantee them fair and just treatment. The miners' contention is that the companies do not live up to this agreement and that it is usually the case that the men who represent the employes on the grievance committees are always discriminated against and ofttimes discharged. The last witness, yesterday, Charles Helferty, of Jeddo, president of the Jeddo local of the United Mine Workers, concluded a recital of the unsatisfactory working of the local adjustment plan at the Markle & Co. mines, and then was asked by Atorney McCarthy:

"How many men were on the grievance committee from the Markle & Co. mines?"

"Thirteen," he answered.

"How many of these men are now working for Markle & Co.?"

"Not one."

The miners' attorneys say they will continue to "vindicate" the independent operators for a few days more. The attorneys for the big companies sit idly by and evince no particular interest in the proceedings. In fact, Mr. Wolverton, of the Reading, and Mr. Gowan, of the Lehigh Valley, are the only out-of-town counsel for the companies in attendance. J. H. Torrey, of this city, local representative of the Delaware and Hudson company, did a little cross-examining during the day, but being unacquainted with the details had to confine himself to generalities, and very few of those.

General Wilson Protested.

Some testimony regarding the increased price of foodstuffs was being interlarded, yesterday afternoon, to accommodate a witness who wanted to get away, and Mr. Burns, of counsel for the local independent operators, in cross-examining happened to refer to the president as "Teddy" Roosevelt.

General Wilson jumped to his feet, and in tones of mixed anger and surprise called out:

"Mr. Chairman, I most vigorously protest against the president of the United States being referred to in this manner in the presence of this commission."

"The objection is well taken, General Wilson," said Chairman Gray in very icy tones.

Mr. Burns mumbled something about the president referring to himself as "Teddy," and the incident closed.

At the opening of yesterday's session, Chairman Gray, on behalf of the commission announced that it desired the companies to present whatever testimony in the way of statistics they may have at hand, that the commission may examine it and determine whether or not it is satisfactory, and if not, how it is to be supplemented or annexed. It is time, he said, the commission had gotten down to an examination of this sort of testimony and he hoped the companies would have it filed without much further delay.

Major Warren stated that the Pennsylvania and Hillside companies, which he represents have completed some of their statistics and he would hand them in at once. He did this at the afternoon session. The "some of the statistics" prepared by these two companies made a cylindrical package two feet long and a foot and a half in circumference.

Would Require Two Months.

Mr. Reynolds, for the local independent operators stated that his clients had some 15,000 accounts to figure on and to tabulate the statistics in the manner suggested by the commission on Saturday would require another two months. The companies, he said, had taken averages and were willing to submit their pay rolls to the experts of the miners to have the averages verified. Not only were there general averages, he explained but the averages of every man's wages. The commission on Saturday, asked to have the wages classified instead of averaged, that is, tables showing how many men earned less than $10, how many earned less than $9.00 and so on down the scale. To change the tabulations now, to conform to the commissioners' wishes, Mr. Reynolds averred would be a stupendous task.

Judge Gray said the companies might put in what statistics they have prepared, the commission would then suggest what more, if any, information along these lines was desired.

The intention of the miners to continue the examination of the Markle & Co., men and the absence of the Markle & Co., attorneys, was called to the attention of the commission by Mr. Torrey. Mr. Dickson was ill in Philadelphia, he explained and Mr. Bedford was kept away by pressing business. In view of this, Mr. Torrey said, it would hardly be proper to examine the Markle & Co. witnesses.

Mr. Darrow protested that the miners should not be put to the expense of keeping a lot of witness here because of the absence of lawyers, and insisted on proceeding with the programmed

examinations. Judge Gray wanted to know if Mr. Torrey could not conduct the cross-examinations for Markle & Co. Mr. Torrey said he was not acquainted with the conditions in that region, and would not want to attempt it, even with authority. Judge Gray advised that he communicate with Mr. Bedford. Mr. Torrey called Mr. Bedford by 'phone and learned that it was impossible for him to come up. Judge Gray stated that the hearings were interrupted enough without having them prolonged by the absence of lawyers, and directed that the examination be proceeded with.

Cost of Living.

Seven witnesses were put on to tel. more about the conditions at Markle & Co.'s collieries and two Scranton men, J. W. Rittenhouse, of the Retail Grocers' association and John B. Hughes, of Armour & Co., to give figures regarding the increased cost of living now as compared with 1900.

The first witness was James Gallagher, the witty, old Irish miner who was on the stand Saturday and who, it will be remembered, was "half-killed twice." He again kept the assemblage laughing almost continuously by his ready and witty answers. He was especially funny because it was all unconscious on his part. He was very serious as far as his own view of the matter was concerned.

To Mr. Darrow's question as to the burial fund provided by Markle & Co., the witness explained that it was customary in the old days, for the mine to stop work for the day when a man was killed. Once a poor fellow who was crushed to death had no money with which his funeral expenses might be paid and the men made up a collection to defray the expense. They then decided to establish a burial fund and asked George Markle to contribute something to it. Mr. Markle agreed to donate $50 to the expense of burying each man who was killed, providing not more than eight men quit work on the day of the killing. This was satisfactory and continued in operation for several years, when one day a man was terribly crushed beneath a fall and the other men all went out for the day.

The company then reduced its contribution to the burial fund to $25, and it remained at this figure until four and a half years ago, when it was put back at $50.

Size of Mine Car.

The witness also told of bogus miners' certificates having been issued and how an Hungarian who claimed to have bought a certificate for $1 was killed one day by firing a charge where the roof was bad, after being warned that he was risking his life.

The witness also told of how the size of the mine car has grown continually and that he never saw a mine inspector about a breast or working unless it was after an accident of a serious nature had taken place.

Mr. Reynolds took the witness for cross-examination.

"You stated a specific instance," began Mr. Reynolds, "of accident resulting in death being attributable to personal ignorance on the part of the miner. Now, I want to ask—"

"I stated what?" interrupted Mr. Gallagher.

"I say you told of a miner losing his life because of ignorance—"

"I stated nothing of the kind. What I said was that he didn't know."

At which the ripple of laughter, that almost continuously accompanied Mr. Gallagher's story, swelled into a mighty wave.

Regarding the issuance of miners' certificates to incompetent miners, as testified to by the witness on direct examination, Mr. Reynolds adduced the fact that the men who issued them were miners.

The witness admitted that when the size of the car was increased, "just after Hayes' election," the price was increased, but he maintained that the size has been gradually but surely growing without any corresponding increase in wages. He knew this, because when the new car was first introduced he could barely put a ten-foot plank in it, while now it will easily contain an eleven-foot plank.

"Now, in the Fifth district, where you work—" Mr. Reynolds started to say.

"Fifth? You mean Seventh," interrupted the witness.

"No, the Fifth," insisted the lawyer.

"I work in the Seventh district," declared the witness with equal insistence.

Attorney McCarthy explained: "The witness is referring to the United Mine Workers' Seventh district."

"Oh, I see," said Mr. Reynolds. "I mean the Fifth Inspection district."

"Aw! I don't know anything about that, sure," declared Mr. Gallagher.

Cause of Accidents.

Mr. Reynolds read from a report of the chief of the bureau of mines in which Chief Roderick says that 63 per cent. of the accidents in anthracite mines are attributable to imprudence, neglect or carelessness on the part of the victim. He asked the witness if he concurred in this opinion. Mr. Gallagher replied that he would not agree with this opinion. He would admit that a good per centage of accidents were not altogether unavoidable, but they were due to lack of knowledge on the part of the victim, rather than to carelessness or anything of that kind.

Mr. Reynolds asked if it was not dangerous to carry a "brattice" in a "dog hole," and if it was not a common thing for miners to do this. The witness averred that it could be done safely.

Frank Rea, of Jeddo, who was on the stand Saturday at adjournment, was also re-called and examined by Mr. McCarthy. He explained how it was possible to safely "carry a brattice in a dog hole," to contradict Mr. Reynolds' contention that this was dangerous, and then proceeded to deny that 60 per cent. of the accidents in mines are due to negligence, carelessness or ignorance on the part of the miner, as claimed by the chief of the bureau of mines. As an indication that the mine car has expansive tendencies, he told that once when a new style of car was introduced it was necessary to widen the roads by cutting away timbers to let it through.

The witness next told that he was one of the thirteen men at the Jeddo mine whom Markle & Co. refused to reinstate. He is president of the Jeddo local and was a member of the joint arbitration committee. He denied having been indicted for any crime or of having used any physical force to prevent anyone from going to work.

He Was Evicted.

Paul Dunleavy, another Jeddo employe of Markle & Co., told of being evicted from a company house on November 6. He knew of no reason for his eviction other than that he was treasurer of the local. The company refused him re-employment. Mr. Markle told him he could never work for that company again. The witness told that he, his wife, seven children and his wife's parents, eleven in all, lived in four rooms. When the sheriff was about to evict him, the witness told him of the old folks being invalids and one of them, his father-in-law, very ill in bed, and asked him to give him until the next day to find a house. Sheriff Jacobs said he would see about it. The sheriff went away, but returned shortly and said: "Paul, you'll have to get out in five minutes." The sheriff and his deputies carried out the furniture and put it in the street. The witness got shelter for his wife's parents in the home of the next-door neighbor. The rest of the family went to other friends' houses.

A number of the set questions being propounded by the miners' side were then put to the witness. His average earnings were $450 a year; the air is very poor in his working place; he never saw a mine inspector in his life; a man considered himself lucky if he could pass a day in the mine without receiving a cut on the hands or face.

On one of the pay checks he furnished for testimony, Judge Gray saw a charge of seventy-five cents for doctor's fee. The judge expressed surprise at learning that every married man pays seventy-five cents and every single man over 21 years of age fifty cents a month to pay for the company doctor. The judge figured that $1,000 a month would be collected from the company's 3,000 employes. Attorney McCarthy explained that it is necessary to have from five to seven doctors. Judge Gray remarked that the company doctor system might be a good thing if properly managed.

Medicine and Nurses.

On cross-examination by Mr. Torrey, the witness admitted that the company furnishes for this doctor's fee, in addition to medical attendance, medicine and professional nurses. Mr. Torrey also brought out that since the company store went on a cash basis the witness went to trade in another place where he could get credit.

Mr. Reynolds asked the witness if he would be surprised to know that 35 per cent. of the material that comes from the mine goes to the dump, and that ten per cent of this loss is chargeable to negligent loading on the part of the miner. The witness did not think it was that high.

Henry Shovelin, another of the thirteen Jeddo men refused reemployment by Markle & Co., told of being evicted and refused re-employment. He supposed this resulted from his having taken a prominent part in union affairs as a member of the grievance committee of his local.

The witness was then examined at some length regarding the adustment of local grievances between the company and employes, since the close of the 1900 strike. This was in line with the suggestion of the commission, as contained in Commissioner Watkins' communication to Mr. Darrow, Saturday. The witness said the grievance committee of the miners often went to the company officials with complaints but only once did they get any satisfaction. That was in the case of a miner who was discharged for refusing to take a bad place. After three month's effort the committee succeeded in having him reinstated and given a better place.

To Invite Inspectors.

Just before the noon adjournment Judge Gray brought up the matter of inviting mine inspectors to come before the commission and give their side of the story about their alleged failure to visit workings and invariable custom of being accompanied by a mine boss when making inspection tours. Mr. Torrey suggested that it would be well to wait till the miners concluded their testimony that it might be known what inspectors to summon. He also advised that the commission extend the invitation direct to the inspectors instead of through the counsel of one side or the other, as it might be embarrassing to an inspector to go on the stand as the witness of either the companies or the miners. Judge Gray rejoined that if the attorneys would agree on what inspectors would give testimony pertinent to the company, the commission would invite them. "We will have them called as our witnesses," said the Judge.

The hearing was resumed in the afternoon with Mr. Shovelin still under direct examination by Mr. McCarthy.

The witness told that the Jeddo car contains 158 8-9 cubic feet. A ton of coal measures 40 cubic feet, plus the required topping. Roughly speaking there are more than three tons of coal in a car. The company allows the miner 2 3-4 tons per car. It was contended by the witness that there should not be any docking, as allowance is made in the size of the car for impurities. Under the present system, the witness averred, the miner is docked twice.

A discussion of the powder question was engendered by the statement of the witness that Markle & Co., did not follow the general plan of applying the ten per cent. increase in 1900, but instead gave the men 2 1-2 per cent increase in wages and made the reduction in the price of powder from $2.70 to $1.50 a keg represent 7 1-2 per cent. increase. If a miner does not use the average amount of powder he does not get the full benefit of the ten per cent. increase.

Was News to Him.

Judge Gray said it was news to him to learn the reduction of powder entered into the increase in wages. He was under the impression that the men got a ten per cent. increase in wages in addition to a decrease in cost of powder.

The witness admitted in response to questions by Mr. Torrey that the grievance committee never made but one visit to the company. On direct examination the witness declared that it was customary for the company to collect out of the first month's wages after a suspension, all that was owing for back rent. Mr. Torrey asked him if it was not true that the company, under such circumstances, collected back rent by charging an extra half month's rent each month after the suspension until the back rent was paid. The witness could not give a single instance in which this had not been done.

At this juncture the commissioners undertook to get an understanding of the much discussed and very complicated "powder question."

The effort was projected by Commissioner Clark's action in recalling Paul Dunleavy to explain some seemingly unexplicable items in the due bills or checks he had offered when he was on the stand earlier in the day.

It was all clear enough to the witness, but he could not appreciate the commissioner's difficulty, and consequently they could not make any considerable headway. Attorney McCarthy sought to explain but his effort at elucidating the intricate problem proved fruitless.

"Is there any one who can explain it to us?" finally Judge Gray called out in desperation. This, that and the other lawyer took a turn at attempting to make the thing clear to the commissioners, but still the commission was in the dark.

Old man Gallagher sitting in a far corner of the room stood up.

"Maybe Mr. Gallagher can explain it," said Mr. Darrow. At this there was loud and some derisive laughter.

"Maybe I can explain it" said the old gray-haired miner, not at all nonplussed by the greeting he received.

He Explained It.

"It's this way," said he and he went on to explain briefly and concisely by an illustration.

"Good," said Judge Gray. "That's what we want to know." The other commissioners nodded assent to the chairman's enthusiastic declaration.

The room fairly rang with applause, which Judge Gray was slow to check.

President Crawford, of the People's Coal Company had been figuring on one of the due bills with a view of making exactly the same illustration that the old miner had just given. When the applause and laughter subsided Mr. Crawford arose and after stating that Mr. Gallagher had given the proper explanation, proceeded to present his illustration to further elucidate the difficulty.

The difficulty grew, primarily, out of the action of Markle & Co., in literally following the provisions of the notice passed at the end of the 1900 strike, in which it was specified that the ten per cent. increase to contract miners would be made up out of a 2 1-2 per cent. increase in the price per car and 7 1-2 per cent in a decrease in the cost of powder. It was figured by the companies and agreed to by the miners, or at least silently acquiesced in, that a reduction in the price of powder of from $2.70 to $1.50 per keg would represent a decrease in the miners' working expenses of 7 1-2 per cent. All except one or two companies let it go at that. The Markles, however, calculated that this meant a litttle more than a 10 per cent raise and figured each man's account at the end of two weeks, so as to show exactly what reduction in working expenses the reduction in powder amounted to. If it amounted to more than 7 1-2 per cent. the excess was charged back on the due bill.

His Explanation.

Here was old man Gallagher's explanation: If a miner's gross earnings were $50 he was entitled to a 10 per cent raise, or $5. He used four kegs of powder. The reduction in powder was $1.20 a keg. The four kegs represented a reduction in his working expenses of $4.80. The company would add 2 1-2 per cent of a flat increase to the $50, which would be $1.25. The $4.80 decrease in working expenses plus the $1.25 increase in wages, plus the $50 gross earnings would give him $56.25. A 10 per cent increase would entitle him to only $55. Therefore the company would charge back on his due bill the sum of $1.25.

Mr. Crawford figured on $60 as earnings and five kegs of powder, with the price reduced from $2.75 (which was the old charge in some places), to $1.50 and showed that in this case the miner would be getting $6.25 instead of $6 (or 10 per cent of $60), and would have 25 cents charged back to him.

Mr. McCarthy stated that the miners have an expert who will go on the stand later and show the details of the working of this plan.

J. W. Rittenhouse, former state secretary of the Retail Grocers' association, and at present state organizer, was next called to the stand and examined by Attorney John J. Murphy with a view of showing that the increased price in food stuff since 1900 more than eats up the 10 per cent increase in wages.

Price of Groceries.

Mr. Rittenhouse presented the following list of groceries as sold by retail merchants in this region in the years 1900, 1901, 1902:

December, 1900.

Butter	25c
Eggs	20c
Flour	$4.25-$5.00
Sugar, 20-22 pounds for	$1.00
Cheese	15c
Potatoes	65c
Salt Bacon	11c
Smoked bacon	12½c
California ham	7½c
Ham	10½c-11c
Lard	10c
Onions, per peck	20c
Tomatoes, standard, 3 cans	25c
Canned corn, 3 cans	25c
Marrow beans, 3 quarts	25c
Feed, per cwt	1.00
Meal, per cwt	$1.00
Corn, per cwt	$1.00

December, 1901.

Butter	25c
Eggs	20c
Flour	$4.25-$5.00
Sugar, 20-22 pounds for	$1.00
Cheese	15c
Potatoes	90c
Salt bacon	12c
Smoked bacon	15c
California ham	9c
Ham	12½c-15c
Lard	12c
Onions, per peck	35c
Tomatoes, standard, per can	10-12½c
Canned corn, 3 cans	25c
Marrow beans, 3 quarts	25c
Feed, per cwt	$1.50
Meal, per cwt	$1.50
Corn, per cwt	$1.50

December, 1902.

Butter	28c-34c
Eggs	24c-30c
Flour	$4.25-$5.00
Sugar, 20-22 pounds for	$1.00
Cheese	16c-17c.
Potatoes	75c-80c
Salt bacon	.16c-19c
Smoked bacon	18c-20c
California ham	12½c-15c
Ham	16c-18c
Lard	14c-16c
Onions, per peck	35c
Tomatoes, standard, per can	12½c-15c
Marow beans, per quart	10c
Feed, per cwt	$1.50
Meal, per cwt	$1.50
Corn, per cwt	$1.50

The increase or decrease per cent. in the cost of the different articles was shown by Mr. Rittenhouse to be as follows, taking the years 1900 and 1902 for comparison:

Butter	12 to 36 per cent. inc.
Eggs	20 to 40 per cent. inc.
Flour	1 per cent. dec.
Sugar	1 per cent. dec.
Cheese	8 per cent. inc.
Salt bacon	48 to 75 per cent. inc.
Smoked bacon	44 to 60 per cent. inc.
Potatoes	15 to 23 per cent. inc.
Shoulders	65 per cent. inc.
Hams	58 to 78 per cent. inc.
Lard	40 to 60 per cent. inc.
Onions	17 per cent. inc.
Marrow beans	17 per cent. inc.
Meal and corn	50 per cent. inc.

Attorney Murphy had had the witness make a calculation to show how much more an average monthly order of groceries and provisions would cost a typical miners' family of five persons, which kept chickens and either a pig or a cow. The witness read a list of goods that twenty-two years' experience had taught him would about meet the requirements of such a household, and showed by applying the cost prices for the three years that in 1900 the order would cost $17.61; in 1901, $20.29, and in 1902, $22.94. The increase of 1902 over 1900 was 30 per cent.

Absolute necessities mostly used by miners, particularly smoked and salt meats, the witness said, had steadily increased in cost since 1900 and more perceptibly during the past year. In 1900, previous to the strike, the witness said miners had smaller balances on their store books than in 1902, just previous to the last strike. In other words, they owed less to their storekeeper before the 10 per cent. raise, when goods were cheap, than they did after the 10 per cent. raise, when prices went up. Taking all kinds of household necessities, groceries, provisions, domestic articles, like soap, brushes, blacking and so on, Mr. Rittenhouse said the increase in cost in 1902, as compared with 1900, would average 30 per cent.

The witness got his figures from various members of the retailers' association scattered throughout this region. He consulted no less than twenty-five merchants in making up the tables. He avoided company stores and cash stores in securing prices, as the one, he said, is a little high and the other a little low at different times on different articles.

Mr. Burns, on cross-examination, sought to show that the failure of last year's corn crop caused high prices in foodstuffs, including meats, and that this year's big yield will materially reduce prices as soon as it is marketed. The witness declined to concur in this proposition, saying he had not come to make prophecies, but give facts.

"If miners' wages are to be regulated by the fluctuations of prices of goods," remarked Mr. Burns, "the commission should meet every fall."

John B. Hughes, Scranton manager for Armour & Co., gave testimony regarding the increased cost of meats. He was questioned by Mr. Murphy.

Five times a year, in January, April, July, October and December, prices were taken on each of the principal articles sold by the company.

The per cent. increase on meats for the one year over the preceding year was given, as follows:

	1901.	1902.
Pork	14 1-10	25
Beef	1 6-10	8 4-10
Smoked Hams	9 1-10	17 8-10
Smoked bacon	10 1-10	21 2-10
Lard	29 1-10	46 5-10
Sausage	51	20 7-10

There was a decrease in the price of canned meats of 4 5-10 per cent. in 1901, as compared with 1900, and 6 5-10 in 1902, as compared with 1901. There was an average increase in meats of 11 5-10 per cent. in 1901, as compared with 1900, and of 23 2-10 per cent. in 1902, as compared with 1901.

Mr. Burns unsuccessfully tried to get the witness to admit that shortage of the corn crop was responsible for the rise in meats.

Mr. Burns was equally unsuccessful in an effort to get the witness to admit that the high price of meats was unnatural and the result of a beef trust.

"Haven't you read what Teddy Roosevelt has had to say about trusts?" asked Mr. Burns. This provoked the indignation of General Wilson, as described above.

Mrs. Anna Chippie and Mrs. Mary Roma, who were widowed the same day last August by a fall of roof, told of Markle & Co. offering them six months' coal and rent free if they would sign papers agreeing not to sue for damages, and of the company keeping rent and coal, including back debts of their husbands, out of their little boy's earnings when they refused.

Charles Helferty, president of the Jeddo local, was the last witness of the day. It was he who told that of the thirteen men who were on the standing committee on grievances at Markle & Co.'s mines, not one was re-employed and every one of them was evicted from the company's houses.

Proceedings of Tuesday, Dec. 9.

[From The Scranton Tribune, Dec 10.]

What can be accomplished by cross-examination in the way of qualifying testimony the miners are putting before the strike commission was evidenced yesterday, when the attack on G. B. Markle & Co. was concluded and attention turned to companies whose lawyers are present at the hearings.

During the past three days of the session the miners have had free rein in the assault on Markle & Co., because the company's attorneys absented themselves, and as the miners are particularly anxious, just now, to put the independents, and especially the leaders of the independents, in as bad a light as possible, because of their demand for a continuance of the hearings that they might be vindicated, it can be taken as a matter of course that they were merciless in their onslaught. Stories reflecting even on the company officials' humanity stand on the record without challenge or qualification.

When, however, it came to attacking the big companies, their lawyers and officials standing ready to repulse the attack, there was a different story to tell. By admissions adduced on cross-examination, practically every bit of testimony put forward was discounted to such an extent that it was worse than worthless.

Miners went on the stand to allege they were being blacklisted by the D. & H., Pennsylvania or Lehigh Valley companies. Before the cross-examiners finished with them, it would be shown that their allegations had no foundation in fact.

One Instance.

For instance, P. H. McDonald, a one-armed youth, who was occupying a sort of "pension" job with the Temple company, before the strike claimed he was refused re-employment on the conclusion of the strike. Attorney Everett Warren on cross-examination, got him to reluctantly admit that the company told him there was another man in his place whom they could not, in honor, discharge, but that if he would take another job, paying reduced wages, the company would do better by him at the very first opportunity. There were ten different instances of practically the same thing.

The companies' counsel are still waiting anxiously for the district presidents of the mine workers to be put on the stand. It was stated right along by the miners' representatives until the hearings were resumed after the recess that District President T. D. Nicholls, of the Scranton district, would be the next witness after President Mitchell and Dr. Roberts. Mr. Nicholls is still wanting in the witness stand, and as yet no district officer of the union has been called. National Board Member P. J. Gallagher was called yesterday to tell of general conditions at the Markle & Co. mines and as soon as he was turned over for cross-examination, Attorney J. H. Torrey, of counsel for the Delaware & Hudson company, started in to question him about the knowledge the district headquarters had of strike violence. The witness skillfully evaded a discussion of this subject by explaining he was a national and not a district officer.

It is understood the companies are particularly desirous of having District President Nicholls on the stand that they may question him regarding the connection of the district headquarters attaches with some certain cases of violation of law during the strike.

Harrowing Story.

Not only sad, but really harrowing was the story told at the morning session by Henry Coll, one of the "thirteen" Markle company men, of Jeddo, who were evicted from their homes during the strike and refused re-employment at its close. His only offense he knew of "as God is my judge," was that he served on the union's relief committee. If he committed any other offense it is yet to be shown, as Markle & Co. had no representative at the hearing to disclose it.

Coll's case was made immediately pathetic because of the fact that it was only yesterday he buried his wife. She died, as he averred and no one disputed, from exposure resulting from the eviction. His mother-in-law, a blind woman more than 100 years of age, who was evicted with him, and who has been gradually dying ever since, received the last sacraments of her church Monday night. He himself is nearly 60 years of age and badly crippled.

"There isn't a whole bone in my body except my neck," he told the commission, in response to a question from Mr. Darrow as to whether or not he had ever been hurt in the mines. One of his eyes is gone, his left leg is stiffened, his right arm crooked, and a number of his ribs bent and twisted from fractures. Once his skull was fractured and another time he received a gash on the head which required fourteen stitches to close.

Ten years ago he was caught under a fall of rock and so badly crushed that he was in a hospital two years. When he came out, his fellow workmen subscribed a purse of $167 to help support him until he could discard his crutches and go to work. The money was collected at the company's office, the workmen having authorized the paymaster to keep the amount of their subscriptions out of their pay. Superintendent Smith added $50 to the fund. Coll went to get the money, but the company would give him only $25. The rest of it was retained to be applied on his bill for rent of a company house and coal used by his family while he was in the hospital.

Coll's Family.

His family consisted of himself and wife, his wife's centenarian mother, four small children of his own, and a little girl whom he adopted when she was eight weeks old, the little one's father having died the day her mother was buried. James Gallagher, the witty old Irishman, who was on the stand the day before, took the other infant orphan into his family. The witness has one grown up son, who became insane during the strike, and is now in the Luzerne county asylum, at Retreat.

Towards the close of the strike, the witness received notice to quit the company's house. He owed for rent accumulated during the strike, but no demand was made on him for it. Early on the morning of the sixth day, before the family was out of bed, Sheriff Jacobs and his deputies came to the house and ordered them out. Coll did not expect an eviction, thinking, as he put it, that the notice was "only a bluff." He pleaded with the sheriff not to turn him out, as his wife was ill of bronchitis and his mother-in-law unable to move. The sheriff said he was sorry, but he had to do his duty.

Coll pleaded with him to give him until the next day, that he might have time to get another house and move his sick wife and mother-in-law. It was impossible to get another house in Jeddo, as the company owned them all, and he did not want to put the neighbors under the ban of the company's displeasure by permitting them to take him in. At all events, there was a cold, drizzling rain falling, and if the two invalid women were forced out in it the consequences might be serious.

The sheriff said he would see Mr. Markle and endeavor to have him agree to allow him to remain until noon. In a very short time the sheriff returned and said: "You will have to get out in five minutes or we will be forced to put you out."

The Eviction.

Coll, half-distracted, told the sheriff to go ahead and put him out. Two deputies carried the old woman out of her bed and across the road into another house. Mrs. Coll dressed herself and went into the street, where she spent a couple of hours packing her household goods in boxes and barrels to save them from the rain. Coll hurried off to Hazleton and late in the day succeeded in getting another house. At 11 o'clock that night they finished moving and went to bed. There was no fire in the house, everything was

wet from the rain, and in the morning all of them had colds. Mrs. Coll was choked up so that she could not talk. She wanted to go to the hospital, but Coll believed that as long as he was no longer employed as a miner he could not get his wife into the miners' hospital, and instead had her consult a physician.

He was to pay the doctor a dollar a month, but when the doctor learned of their story he refused to take any money. Friday last she went to bed very ill. In the middle of the night she woke her husband and asked for her medicine, gasping that she was choking.

"She died in five minutes," said Coll, bursting into tears.

The commissioners up to this point because of Mr. Darrow's skillful manner in directing the witness' recital of his story, did not know that the wife had died.

"Died?" queried Judge Gray, stopping suddenly in his pacing up and down the bench. "Did you say she died?"

"Yes, sir; died in my arms, with not a soul in the house but ourselves."

"And you buried her yesterday?" interposed Mr. Darrow.

"Yesterday," sobbed the broken-hearted old fellow.

Commissioners Affected.

Judge Gray sat down and looked compassionately at the weeping man on the stand. He had no doubt witnessed many sad scenes in court, but likely nothing ever moved him as did this. Bishop Spaulding wheeled half way round in his chair and looked at the rear wall. Every other commissioner dropped his eyes, and old General Wilson, who has seen death in its most terrifying forms on a score of fields, bent forward over some writing until his face was not readily visible.

When the witness had composed himself, Mr. Darrow asked concerning the mother-in-law. Mr. Coll said that the shock of the daughter's tragic death had greatly injured her, and the priest gave her the last sacraments Monday night.

"That's all, Mr. Coll," said Mr. Darrow.

"That's enough," remarked Judge Gray.

Scarcely less distressing was a story told by Mrs. Kate Burns, an aged widow, of Jeddo. Her husband was killed in the Markle & Co. mines fourteen years ago, leaving her with four children, the oldest a boy of 8 years. They had been living in a four-room company house for nine years, but on the death of the husband and father moved to a two-room company house for which the rental was $3.65 per month.

By taking in washing and going out doing house work and cleaning the company's offices she managed to keep her boy at school until he was 14. He then went to work in the breaker. His first check, or due bill, showed him $396 in debt to the company for six years rent and coal. The second oldest boy was put to work and the two of them together with the mother, after eight years of hardship, succeeded last August in getting out of the company's debt. Her store bill all these years was kept paid with cash earned by the mother.

Were Merely Spectators.

General Counsel David Willcox, of the Delaware and Hudson company, and General Counsel J. W. Brownell, of the Erie company, were present yesterday, but took no hand in the proceedings. Mr. Wolverton, who is the only out-of-town company lawyer attending all the sessions, had nothing whatever to say. Mr. Gowan, of the Lehigh Valley company, the only other out-of-town company counsel present, contented himself with cross-examining one witness from a Lehigh Valley colliery at Hazleton.

At the opening of the morning session Attorney H. C. Reynolds made announcement of the death of Dr. Rice, one of the independent operators, and Judge Gray spoke the regrets of the commission at the sad news.

The day up to 3.30 was consumed with an examination of more witnesses regarding conditions at the Markle & Co. collieries. In the last hour ten witnesses were put on the stand to testify regarding alleged discrimination against union men by the Delaware and Hudson and Pennsylvania companies.

The first witness was Neil McMonigle. His testimony was to the effect that when working by the day for Markle & Co. he would be given a place where he could load sixteen or eighteen cars a day, but when working by contract he could only get out three or four cars a day. He also told of having been seriously hurt a number of times and that he never saw a mine inspector in the mine.

His Day's Pay.

B. D. Gallagher, a Markle & Co. miner from Jeddo, told that since the close of the strike he has been able to earn only 60 or 70 cents a day. Before the strike he and the other men in his vein, which is very thin and "dirty," worked as company miners, receiving $2.27 a day besides free powder, oil and cotton. Since the strike the company has done away with the "day's pay" or company miner, and compelled the men to take the places under contract or nothing at all. He can cut only four cars of coal with a keg of powder and eight cars a week is his best product.

Judge Gray at this juncture asked how much a keg of powder was worth in the open market.

Mr. Crawford replied that it was $1.25. Attorney John J. Shea, from the miners' table said "The gentlemen about me here say it can be bought for 90 cents."

Judge Gray remarked that he could see how it was a good thing to have the powder purchased and distributed by the company, providing the company sold it at a fair price.

Andrew Hannick, a Jeddo laborer, told of having been evicted and refused re-employment by Markle & Co. He supposed it was because he advised his fellow Hungarians not to sign a paper authorizing the company to stop store bills out of their wages. He also testified that he had worked four years at Jeddo and never saw the mine inspector.

Mike Kobsh, a Hazleton laborer testified he never saw a mine inspector in the mine. In answer to a question by Mr. Reynolds, he admitted he would not know the inspector if he saw him.

Were Full Handed.

John Canaira, a Lehigh Valley man, was inadvertently called to the stand, but while he was on Mr. McCarthy decided to have him tell his story. It was simply to the effect that he was refused re-employment at colliery No. 40, applied four times, and was told each time by the boss that "they were full handed." Attorney Francis I. Gowan elicited the fact that this colliery started with non-union men during the strike and let it go at that.

Peter J. Gallagher, of Hazleton, a former employe of Markle & Co., but now permanently engaged in the duties of national board member of the United Mine Workers for district No. 7, testified at length about general conditions and also explained in detail the workings of Markle & Co.'s plan of adding the ten per cent increase of 1900 to which considable time was devoted the day before. To get the full benefit of the ten per cent., Mr. Gallagher claimed, it was necessary to cut twelve cars of coal with each keg of powder. Ordinarily from 7 to 10 cars only can be cut with one keg of powder. For the past two years his wages averaged $32 a month. The air was so bad in some places he worked he used a candle instead of a lamp because its flame consumed less oxygen.

Mr. Gallagher also told of an agreement made in 1875 that 8 cubic feet should be added to the 40 cubic feet of loose coal required for a ton, to make good to the companies the impurities that would get into the 40 cubic feet. This, the witness had been told by his father, was a provision made to do away with docking. It is impossible, he said, to load 24 cubic feet of impurities into a three ton car, unless it was done maliciously, by saving up slate, bony and other impurities out of two or three car loads of material and putting it all in one car. When there is docking done the witness said the miner is penalized doubly. His experience was that docking ran from 6 to 11 per cent.

Paid $3.50 a Day.

Mr. Torrey asked the witness a few questions about his duties as national

organizer and elicited the fact that he is paid $3.50 a day.

Mike Baker, an eighteen-year-old breaker boy from Jeddo, told that he received 85 cents a day before the strike, and 75 cents a day after the strike for doing the same work. He had no intimation that he was working for reduced wages until he received his two weeks' pay. The boy also stated that he was clubbed by the breaker boss, frequently.

The case against Markle & Co., was then brought to a close. Mr. Darrow read from a supreme court opinion in the case of Markle against Wilbur that in four years Markle & Co., cleared $2,000,000. He also put in evidence the statement of John Markle to the president at the time the submission proposition was under consideration, in which Mr. Markle demands troops to protect families in their homes.

After the case of P. H. McDonald, told of above, had been disposed of, P. H. McCann, a D. &H. carpenter, took the stand and testified he was refused re-employment. Mr. Torrey developed the fact on cross-examination that he refused to assist in the boiler room during the strike and quit the company. The foreman, he said, told him he didn't know when he could give him his job back and McCann took away his tools.

William Hill who had a heading at the Grassy Island colliery of the D. & H. company in Olyphant, claimed he was refused reemployment because he was treasurer of the union. He admitted there were too many men at the Grassy Island even before the strike, and that at the end of the strike the foreman simply told him he had too many men.

Prefers Young Men.

George Taylor, an Erie fire-boss, aged sixty, quit work during the strike rather than be sworn in as a coal and iron policeman to protect the company's property. He believed he was being blacklisted because he had applied at a number of places and couldn't get work. Major Warren brought it out that the witness was 60 years of age and that the companies prefer young men for this position.

William Earley, a D. & H. fireboss from Parsons, quit work rather than remain in the fire room and was refused re-employment. Mr. Torrey adduced on cross-examination that the witness was a justice of the peace and had been perniciously active in dealing with cases against non-unionists.

James Allen, an engineer at the Grassy Island, found a man in his place when he went to look for re-employment after the strike. He tried at two other places and could not secure work.

Thomas Wilson, a fireman who struck at the Old Forge colliery of the Pennsylvania Coal Company was refused re-employment. Major Warren asked questions indicating that the company believed him implicated in the dynamiting of a non-unionist's house.

John Balderson, a laborer at Olyphant No. 2 colliery of the D. & H. company, was told at the close of the strike that the company had too many men.

Daniel McMillan, a Pennsylvania Coal Company striker, couldn't give any reason for not being taken back. Major Warren got him to admit that at a meeting of the St. Aloyisus Temperance society, he voted to expel a brother member, Andrew Healey, who became a coal and iron policeman in the employ of the Pennsylvania Coal Company.

Samuel Mullen, an expert "heading" man at the Grassy Island, was discharged the day after the strike because he refused to take a "heading" assigned to him by the foreman. Mr. Torrey got the witness to admit that the heading in question is boycotted, but maintained he did not refuse on that account, but because of his health.

Proceedings of Wednesday, Dec. 10.

[From The Scranton Tribune, Dec. 11.]

Comparatively little testimony was taken yesterday at the session of the strike commission, because in the first place considerable time was consumed in discussions on the question of procedure and, secondly, because the miners exhausted their available witnesses when the afternoon session was half over.

At the opening of the morning session, Judge Grey intimated very strongly that the commission would be pleased not to have too much cumulative testimony, and better co-operation on the part of the attorneys in expediting the work in hand. The commission, he said, did not want to place any limitations on either side, but he would suggest that if the miners had occasion to do it they would be privileged to offer rebuttal testimony.

Mr. Darrow said he did not wish to unduly protract the case, and suggested that if the other side would indicate how far it proposed to go into the matter of strike violence and the like, he would probably be able to govern himself accordingly, and possibly eliminate much of the testimony it was proposed to offer.

General Wilson remarked that he had heard one of the counsel for the miners say the day before that they had 300 more witnesses to examine and that they would take up sixty days longer in presenting their case in chief.

Made Another Bid.

Mr. Darrow seized upon this as an opportunity for making another bid for adjustment. His side, he said, had a list of witnesses quite that large, and might find it necessary to take up a great deal of time in presenting its case. However, he would be willing to "co-operate" with the parties on the other side in an effort at eliminating the necessity of producing all this mass of testimony.

The only comment from the "parties on the other side" was a remark by Mr. Torrey of the D. & H. Company that he felt the commission was not intending to decide the case on "the avoirdupois of the evidence."

In the afternoon, Judge Gray introduced again the subject of expediting the hearings. He said it had been suggested to him that possibly the delay on the part of the operators in presenting their statistics was accounted for by a feeling on their part that they might by standing on some technical right, withhold these statistics, until after the miners completed their case. He trusted this was not the case. If it was he would have to say that the companies were not giving the commission the co-operation in getting at vital facts that was to be expected from them. At all events, he said, such a stand was not well taken, as under an application of technical rules the miners could demand of the companies that they present their books, as the books were not alone the best but, in a measure, the only evidence available as to wages.

Mr. Reynolds averred that as far as he knew the companies were not withholding their statistics for any reason other than that they have not completed the preparation of them.

Three of the companies have already presented their statistics, the Pennsylvania Coal company, the Hillside Coal and Iron company and the Delaware and Hudson company. The statistics of the latter were presented yesterday. An interesting summary of them in a printed pamphlet was distributed at the afternoon session.

The summary was as follows:

The Delaware and Hudson company carries on the business of coal mining similarly to the mining operators generally by contracting with the miners who employ such laborers as they see fit, and these respectively cut or blast and load the coal; and by the employment of other men in and about the mines and breakers, whose work, generally speaking, consists of development work and preparing the coal for market. Ordinarily each miner employs not more than one laborer to assist him.

The terms of the contract vary with the variations and character of the work to be performed. The miner is paid an agreed rate for the coal mined, to which

are added various amounts for rock excavation and day's work and dead work, and various allowances to compensate for difficulties encountered. The gross amounts received by the miners are divided between themselves and their laborers as they may agree.

All other employes than miners and their laborers are hired by the operator by the day or month.

The following is a statement of the facts as to this company regarding these matters during the year 1901:

1. Total number of breakers operated in 1901 was 24
2. Total tons of coal of all sizes produced in 1901 was as follows:
   Prepared sizes ..3,625,907.06
   Steam sizes (pea and smaller)...1,357,343.01
   Washery coal ... 72,142.11
   ——— 5,055,392.18
3. Total amount paid in 1901 for labor, services of all classes, material, supplies, royalties and sinking fund at five cents per ton, connected with mining operations $7,956,675 49
4. Total amount paid to miners after deducting supplies in 1901 ..... 3,282,873 03
5. Average amount paid to each miner in 1901 (exclusive of supplies) 1,072 15
6. Approximate daily earnings of miners on the basis of breaker days 3 20
7. Approximate daily earnings of laborers on the basis of breaker days 2 23
8. Approximate average earnings in 1901 for miner..... 622 68
9. Approximate average earnings in 1901 for laborer..... 449 47
10. Men employed by the day or month during 1901 earned in the aggregate 2,076,353 00
11. Boys employed by the day or month during 1901 earned in the aggregate 425,636 13
12. Average number of days breakers operated in 1901.. 191¾
13. Lost time in 1901 by strikes and holidays other than legal holidays an average at each colliery of .....14.7 Days
14. Lost time in 1901 by miners per colliery between breaker starts and miner starts an average for each miner of ....15.75 Days
15. Total average time lost per colliery adding the two above together .....30.45 Days or average loss of earning capacity of 13 2-3 per cent.
16. The company has no company store or company doctor.

MINERS' AND LABORERS' EARNINGS.

(Distribution between miners and laborers approximated.)

Number of miners	3133
Number of laborers (approximated)	2656
Gross earnings $3,442,065 40	
Net earnings after deducting supplies	3,144,669 24
Average amount to each miner including laborer	1,072 15
Total net earnings miners.....	1,950,871 90
Total net earnings laborers....	1,193,797 34
Average net earnings of miner per year (58 per cent.)	622 68
Average net earnings of laborer per year (42 per cent.).....	449 47
No. of days worked by mines..	4792
Average miner's earnings per day	3.20
Average laborer's earnings per day	2.23
Average hours worked per day of 10 hours by miners	5¾
Average hours worked per day of 10 hours by laborers.....	8½

MINERS' AND LABORERS' EARNINGS NOT INCLUDED IN ABOVE.

(Collieries operated less than half the year.)

	Manville.	Delaware.	Baltimore,2.
No. miners	116	67	58
No. laborers (approximated)	116	60	52
Gross earnings....55,807.12		49,145.59	33,251.08
Net earnings after deducting supplies 48,460.13		44,984.99	30,291.48
Average amount to each miner including labor..	417.75	691.33	543.79
Total net earnings miners 29,857.76		33,547.19	19,469.24
Total net earnings laborers....18,602.37		11,437.80	10,822.24
Average net earnings of miner...	257.39	500.70	335.67
Average net earnings, laborer....	160.36	190.63	208.12
No. days worked by mine	79¾	76¼	83¼
Average miner's earnings per day	3.23	6.56	4.03
Average laborer's earnings per day	2.01	2.50	2.50
Average hours worked per day of 10 hours by miners	9	7	6
Average hours worked per day of 10 hours by laborers	10	9	8

At Manville—Earnings are for part of year; operated balance of year by D., L. & W. R. R. Co.

At Delaware and Baltimore No. 2—Short time and low earnings due to fires.

Average Earnings.

Selecting in each vein of each colliery five of the best earners and five of the poorest earners whose average earnings closely approximate the general average for all the miners, it was found that the net earnings of the miners classified themselves as follows:

Miners—

1 class $1,260 02	
2 class	887 08
3 class	676 12
4 class	513 05
5 class	283 33

Average—

1, 2 class $1,068 58	
1, 2, 3 class	857 81
1, 2, 3, 4 class	706 65
1, 2, 3, 4, 5 class	627 34

The first class represented 10 1-3 per cent of the miners; the second class, 11 per cent.; the third class, 24½ per cent.; the fourth class 35 1-3 per cent., and the fifth class, 19 per cent.

The earnings of the day and monthly men and boys (popularly designated "company men") classify themselves as follows:

Company Men—

292 received an average of $902 19	
640 received an average of	649 12
662 received an average of	546 15
1751 received an average of	422 58
234 received an average of	328 64

Averages for combined class of company men—

1, 2 class $728 36	
1, 2, 3 class	652 68
1, 2, 3, 4 class	532 26
1, 2, 3, 4, 5 class	518 95

Boys—

202 received an average of $340 50	
672 received an average of	247 29
1177 received an average of	143 38

Averages for combined classes of boys—

1, 2 class $268 88	
1, 2, 3 class	196 93

In addition to the above the company paid out to other men and boys the following sums for labor:

979 men earning $217,984 04	
309 boys earning	21,552 59

These included 540 men and 309 boys employed for short periods and for incidental work, who earned, men, $104,801.41, and, boys, $21,552.59, and 439 old men or novices not speaking the English language, doing boy's work as slate pickers or door-men, at the rate of $1.10 per day, who earned $113,182.63.

Carefully Prepared.

The statements from which the foregoing summaries are taken have been carefully prepared, and separately show the earnings of every person employed by the company in 1901. They have been submitted to and certified by the accountant of the anthracite mine workers. They are very voluminous, but are in form to be readily referred to by the commission.

In addition, the company has prepared and will submit to the commission in due course other data which may be of use, among which may be specified the following:

1. Statement of dockage at its several collieries in 1901, the average being 3.04 per cent.
2. Statement covering every day in 1901 and showing all idle days and the reasons therefor.
3. Statement showing the classes and duties of the company men and glossary of mining terms used in its business.
4. Statement showing the men in the employ of the company who have boys working in the mines and breakers, with the annual earnings of the parents, the average being $539.49.
5. Statement showing number of houses owned by the company, and the renta's therefor, which average $5.44 per month.
6. Statement showing the names and number of the miners of the company, who are owners of real estate, the total number being 1039, or 29 per cent. of the whole.
7. Statement showing the names and addresses of all coal and iron policemen employed by the company during the recent strike.

The records of the company, of course, contain much information qualifying the earning capacity of individual employes. These it will be pleased to exhibit to the commission and a representative of the mine workers, if that course should be deemed desirable.

SUPT. LUTHER'S REPLY.

Attorney Wolverton, at the opening of the afternoon session, filed without reading, a letter from General Superintendent Luther, of the Philadelphia & Reading Coal and Iron company, responding to the request contained in the

communication from Commissioner Watkins, Saturday, for information as to whether or not the companies had been adusting differences with their men, as promised in the notices posted at the close of the 1900 strike. Mr. Luther's letter stated that he knew of no instance in which his company failed to satisfactorily adjust local grievances by conferences between the officials and the employes.

What the miners' side regarded as a big sensation was sprung yesterday, when they put two witnesses on the stand to detail an alleged plot to break the strike in September last by bribing officers of mine workers' locals.

The first of the two witnesses was John Early, of Dunmore, an employe of the Pennsylvania Coal company, and president of the Gypsy Grove local. The other was P. F. O'Horo, president of No. 5 local, of Dunmore.

Made an Appointment.

Early swore that on September 23, a neighbor and fellow-miner, John Murphy, told him that Michael Grimes, an ex-mine foreman and political worker, wanted to see him at the Valley house, about doing some political work for Congressman William Connell.

Early went at once to see Grimes, and after some little talk about politics, Grimes opened up the subject of strike by asking if he did not think the men were wavering a little. Early admitted he thought they were weakening a little.

"A break is coming," Grimes is alleged to have said. "Why can't we have something out of it."

Then, according to Early's statement, Grimes outlined a plan whereby they might profit by anticipating the "break." It was, in effect, that ten men from the five different locals in Dunmore should be bribed to draft and introduce resolutions declaring that it would be better to call off the strike than have it break up, and that it was time then to call it off.

It could be argued, Grimes is alleged to have explained, that if the strike broke up the union would be wrecked; if it was called off, the union would be saved for another fight at a more propitious time.

Early testified that he pretended to agree to the plot to draw Grimes on, and inquired what there was in it. Grimes, the witness averred, told him he would get $2,500 and expenses, and any job under any coal company he might select. He would also give $100 for each of the ten men that might be selected to get the resolutions before the locals, and an extra $100 for the one of the ten who would be picked upon as a sort of first lieutenant.

F. F. O'Horo, president of No. 5 local of the United Mine Workers in Dunmore, was picked upon as the first lieutenant, and Early agreed to bring him down the next day. As soon as the interview was concluded, Early, so he tells, hastened to District President Nicholls' headquarters and laid bare the plot. He was advised to keep up his pretensions and, if possible, trap Grimes into disclosing whom he represented.

Went to See Grimes.

The next day Early took O'Hara to see Grimes, and the latter enlisted O'Hara's services.

"I'm just as good a union man as either of you," Grimes is alleged to have said, "but there is no reason why we shouldn't make something out of this. There is a man named Howell, over on the West Side, getting the Welsh miners to go back. We don't want that the Irish shall be ostracized by the companies, do we?

"You know, Paddy," Grimes, it is claimed, went on to say, addressing O'Hara, "there ought to be some Irish in bosses' positions. You know we got mine foreman's certificates before for men that couldn't pass the examination, and I guess you'll believe me, we can get them again."

Early swore further that Grimes told him that ministers over in West Scranton were working to get the men to break the strike, "but," he is said to have added, "they are not getting as much out of it as we are."

The details of how the scheme was to be worked was then discussed, according to Early, and after he had secured a promise of $300 apiece for thirty men who would work to get the resolutions passed, he and O'Hara left Grimes and reported to mine workers' headquarters. District President Nicholls put a card in the papers warning the strikers against Grimes. This, Early said, closed the incident, although Grimes wanted him to come to see him afterwards.

When the witness got through with his story, Mr. Darrow turned to the operators' attorneys and said:

"You may cross-examine him, gentlemen."

There was a silence of half a minute. Judge Gray asked: "Are there any questions?"

Not Represented.

With the most bland expression of countenance imaginable, Mr. Torrey hesitatingly arose and, looking around slowly, inquiringly remarked, after a pause: "I don't think Mr. Grimes is represented here."

The force and significance of Mr. Torrey's happy saying brought a hearty laugh from all the hearers.

Commissioner Clark halted the witness as he was leaving the stand to inquire into the workings of the check-weighman plan existing at this colliery. The witness said it was very satisfactory and that the miners have no complaint to make. He added that since the adoption of this system in 1899, the miners are being credited with considerably more coal than they were before. On being cross-examined by Major Warren, the witness admitted that the check-weighman is given every opportunity to see that the coal is properly weighed by the company's weighman, and that there is a notice posted at the mine that any miner can examine and test the scales.

City Superintendent of Schools George W. Phillips, County Superintendent of Schools J. C. Taylor and Prof. M. W. Cummings, principal of the Olyphant schools, gave testimony in the morning regarding the ability of miners to send their children to school.

Dr. Phillips gave interesting and extensive data regarding this matter. He showed that only 10 per cent of the 1,004 pupils in the high school are children of mine workers, and that the ratio decreases constantly from the first year on.

Seventy-five per cent of miners' children he said leave school before their twelfth year. The night schools, with an attendance of 2,937, are attended almost exclusively by miners' children.

Major Warren on cross-examination, got the witness to admit that it is largely the fault of the children not wanting to go to school that so many of them leave school for work.

Was a Mine Worker.

Attorney Reynolds developed the fact that Dr. Phillips' father was a mine worker, and that he himself is a graduate of Lafayette; that he has a brother who is treasurer of a trust company and two others in business. Mr. Reynolds asked if it was not true that a great proportion of the clergy, doctors, lawyers, newspapermen, school teachers and the like are sons or daughters of men who are or were miners. He also brought it out that Scranton schools are not excelled anywhere and that free text books are distributed; also that the taxes on real estate paid by corporations, taken with the appropriations from the state which come from taxes paid on the capital stock of corporations is sufficient to pay the cost of running all the schools in the county. Mr. Reynolds also called attention to the fact that there are nearly 5,000 children in the parochial schools, and Dr. Phillips admitted that possibly many of those were miners' children. It was surprising, the witness said, how many children leave school who do not have to leave, but it still remained a fact that by far the larger percentage of those who leave school unwillingly are children of miners.

County Superintendent Taylor testified that he had taken seven mining districts and seven agricultural districts and figured the per centage of children between the ages of 8 and 16 not attending school. In the agricultural districts, the average per cent. was 8 2-7; in the mining districts, 27 1-3.

Attorney J. E. Burr, of the Ontario & Western, brought out that there are parochial schools and kindergartens in all the seven mining towns, and that the children in the agricultural districts are much more ambitious for educa-

tion than children in cities or towns, particularly in Lackawanna county.

Children of Miners.

Prof. Cummings told that 80 per cent. of the children entering the Olyphant schools are children of miners, and there is a constant falling off in the attendance as compared with the enrollment from the age of eight years on. At the age of fifteen, for instance, the enrollment was 105 and the attendance 25.

In answer to questions by Mr. Reynolds, Prof. Cummings told that he and his two brothers had begun life in the breaker; that one of his brothers is in business in Scranton, and the other superintendent of the Olyphant Water company, also that a good percentage of Scranton's most successful men were Olyphant breaker boys.

John Archbald, a Lehigh Valley Coal Company miner at No. 8 slope, Hazleton, testify that it was impossible for a contract miner to make more than a dollar a day at this place because of the veins being so thin.

When cross-examined by Mr. Gowan, the witness could give the name of only one miner who made only a dollar a day.

Tommy Siger, another Lehigh Valley man from Hazleton, told that he was laboring for his father and that when the "old man" paid him off, usually there was nothing left for himself.

Nathan McNeal, a Lehigh Valley engineer from shaft No. 40 went out on strike when the engineers were called out and could not get back.

Earnings in 1901.

Mr. Gowan brought it out that the witness earned $735 in 1901; also that shaft No. 40 started up in August, three months before the strike ended. George Simmonds, a pump runner, had a similar story to tell. Mr. Gowan contented himself with the development of the fact that Simmonds left his position voluntarily, and that it was absolutely necessary for the preservation of the mines to put a man in his place.

P. J. McCormick, check-weighman at Olyphant colliery, No. 2, of the Delaware and Hudson company, explained how he kept his accounts. First of all, he said he keeps a daily sheet, giving the total weight of coal sent out by each miner and the amount of dockage. It is compared every day with the company weighman's list. At the end of the month the sheet is posted for public inspection.

The total output of the breaker at No. 2 last year was 414,491 tons. It prepares the coal from No. 2 shaft, Grassy Island shaft and Grassy Island slope. The total dockage was 13,912.

There are two beams on the scale. One is gross and the other net. One hundred pounds on the gross beam will register eighty-eight pounds on the net beam. The gross beam registers 3,136 pounds when the net beam registers 2,800 pounds. The report of the mine department was presented to show that 80,000 tons more were prepared at this colliery in 1901 than the miners were given credit for.

Mr. Torrey explained that the excess represented the smaller sizes, which by agreement the miners do not claim credit for. In response to questions by Mr. Torrey, the witness said there was no general complaint on the score of dockage or tonnage. The dockage was only about 3 per cent., he said.

The 896 Pounds Excess.

In answer to questions by Commissioners Gray and Watkins, the witness admitted that the 896 pounds excess above 2,240 pounds required from the miners, represents the allowance made for what were unmarketable sizes when the agreement was made in 1877, and that the dockage is a penalty for impurities.

Mr. Torrey brought out the fact that in 1877 the miners used a rake with tines three inches apart and that anything that couldn't be raked up was not sent out. Now, however, the witness said, all coal, no matter how fine, is sent out and the most of it is marketed.

P. J. Hogan, check-weighman at the Eddy Creek colliery of the Delaware and Hudson company at Olyphant, testified that the total output in 1901 at this colliery was 208,185 tons, and the dockage 13,800 tons. The output, according to the report of the bureau of mines, showed an output of 242,280 tons.

Mr. Torrey contented himself with adducing the fact that the witness is paid by the miners and receives $2.50 a day of ten hours.

The consideration of conditions at the collieries of C. Pardee & Co. was then taken up, despite a request from Mr. Gowan and Mr. Torrey that it be postponed until Attorney Dickson could arrive from Philadelphia. Judge Gray was sorry the commission was unable to accommodate Mr. Dickson.

The first witness called by Mr. McCarthy was from the Harwood colliery of C. Pardee & Co., at Hazleton. James Sweeney was his name. He said he was married and had seven children. His wages were about $35 or $40 a month on the average. Laborers were paid $1.78 a day. The ventilation in the Harwood was all right, he said, and that the company never docks him.

About Mine Inspector.

Robert Richardson, from the Harwood, told that he could earn about $35 a month. The witness hadn't seen a mine inspector in a long time. When he did see him, the mine boss accompanied him. Some miners, he said, would be afraid to complain to the inspector when the boss was present, but others would have no hesitancy to do so. He thought eight hours was long enough to work in the mine at a shift. He knew of an instance of a man being docked three and three-fourths cars out of fifty-one.

At 3.20 Mr. Darrow announced that the miners had no more witnesses present, except four whom it was agreed should not be called until tomorrow, and, accordingly, Judge Gray declared adjournment.

Proceedings of Thursday, Dec. 11.

[From The Scranton Tribune, Dec. 12.]

It now begins to look as if the mine strike commission would be able to conclude the taking of testimony in three weeks, not taking into account the Christmas recess.

Attorney Clarence Darrow, of counsel for the miners, said yesterday, to the commission, that his side would in all probability finish its presentation of direct testimony this week. D. J. McCarthy, another of the miners' attorneys, said afterwards, that his side was about ready to quit at any time, now that the commissioners will indicate they have had enough of such information as the miners are presenting.

One of the most prominent of the operators' attorneys said his side would likely take not more than two weeks in the presentation of testimony. This includes allowance for a liberal cross-examination.

"We feel," said he, "that the miners have not made out such a case as requires any considerable amount of oral testimony from our side. The main questions at issue are wages and hours of employment. Our statistics will speak for us on these subjects, both voluminously and eloquently. Some oral testimony will be required from the companies paying by the car or measurement to show the inexpediency and impracticability of paying by weight, and explanations will have to be made of why a miner is required to mine 2,800 pounds for a ton, and why, under the existing working agreements, a miner has no legal or equitable claim for compensation for washery product and other small sizes. We might go into details about the union's responsibility for strike violence, but recognition of the union is not before the commission, and, at all events, the commissioners have indicated inferentially at least that strike violence to their mind has little bearing on the case in hand."

About Boycotting.

An interesting colloquy took place at the afternoon session between Judge Gray and Rev. Father O'Donnell, of Olyphant, on the matter of boycotting.

Rev. Father O'Donnell concluded his testimony on cross-examination by an admission that he knew of the case of a hotel keeper in his parish being compelled to go out of business because of a boycott placed on him by the miners.

"You don't approve of boycotting, do you, Father?" said Judge Gray.

"I would differentiate," said the witness. "I would favor boycotting of bad literature or immoral playhouses."

"Yes, yes," said Judge Gray.

"If I belonged to an organization," continued the witness, "and I felt it was to my interest or to the interest of my organization to refrain from patronizing some merchant, I would feel justified in doing so."

"Of course, I agree with you so far," said the judge. "A temperance society, for instance, has for its primal purpose the boycotting of saloons, and no one will accuse a temperance society of being an evil institution. But, Father, how much farther would you go?"

"I would advise my friends not to patronize that merchant," said the witness.

"Just so," said the judge, "but you would not boycott me if I refused to boycott the merchant, would you?"

"Oh, no, I would not," answered the witness.

"That's where I draw the line," the commissioner rejoined.

Nothing that the hearing evoked was listened to with more intense interest than this exposition of the legal and moral view of the boycott.

Mr. Darrow, by declaratory "interrogations," introduced the Boston tea party and the refusal of colonial women to wear British goods in the revolutionary period as instances of boycotting which no one in these parts and day is wont to adversely criticize.

Crawford Called.

A bit of a surprise was occasioned yesterday morning, when Attorney Darrow came over from a whispered conference with the other miners' attorneys and called out "J. L. Crawford."

Mr. Crawford is president of the People's Coal company, which was one of the very few companies which operated to any considerable extent during the strike.

Mr. Darrow wanted to secure from Mr. Crawford a statement of what he gets for the product of his mine. Mr. Crawford avoided direct answers, alleging that he had not received any returns since October, and could not remember the figures.

Mr. Darrow asked the witness to give his best estimate of what he got for coal sold at retail and at wholesale. Attorneys Burns, Warren and Torrey, in turn objected to the question, alleging it was irrelevant. Mr. Darrow contended the question was in every way pertinent to the inquiry. Mr. MacVeagh, he said, had stated that an increase in the cost of labor would mean an increase in the price of coal and a consequent additional burden on the backs of the poor. He also held that the mine workers, in a sense, were partners in the industry, and entitled to a commensurate share in the profits.

"Suppose we wish to show up every miner's bank account?" suggested Mr. Burns.

"I wish you would," said Mr. Darrow. "It would take very few minutes to do so."

City Recorder W. L. Connell, of the committee of independent operators, was here heard for the first time in the sessions of the commission.

Pay a Fair Rate.

"I do not think," said he, "that Mr. Darrow can point out where we have said we cannot pay a just wage. We pay a fair rate of wages. Whether we sell coal at a loss or a profit does not enter into the question at all. We are not here to show our bank accounts to Mr. Darrow. We are here to show the commission we are paying a fair rate of wages for work, a rate that will fairly compare with that paid other similar labor in the vicinity of our collieries."

Mr. Darrow could only say to this that all classes of labor were underpaid.

Judge Gray, after consulting with the other commissioners, said they would take the testimony for what it was worth.

"The profits of coal mining," said the judge, "should be a criterion of the measure of wages, but it is not the sole criterion. Agreeing that the question of wages is not to be decided by the profits of the employers, we will take the testimony."

Mr. Crawford admitted that he sold coal for $20 a ton in New York during the last month of the strike. Judge Gray declared this was not pertinent.

He shipped his coal over the Delaware, Lackawanna and Western road, on consignment, he said, and received 65 per cent. of the selling price. In October, when he got his last returns from the railroad company, he received, he thought, about $2.50 a ton average on all sizes. Coal sold at retail for domestic purposes, brought on an average $3.25 a ton. He ships about 900 tons a day.

Attorney Reynolds wanted to cross-examine Mr. Crawford to show to the commission and the public how the great expense of mining under armed guards and the keeping of miners accounted for the $20 a ton for coal during strike times, but Judge Gray said the commission did not care to hear it.

Hazleton Witnesses.

Witnesses from the mines of A. Pardee, in the Hazleton region, were then examined.

John Sherback, a miner in the Cranberry colliery, told that he makes $10, $20 and sometimes $40 a month. The air is so bad that he has been laid up for three days at a time from sickness and headaches resulting therefrom. He never saw a mine inspector in the Pardee mines. He admitted he would not know the inspector if he saw him.

Henry Williams, a 22-year-old slate picker who lost a leg by being run over by a car while making a coupling when he was a driver boy at the age of 16, told that the company not only did not give him any assistance, but kept his wages to pay his father's debt.

Andrew McHugh, a Cranberry miner, stated that since 1900 he has been earning from $9 to $9.60 a week. The air in the "Parlor" vein, where he works, he said, is "rotten." The other night, he went on to say, he was so sick from the bad air that he laid down behind the stove when he went home, being too sick to wash himself. He also told that there is a company store at Cranberry. Judge Gray asked him if he was compelled to deal at the company store, and upon receiving a negative reply, asked why he dealt there. The witness said it was because he was in debt at the store always and could not get cash to deal at another place.

Attorney Samuel Dickson, of counsel for the independent operators of the lower region, was present yesterday and asked some few questions on cross-examination.

Edward Jackson, John D. Gray and John D. Allgood, miners from the Storrs' colliery of the Delaware, Lackawanna and Western company, were, in turn, examined by Attorney James Shea regarding the increased size of cars at that mine.

The Diamond Car.

They told that the old Diamond car, the standard for this region, contained seventy-six cubic feet. The size of the cars, as they were being replaced, continued to grow, and last year a committee, in the presence of mine officials, made measurements of all the cars around the mine. They found some that with six inches of topping would contain eighty-six cubic feet. These were cars from which the wooden bottoms were removed and shet iron bottoms put in, to facilitate a new system of automatic dumping.

The company paid eighty-one cents for the old Diamond car in the '70s and early '80s. The price gradually increased to ninety-five and a half cents. The 2½ per cent. raise, in 1900, increased the price to ninety-eight cents. In June, 1901, after the measurements were taken, a committee of the miners had a conference with General Manager E. E. Loomis, and he allowed a cent a car to make up for the increased cubic capacity resulting from the substitution of iron for wooden bottoms. One of the witnesses remarked that the iron bottoms could have been placed over the wooden bottoms, but the company saw fit to remove the wooden bottoms. The men decided not to accept the one cent a car increase, because it was not

enough, but are accepting it under protest.

On cross-examination by Major Warren, it was shown that Mr. Jackson's net earnings in 1901 were $1,066.94 and that he cleared for himself $654.69, his laborer receiving $412.25. The witness admitted that there was no excessive docking at the mine. His docking amounted to 1½ per cent. Mr. Gray's net earnings were shown to be $568.48. He worked on an average about six hours a day.

Comparatively Peaceful.

Rev. J. J. O'Donnell, assistant priest at Olyphant, testified that that community was comparatively peaceful during the strike. He saw only one case of drunkenness and heard of four saloons that closed up because of lack of patronage. There were fifty-two licensed saloons in the town, he said.

The only case of disorder he witnessed during the strike was where a deputy chased and fired seven or eight shots at a man who was picking flowers for the church. The Winston murder, he said, was greatly deplored by the miners, as well as everyone else. The soldiers were strictly disciplined by Colonel Watres and behaved well. One soldier, who discharged a revolver where there were forty strikers, was not molested. When the case was reported at camp, Colonel Watres severely punished the soldier. The incident of Board Member Stephen Reap leading an exodus from the Catholic church, because of the presence of a non-union man, had been greatly exaggerated, the witness declared, and, at all events, Mr. Reap had made humble apology.

David T. Davis took the stand to complain about not receiving the full 10 per cent. increase at the Taylor mine of the Delaware, Lackawanna and Western company. He is receiving only ninety-one cents a car, and claims he should be receiving ninety-six and a half cents.

On cross-examination, Major Warren secured from him an admission that last month he made $75.82 for seventeen days' and nine hours' work. His gross earnings were $126.29; supplies, $8.38; laborer, $42.09; net earnings of miner, $75.82, or an average of $4.23 a day of ten hours. The witness further admitted that he usually started to work at 7 o'clock a. m. and got through at 1.30 p. m.

A Seven Car Shift.

Edward Kelly, a Delaware, Lackawanna and Western miner from the Holden, had a complaint similar to that of the preceding witness. He claimed he was receiving only ninety-one cents and should be receiving ninety-six and a half cents. He also objected to the company trying to force a seven car shift on the men of that mine.

On cross-examination, Major Warren sought to show that the veins regulate the prices and that the witness is receiving what is allowed for cars in the vein he works in. The company's statistics, as presented by Major Warren, showed that the wages of the witness for last month were $3.27 a day, or $35.42 for 108 hours.

The witness had a memorandum of his wages for the last two weeks he worked and read it to the commission. It showed that he sent out fifty-seven cars; was docked two cars, and was credited with $50.05 gross. His supplies cost him $5.34. This left him $44.71 for himself and laborer. This represented eleven and a half days' work, he said.

Judge Gray asked the witness what he meant when he said the company was trying to force a seven-car shift on him. The witness replied that it meant that the company wanted to make them load seven cars instead of six.

"You are paid by the car?" suggested Major Warren.

"Yes," the witness answered.

"Do you get all the cars you want?" Judge Gray inquired.

"Yes, more than we want," the witness replied. "They want us to load seven cars, but the men at that shaft will never do it."

"You complain sometimes of not receiving enough cars and again of receiving too many, don't you?" inquired Judge Gray.

"If we were paid the right price for them, we wouldn't complain so much," said the witness. "Anyhow, six cars is enough to get out in one day."

Major Warren asked the witness if it was to be understood he was not willing to co-operate with the company even to this extent in helping to relieve the coal famine. The witness said he ought to get more pay.

School Statistics.

John W. Griffith, superintendent of schools at Nanticoke, a town of 15,000 inhabitants, gave testimony along the same lines as that of Superintendents Taylor, Phillips and Cummings, who were on the stand Wednesday. Only 4 per cent. of the pupils in the High school, he said, are children of miners, although 85 or 90 per cent. of the population is made up of miners and their families.

Mr. Torrey cross-examined Rev. Father O'Donnell at the afternoon session. The witness stated that his father was a miner, and that he, himself, had worked in the mines from the time he was nine until he was thirteen. He declined to state what salaries are paid priests in this community.

He did not know what wages were paid Delaware and Hudson miners in Olyphant, but expressed the opinion that their lot was as good as that of any miners in the region.

With the aid of "would it surprise the wives and daughters of the Olyphant miners to know," Mr. Torrey presented a statement that the average earnings of miners in 1901 at the Olyphant No. 2 was $678.71; at the Grassy Island, $707.29, and at the Eddy Creek, $645.42.

Mr. Torrey also stated that the Delaware and Hudson company would gladly co-operate with the witness in preventing the employment of boys under the legal age.

Referring to the statement of the witness that the reports of strike violence had been greatly exaggerated in the newspapers and adducing from him that the papers he read were friendly to the miners' cause, Mr. Torrey asked the witness to give an explanation, if he could, of what prompted the exaggerations. The witness thought it was because the reporters got the information from parties who wanted the reports exaggerated.

At this juncture occurred the colloquy on boycotting related previously.

Change of Mine Ton.

Patrick O'Boyle, a Carbondale miner, gave testimony regarding the change in the mine ton from 2,240 pounds to 2,800 weight, as previously described several times.

Mr. Reynolds pointed out that there had been a forty per cent. increase in wages since that time and a thirty-five per cent. decrease, thirty per cent. of the increase being voluntarily given by the companies.

"And, Mr. Reynolds," interrupted Judge Gray, looking at a tablet before him, "I have just figured out that the increase in the size of the ton from 2,240 to twenty-eight hundred weight, or 3,136 pounds, is just forty per cent."

The miners among the operators applauded vigorously. The judge waited until the applause had subsided and then reminded the operators that demonstrations of approval or disapproval on their part were forbidden.

Thomas Malone, a miner at the White Oak colliery of the Delaware and Hudson company, made complaint of being compelled to work at robbing pillars for sixty-nine cents, when he had been making 74 cents at a breast. Four men working in a gang made only $59 in two weeks. The four men fill ten cars a day.

Mr. Torrey brought out that the witness had worked out his chamber and was told that on account of their being too many men at the White Oak he would have to take a job at robbing pillars or quit. The witness did not believe there were too many men. New men are being hired right along, he said.

Three Sizes of Cars.

P. J. Rogan, a Temple Iron company miner at the Sterrick Creek collieries, testified that there are three sizes of cars at this colliery, sixty-six cubic feet, seventy and five-sixth cubic feet, and eighty-six and three-eighths cubic feet, and that the size of the car has grown constantly without a corresponding increase in wages. He also complained that the men were not paid for blasting "black head" and "slab," impurities that must be removed to get out the coal.

On cross-examination he admitted in response to questions by Major Warren, that some allowances are made for working out the impurities. He also would not deny that it was a fact that he was docked only forty-five cars out of 1,326. The witness denied that "black head" and "slab" was taken into consideration when an agreement was made about the price per car. It was shown that the witness and his laborer earned $936.42 last year.

Proceedings of Friday, Dec. 12.

[From The Scranton Tribune, Dec 13.]

If the operators have anything better to offer to the mine strike commissioners than some of the testimony adduced yesterday by cross-examination of miners' witnesses they will make out a very strong case.

One of the injustices of which the miners complain, and anent which they have produced no end of testimony, is that they do not receive any pay for coal jostled off a car in its trip from the breast to the breaker. One of the miners' witnesses admitted on cross-examination that his duty is to gather up this coal along the road after working hours and that it doesn't amount to enough to reimburse the company for what he is paid to do the work.

A witness from the Silver Brook colliery testified on direct examination that he made from $40 to $50 a month. When confronted with the company's statistics, he had to admit that he and his two boys earned $1,575 last year, and in addition to this he gets $15 a month rent from two dwellings that he owns. And, at that, he would only work three-quarters time.

Another witness who took the stand to make general complaint against the Lehigh and Wilkes-Barre Coal company, served as a means of very materially qualifying the miners' claim that dockage runs up as high as twelve per cent. On cross-examination it was shown that the dockage was only nineteen one-hundredths of one per cent.

Even President Mitchell was made to serve as a channel for introducing testimony extremely favorable to the operators. Mr. Mitchell had presented tables to show that bituminous "day wage" mine workers received fifty per cent. more pay than those of like employment in the anthracite regions. Attorney Samuel Dickson, of Philadelphia, thought that Mr. Mitchell had reference to all classes of mine workers and proceeded to discount Mr. Mitchell's claim by reading a list of miners employed at different collieries in the Hazelton region and showing that they earned all the way from $4.66 to $7.48 a day. The evidence was in, of course, before Mr. Dickson's misunderstanding was corrected.

Place Had to Be Filled.

A dozen witnesses were put on to show that the companies are not living up to their submission agreement that they would not discriminate against union men in taking back old employes. In every instance it was shown that the place of the man who was refused re-employment had to be filled during the strike to preserve the company's property, and that the man who was put in to fill the place is still working. In most cases, too, it was admitted by the witness that the boss had told him he would be given employment as soon as a place could be made for him. One witness admitted he had been promised a better position than his old one as soon as it would be made ready by the completion of some construction work now under way.

An eight-year-old Slav boy who works in the breaker was put forward as a "horrible example" of the miners' sorry condition. A few questions brought out the fact that the boy's father is an able-bodied man, working every day. Judge Gray declared it was the fault of the father that the child was in the breaker, and had the boy taken from the stand.

The general manager of one of the big coal companies is authority for the statement that the hearings will not be again interrupted by negotiations for amicable adjustment. It is not only very likely, but extremely probable, that the questions in dispute during the strike, which were submitted to the commission will be settled amicably, but the settlement will not come until after the operators have presented their case. To avoid the ills that would come of a rehearsal of the embittering features of the strike, the operators will not go deeply into the matter of strike violence. They think that on cross-examination they convinced the commissioners that there was something doing in the way of disorder during the period of the strike, and that the mine workers' officials did not exhaust the possibilities in the way of discouraging it. At all events, Judge Grey, speaking for the commission, indicated very clearly, more than once, that the commission did not regard this matter as being particularly pertinent to the inquiry on hand.

Yesterday's proceedings dragged along without particular incident of interest until President Mitchell, of the Mine Workers, took the stand at 4 o'clock, and became involved in a rather animated discussion with Attorney James H. Torrey, of counsel for the Delaware and Hudson company.

Mr. Mitchell presented tables he had prepared to show that company hands, or men employed by the day, received from 40 to 50 per cent. more pay in the soft coal than in the hard coal region, and then went on to relate—that it might be on the record—the efforts that were made to adjust the 1902 disputes without resorting to a strike.

The answers made by the coal road presidents to the invitations to meet the United Mine Workers' representatives in conference were referred to in Mr. Mitchell's recital.

Judge Gray asked if, in refusing to deal with the United Mine Workers, the coal road presidents agreed to treat with their employes through other committees. Mr. Mitchell said it was his recollection that they did not.

Judge Gray further inquired as to what had been done on the miners' side to conform to the provision of the notice posted at the end of the 1900 strike that the companies would adjust grievances with their employes "as heretofore."

What It Meant.

"The notice read," said Mr. Mitchell, "that the companies would 'take up with our own employes the adjustment of grievances as heretofore.' That meant that they needn't take them up at all. The men here have told me it didn't mean the adjustment of grievances, because 'heretofore' the companies had not been adjusting grievances."

"Did any committees of miners approach the companies to have adjustments made?" asked Judge Gray.

"Yes," replied the witness, "but they did not succeed in securing adjustments."

"In the spring of 1901," continued Mr. Mitchell, "Senator Hanna, Mr. Fahy and myself tried to secure conferences with the coal road presidents on this matter. The only man who would treat with us was Chairman Thomas, of the Erie. After an hour's discussion, Mr. Thomas agreed that it should be understood that the notices meant that the companies would deal with committees of their employes. Afterwards, he informed me that he wanted it understood he was talking only for his own company.

Commissioner Clark asked if the conduct of the officials of the companies tended to encourage or discourage these adjustment conferences. Mr. Mitchell replied that it was such as tended to discourage them. Commissioner Clark asked if the committees were received in a cordial spirit. Mr. Mitchell said there was no discourtesy shown.

Mr. Torrey, at this juncture, read excerpts from the answers of the coal road presidents, above referred to, to show that they stipulated they would deal with committees of their employes.

"Yes, as individuals," remarked Mr. Mitchell, when Mr. Torrey finished reading and inquired of him if the replies did not set forth clearly that the companies agreed to adjust grievances with their own employes.

"Is that your construction of the

meaning of those letters?" asked Mr. Torrey, with a touch of impatience expressed in his tones.

"That's my interpretation," said Mr. Mitchell.

"Then you can bring yourself, you would want us to understand," said Mr. Torrey, "to draw such a narrow interpretation of the provisions of those letters?"

"I have given you my interpretation," said Mr. Mitchell.

Mr. Torrey's Reply.

"Then, I want to say," declared Mr. Torrey, slamming on the table the pamphlet from which he had read the replies, "you ought to do something for your powers of interpretation."

Further exchanges disclosed the fact that Mr. Mitchell and Mr. Torrey did not have the same comprehension of what was to be implied by the word "individuals." Mr. Torrey, it would appear, understood that it meant "one man at a time." Mr. Mitchell's idea, as he explained, was that treating with the employes as individuals did not mean this. It meant that they would not be treated with as an organized body.

Mr. Torrey quoted President Truesdale's reply, in which it was stated explicitly that the company would deal with committees representing any or all their employes. Mr. Mitchell criticized this limitation, saying the company had no more right to prescribe that the men should not have a representative from outside their own number, than the miners at the commission hearings should prescribe that the coal road presidents would have to plead their own case, instead of having Mr. Torrey do it. Mr. Torrey remarked that the companies probably wouldn't object to their employes having counsel to represent them in the conferences, as far as a lawyer's province extends.

The incident closing thus, Attorney Dickson proceeded to challenge the comparisons Mr. Mitchell had made between the soft coal and hard coal regions, by reading figures showing daily wages of contract miners at Silver Brook and Hazle Brook to be as high in some instances as $6.40 and $7.48. Mr. Mitchell interrupted him with the explanation that contract miners had been specifically excluded from his comparisons and that they applied only to company hands.

Men Took Initiative.

General Wilson questioned Mr. Mitchell as to how the strike of 1902 had come about and particularly as to who initiated it. Mr. Mitchell briefly reviewed the incidents leading up to the strike, and said it was the men, themselves, through their district officers, who took the initiative. General Wilson said he would question the district officers further on this matter when they come on the stand. There is no certainty that the district officers will be put on the stand.

William Pine, who was a fire boss for the company, testified he was laid off during the strike and refused re-employment at its close. He admitted on cross-examination that he agreed to leave the union and stand by the company in case of a strike and that he failed to live up to his promise. He said there were eleven other men at this colliery who had not been taken back.

Z. B. Evans, a Forty Fort miner, told about having received various injuries at different times in the mines during his thirty-three years' experience as a mine worker. He also described how the heighth of the "topping" was decreased by the long trips the cars have to make from the breast to the breaker.

On cross-examination it was brought out that the witness was president of the Forty Fort local and chairman of the grievance committee, and that, in 1900, he told Foreman Reese the men would not work unless the company discharged a carpenter named Robinson who refused to join the union.

His docking, he said, on re-direct examination, was 3¾ cars out of twenty-eight during a certain two weeks.

Amount of Topping.

M. M. Sweeney, a miner at the Sterrick Creek colliery of the Temple Iron company, testified that he is required to put on ten to twelve inches "topping," to guarantee that there will be the required six inches "topping" when the car reaches the breaker, after its run of more than a mile. If there isn't six inches "topping" at the breaker the miner is docked a quarter of a car. If six inches is exceeded the company makes no allowance to the miner. He also told of being afflicted with asthma. On cross-examination, he admitted the miners had never complained to the company about "topping."

Patrick Walsh, from the same mine, who is badly afflicted with miners' asthma, went on the stand. No oral testimony was necessary to tell that he is seriously affected.

John McGlone, check weighman at No. 5 colliery of the Pennsylvania Coal company, Dunmore, gave the following statement covering the period between April 1, 1901 and April 1, 1902:

Number tons mined, 199,101; number of tons miners were paid for, 147,076; dirt and dockage, 52,025. The total of 147,076 tons were paid for at 68 cents a ton, producing $107,865.86 for the miner and laborer. The expenses were: Powder, $9,814; oil, $800; sharpening, $500; cotton, etc., $268.90; total, $11,883.31; net earnings, $95,982.55. He figured that 128 miners made an average of $417.14 a year, and 128 laborers an average of $332.64.

Major Warren objected to this testimony as being loose and inaccurate, and not of any use to the commission. The witness was questioned at length as to how he gathered the data, and when it was found that some of it was estimates of his own, it was agreed to withdraw him for the present. President Mitchell argued to the commission that the figures regarding product and total wages were accurate and the commission agreed with him.

An Unfair System He Said.

William Mace, of Wilkes-Barre, a miner from the Hollenback colliery of the Lehigh and Wilkes-Barre Coal company, had a complaint to make about "topping." He gave it as his opinion that paying by the car was unfair and a constant source of trouble. The only fair way of paying was by the ton, he maintained. He also told of a rearrangement since the last strike, by which the allowances for rock were reduced. No complaint had been made to the company. The men decided to wait until the commission made its report, before taking any action.

The working of the "court house" was also discussed at length by this witness. The foreman and a committee of miners sort over the coal in a car, clean out all the impurities that escaped the miners' attention, and thus determine what is the exact percentage of impurities. The witness declared that there was neither "judge, jury nor justice" in the colliery court house. The chief complaint was that the coal remaining after the impurities were removed was not also weighed. Attorney McClintock explained that it was unimportant to ascertain the weight of coal, as the men are paid by the car. The "court house" test, he said, is to determine the proportion of impurities per car. This regulates the dockage.

Explained the Incident.

Mr. McClintock presented a statement that the total dockage at the Hollenback last year was only 19-100 of one per cent. He also showed that the witness earned $548.84 in 218 shifts. If he had worked the 255 days that the mine worked, he would have made $640.05. He lost considerable time because of his duties as chairman of the grievance committee of the local.

Mr. McClintock sought to show that the witness had asked the foreman in November, 1901, to discharge ten men because they refused to pay their dues in the union and that during the last strike he and another man called at the house of Fireboss John Joseph, in the middle of the night, to threaten and intimidate him.

The witness denied the first allegation in toto. As to the second, he explained that it was only 10 30 at night when the call was made at Joseph's house. "We only asked his brother-in-law," said the witness, "if he would please be so kind as to step out on the porch and talk to us just for a few minutes. We sat on the steps, and in about eight or ten minutes John Joseph came out with a shot gun, and pointing it at me, said: 'Billy H., you get out from here or I'll blow your head off to hell.' Then we went away."

Mr. McClintock asked the witness

what they wanted to see Joseph about at that time of the night.

"We just wanted to talk to him," said the witness.

"Talk to him about what?" said Mr. McClintock.

"Oh, about the strike and one thing or another," the witness replied.

James Driesbach, who was a watchman at No. 5 colliery, complained of not being taken back after the strike. Mr. McClintock got him to admit that another man was put in his place during the strike, and, further, that the assistant told him he would probably get his job back before long as the man who was in his place was a "pigeon-toed fellow" and likely wouldn't be able to stand the cold. The witness acknowledged that the company couldn't treat him any fairer than it did.

William Nesbitt, who was the fan-engineer at the same mine, quit when the steam men were called out, and was not re-employed. He admitted, however, that the superintendent told him he was to get the fan engine at the new air shaft.

Longmower's Complaint.

Henry Longmower, president of the No. 5 local, who was an engineer at an inside slope, had a similar complaint to make as the two preceding witnesses. The company, however, has not promised to take him back. He is charged with having directed a barber in South Wilkes-Barre not to shave the men working at the No. 5 during the strike.

James Kearney and Edward Kettrick, two more steam men from the No. 5, testified similarly to the others who had struck and were refused re-employment. Other men were put in their places, it was shown, and these other men still retained their jobs. Both witnesses admitted that the company had always treated them fairly.

Attorney Lenahan next called to the stand an 8-year-old breaker boy from Smithville, Stanley Gustick by name. He began working three weeks ago at the Butler Coal company's colliery in Pittston township, which is two miles from his home. Major Warren protested that the Butler company is not a party to the hearing and its employes should not be heard. When it developed that the boy did not understand vised that he be withdrawn, which was done. "The commissioners see how small he is," said Judge Gray, "and will agree that he is too small to be working in the breaker. His father should not have him in the breaker," the judge added.

The examination of Lehigh Valley Coal company employes was then taken up. Mr. Lenahan conducted the direct examination, and Major Warren the cross-examination.

M. Clark, a pillar miner at the Heidleberg colliery, near Avoca, testified that the cars there are 10x4x2½, and that the docking averages 5 to 7 per cent.

He worked 188 9-10 days and made $563.80, according to the compilation of the company. The witness averred that a part of that represented a payment he made his laborer, the company having failed to deduct, through some error.

Gathers Up the Coal.

William Powers, a runner, testified that he was engaged by the company to gather up the coal that fell from the cars. He said it filled from one to four cars a week. The company's attorney let it go at that. It was brought out that the witness was discharged last Wednesday for insubordination. The witness' statement of the trouble was that the fireboss started to hit him with a sprag, and he put his hand on the boss' neck and kicked the sprag out of his hand.

Robert Hughes, a miner from the Morgan B. Williams & Co. Red Ash colliery, near Wilkes-Barre, was called, but as that company is not a party to the hearing, Judge Gray advised that he be not examined.

Justice of the Peace George Smith, of Blakely, testified that the cars at the Ontario colliery of the Elk Hill Coal and Iron company vary in capacity from 92 to 119 cubic feet, including the six inches topping. One car is 8 feet 7 inches by 4 feet 2 inches by 2 feet 1 inch. Another is 8 feet 10 inches by 4 feet 3 inches by 2 feet 2 inches.

The witness did not secure re-employment after the strike. His place was taken up by the installation of an engine during the strike. The boss told him he would give him a place as soon as he could. The last time he saw the boss, the latter said: "I guess you will have to work for John Mitchell a while longer."

Attorney J. E. Burr cross-examined him and sought unsuccessfully to have the witness agree that not 10 per cent. of the cars have six inches "topping" when they reach the breaker; that out of 700 cars sent out by the miners in a day, the rock and slate will amount to 180 cars, or 25 per cent., and that the culm that will come out of it amounts to 12½ per cent. The witness did not know whether or not these figures were correct. The witness testified that he knew the docking amounted to 7 or 8 per cent.

Isaac Cheeney, a 63-year-old Ontario miner, did not get a job after the strike. The boss said he would give him a place when he could.

Way It Was Done.

Thomas Dureemer, an ex-clerk for the Silverbrook Coal company, explained how the company "manipulated"—as Mr. McCarthy put it—the 10 per cent advance, giving illustrations similar to those previously presented.

John Williams, whose brother-in-law was one of the fifty-eight victims of the Twin shaft disaster, told of that catastrophe. He had not even the slightest recollection of the company making any effort to rescue the men or recover the bodies.

Mr. Darrow explained to the court that the witness was not put on with the view of having the company criticized for not making any effort at rescue. "Of course," said Mr. Darrow, "we are not concerned as to how a near relative of a victim viewed the effort of the company to accomplish a rescue. The purpose of calling the witness was simply to show the dangers attendant upon mining."

Alexander Samuels and Frank Oldfield, two Wilkes-Barre hod carriers, who were formerly miners testified that hod carriers receive twenty-five cents an hour; stonemasons, thirty-seven and one-half cents an hour, and bricklayers fifty cents an hour, with time and a half for overtime and double time for Sundays and holidays, and that they all work eight hours. Each thought a miner ought to receive at least $5 a day.

August Baker, of Hazelbrook, a contract miner for J. S. Wentz & Co., told a sorry story of the condition of the company houses, there, and that if the men want to avoid bad places in the mines they have to deal in the high-priced company store. His wages, he said, were from $40 to $50 a month.

Owns a Double House.

On cross-examination Mr. Dickson brought out the fact that the witness is not compelled to live in a company house, as he is drawing $15 a month rent from a double dwelling house of his own, and that the only high-priced thing he could specify was shoe blacking which he bought for five cents in Hazelton and had to pay ten cents for in the company store.

Mr. Dickson then produced a statement of his earnings in 1901, which he said he would verify by receipts. It showed that Baker and his two boys one 19 and the other 17, in 1901, drew $1,565.77 in wages, and that the father had not worked as many days as he might, particularly the day immediately following pay day.

Proceedings of Saturday, Dec. 13.

[From The Scranton Tribune, Dec. 15.]

Two sessions of the commission were held Saturday. Most of the time was taken up with testimony regarding conditions at the Philadelphia and Reading collieries. These witnesses had little to complain of other than that they are not being taken back. There were some allegations of local injustices, but on the whole, the witnesses all agreed the company treats its men fairly.

President Mitchell was again on the stand for further cross-examination.

The presentation of the wage statements of the Scranton Coal company was the first business that came before the commission at the morning session. The statements were presented by John B. Kerr, vice president and general counsel of the New York, Ontario an. Western railroad, which company controls the Scranton company.

The statements show that during the year ending April 30, 1902, the company operated nine collieries. Two worked only eleven months on account of fire and flooding and one but eleven and a half months on account of the strike.

The average earnings of miners per year were $538.90 and of mine laborers $313.76. Average per breaker day of ten hours, for miners, $3.13, and for miners' laborers, $1.82. The wages of other employes range from $1,200 per year for engineers down to $150 for breaker boys.

Mitchell Recalled.

President Mitchell of the United Mine Workers was called to the stand for further cross-examination by James H. Torrey, of counsel for the D. & H. company, regarding the tables submitted by Mr. Mitchell the day before, in which it was shown that the soft coal day wage men received from 40 to 50 per cent more pay than the day wage men in the anthracite region.

Mr. Torrey's questions tended to show that the comparisons were not fairly made; that the computations were based on the most favorable figures for the one region and the most unfavorable in the other.

Mr. Torrey next sought to bring Mr. Mitchell to task for inaugurating a strike for better wages without first determining by the best means at hand, whether or not a demand for better wages was warranted. Mr. Torrey asked if it was not true that President Baer twice offered to allow Mr. Mitchell and the miners' accountants to go over the company's books prior to the strike, and that the offer was not accepted. Mr. Mitchell answered that he was distinctly given to understand that Mr. Baer was speaking for his own company only.

"If it is made to appear," said Mr. Torrey, "that the miners did receive fair wages in 1901, don't you think you accepted a serious responsibility in not examining the company's books, when you were given that privilege, and thereby ascertain whether or not the demand of the men was well founded?"

"We proposed that others and disinterested parties," replied Mr. Mitchell, "should look into these matters and examine the conditions before the strike, and when I did that the responsibility was removed. You must bear in mind that I was opposed to the strike, because it was the beginning of summer, and I was willing to wait and see if an amicable adjustment could be made."

"And because it was pretty far removed from a political campaign," suggested Mr. Torrey.

Didn't Enter Into It.

"The question of a political campaign did not enter into the matter at all," said Mr. Mitchell. "We were establishing some degree of confidence in our organization that might work out an adjustment. If that didn't work out, I would have advised a cessation of labor."

Questioned by I. H. Burns, of counsel for the independents as to whether or not the union could guarantee that non-union men would not be interfered with if a contract was made with the union, Mr. Mitchell replied that this matter would be more opportunely discussed when the companies came to negotiate a contract with the union.

When asked if the union had done anything to discipline men who had committed violence during the strike, Mr. Mitchell replied that it would not be fair to prejudice the case of men charged with violence before the court passed upon the matter.

Andrew Shalgoz, a Hazlebrook miner employed by J. S. Wentz & Co., was the first witness. He testified that he paid $4.75 a month rent for a company house, of three rooms, that it did not keep out the cold or rain and all in all was a rather undesirable kind of habitation. He has worked in the mines fourteen years, was buried under a fall of coal once and badly injured, and at another time lost one of his eyes by being hit by a piece of flying coal. The company gave him no assistance during the times he was laid up with injuries. His wages since 1900 averaged $9 a week. Dockage amounts to five cars in 100. There is no wagon road connecting Hazlebrook with the outside world and the company's store is the only one in the town, consequently it is necessary for the Hazlebrook people to trade in the company store.

Are Near Hazleton.

On cross-examination, the witness admitted to Mr. Dickson that Hazleton, Freeland and other nearby towns can be reached from Hazlebrook by train; also that he never made complaint to the company about the condition of the house he lived in. Mr. Dickson asked him if it was not a fact that in 1901 he drew $544.04 in cash earnings. The witness did not think it was that much.

He also developed on cross-examination that the Hazlebrook strikers drove off the men imported by the company to take the place of the striking steam men and as a result of this the mine was flooded. The lower levels are still under water.

John Deirmney, of Hazlebrook, testified that he quit work in the mines two years ago because of his health breaking down, and that now he has to work in the breaker for 98 cents a day.

William Launer, of Philadelphia, national secretary of the Glass Blowers' union, testified that since a trade agreement was made between his organization and the glass manufacturers there have been no strikes.

Paul Hemhand, ten years old, a breaker boy at the D. & H. Co.'s Baltimore, No. 5 colliery in Wilkes-Barre was called to the stand.

"Do you understand what an oath is?" inquired Judge Gray, looking down kindly at the diminutive lad.

"Yes, sir," came the reply in unfaltering voice.

"What happens to boys who don't tell the truth?" asked the judge.

"Go to hell," quickly retorted the boy.

This answer was not taken by the judge to be either a mandatory or directory declaration.

Received 28 Cents.

The lad testified he has worked in the breaker for a year and that he receives 64 cents a day. Last month, he said, the company kept the rent out of his pay and he received only 28 cents. He knew of another boy, Mike Curry, who received only one cent pay last month, the company having retained his father's rent bill.

The boy exhibited his fingers to show that the nails were worn below the quick by slate picking. They were worse than this he explained, before he got a "hump" place, where the run of coal is not so heavy.

In cross-examination Mr. Torrey showed that the boy's father works steadily in the Shelden Axle Works and that his older brother is employed in the Dorrance colliery. There are four children in the family, two boys and two girls. One brother is younger than he. The boy admitted that he misrepresented his age to the company when he looked for employment.

Eight witnesses then told about conditions at the collieries of the Philadelphia and Reading Coal and Iron com-

pany, of which George F. Baer is president. Their chief complaint was that they were being discriminated against because they belong to the union. Attorney Simon P. Wolverton, on cross-examination, brought out the fact that by reason of the steam men's strike, six collieries were flooded and 3,000 or more men are idle as a result. Some of the witnesses who alleged discrimination were steam men who went on strike.

Joseph Fetzger, who was a hoisting engineer at the Reliance colliery, in Mt. Carmel, for twenty-six years, did not get his job back after the strike. When he applied for re-instatement, the foreman told him he would be sent for. He wasn't sent for, and went to the district superintendent. The latter told him he was an agitator and would not be re-employed. He then went to Division Superintendent Sheffler and was told he had had too much to say during the strike. He next went to the general superintendent and was told there was no place for him, as his position had been filled. The witness insisted that he was being discriminated against because the engines he was working at were not run during the strike, and the man who was put in his place was a striker from another colliery.

He worked twelve hours a day every day in the week and never had a Sunday or holiday off. He was paid $63.80 a month.

An Increase of 16 Per Cent.

On cross-examination by Mr. Wolverton, it was shown that the Reading company, after the 1900 strike, increased the wages of its men sixteen per cent. instead of ten per cent, as the settlement notice provided. The witness admitted that the company had always dealt fairly with him except in the instance complained of. All the other witnesses made similar admissions.

Patrick Welsh, a Schuylkill miner, complained of a reduction in the allowances for repair work. Jacob Parnell, vice president of the Silverton local, averred that he was refused re-employment because, as the boss put it, "he had too big a mouth during the strike." James Clark, of Ashland, told that a number of fire bosses, engineers and firemen in his region were refused re-employment, and that when a committee went to the division superintendent to see about it, they could get no satisfaction.

William Lynch told that the cars at the Reading collieries have increased in size twice without a corresponding increase in wages. William Grett, from Silverton, told that the price of yardage and coal had been reduced after the 1900 strike. John E. Doyle, a fireman, testified he worked twelve hours a day and twenty-four hours every other Sunday, for $9.50 a week. He shoveled forty to sixty tons of coal a day.

The last witness of the day was Allen Row, 15 years of age, who testified that he had his leg wrenched off by machinery at one of the Pennsylvania company's breakers and never received anything from the company.

Proceedings of Monday, Dec. 15.

[From The Scranton Tribune, Dec. 16.]

With one more witness, National President Samuel Gompers, of the American Federation of Labor, who is to take the stand today, to testify to wage earnings in general, the miners will complete their case in chief before the mine strike commission. The district presidents will not be put on the stand.

The operators will open their case today with a general statement for all the respondents, to be read by Hon. Simon P. Wolverton, counsel for the Philadelphia and Reading Coal and Iron company. The remainder of the week will be taken up with the presentation of testimony from the operators' side, the Delaware and Hudson company taking the lead. On Saturday the commission will adjourn over the holidays, to meet again Monday, Jan. 5, 1903, in Philadelphia, the operators preferring to have the commission sit in that city while hearing their side of the case, and a new meeting place being made necessary by the fact that the superior court meets here in January, in the room in which the commission is sitting.

The miners will ask the commission to come back to Scranton to hear their rebuttal testimony. This will likely be done.

The closing testimony of the miners consisted of complaints from more Philadelphia and Reading and Erie company employes, on comparatively trivial matters. Attorney John J. Murphy, Congressman Charles Brumm, Clarence S. Darrow and James Shea conducted the examinations for the miners. Attorney S. P. Wolverton, of the Reading, and Major Everett Warren, of the Erie, did the bulk of the cross-examining.

Silk Mill Girls.

Four small girls from Dunmore, who work in the silk mills, some of them on the night shift, and all of them in defiance of the law against child labor, proved somewhat of a disappointment as witnesses. It was intended to show to the commission that children like these are taken away from home influence and made to do very arduous work by reason of their fathers not being able to earn enough in the mines to support their families. The commission, however, did not see it that way, and Judge Gray scathingly rebuked the fathers who "coined the flesh and blood of little children into money when there was no necessity for it." He declared it to be an outrage. The names of the little girls' fathers were taken and investigations, during the noon recess, disclosed the fact that they are all working steadily and making on an average of about $100 a month, each.

As the day was drawing to a close, Henry D. Lloyd, the sociologist, who is one of the miners' representatives before the commission, sought to introduce a great mass of data on the economics of the coal business by reading reports of the findings of various commissions since 1871, and articles from different publications tending to show the existence of a coal trust which stifles competition, keeps up prices of coal and makes mine earnings appear small by transferring them, through the medium of exhorbitant freight rates to the earnings of its railroad department.

The commission hesitatingly headr him for an hour and a half, against repeated protests of the operators' attorneys that the matter was wholly irrelevant. Finally, the commission concluded the testimony was hardly relevant unless the companies made claim that they could not afford to pay what the miners are asking. At Judge Gray's suggestion, the remainder of Mr. Lloyd's testimony was deferred until after the operators' side has been heard.

Matter of Profit and Loss.

The operators' side averred repeatedly that the question of profit and loss was in nowise before the commission, and reminded the commission of a decision it had made that the ability of the employer to pay was no just criterion of the wages a man shall receive for his labor. Judge Gray said the commission proposed to assume that the operators were able to pay a just wage. This was satisfactory to all sides.

One of the miners' witnesses yesterday was Rev. Thomas R. Watkins, the labor candidate for recorder. He, with a number of other Delaware, Lackawanna and Western men, told about the formation of the Lackawanna union.

The stories of the little daughters of miners, who work in the silk mills, were truly pitiful, but, if Judge Gray's sentiments can be taken as a criterion of how the commission was impressed by their recitals, the coal companies, in the commissioners' minds, are not the culpable parties. One of the girls went to work during the strike, and presumably the strike was responsible for

her having to go to work. In two other cases, it developed that the girls' fathers own property. Judge Gray declared unequivocally and with a considerable show of indignation that it was the fault of the fathers that the little girls were at work. "I'd like to have those fathers here," said the judge. "I'd like to ask them a few questions."

The first of these witnesses was Theresa McDermott, aged 11, whose father, Michael McDermott, works for the Nay Aug Coal company. She works in a Dunmore silk mill from 7 in the morning until 6 in the evening, is on her feet all the time and receives $2 a week. There are four children in the family and she is the second oldest. The oldest is a boy. She went to work during the strike and is to quit next week.

"It is very creditable to her father that he is going to take her out of the mill," said Judge Gray.

Anna Denko, 14 years of age, a Dunmore girl, works in a silk mill from 6.30 in the evening until 6.30 in the morning, with only half an hour at midnight for rest and lunch. She lives at No. 7, and has to walk an hour going to and coming from her work. She receives 5½ cents an hour. She is the eldest of seven children.

All the commissioners were apparently very much moved by the contemplation of the little tot walking for an hour each way to and from work in weather like this, and then standing on her feet all night.

Father of the Girl.

Judge Gray said: I'd like to see her father."

"Isn't it the fault of her father's employer that she is compelled—"

"I think it's the fault of her father," interrupted Judge Gray, in indignant tones. "It's an outrage to coin the flesh and blood of little children into money in this way, when there is no real necessity for it. It's an outrage."

"But don't you think, your honor, that the natural instinct of the parent would not permit a child like this to work this way if there was not real necessity?"

"Some parents have no natural instincts such as you refer to," said the judge, his indignation still apparent.

"How about the employer of the girl?" asked Mr. Darrow.

"The girl's employer could not employ her if her father did not take her by the hand and lead her into the mill," declared the judge. "I want to see that father and ask him a few questions. There are miners who send their daughters to the mills who are earning enough to keep them at home."

Major Warren got the little girl to give her father's name and the place of his employment, that he might present to the commission exact figures on the father's earnings.

Helen Sisach, an 11 years and 11 months old Slav girl, next testified, through another little Slav girl, Mary Gampko, of about the same age. She told that she has been working nights for more than a year in a Dunmore silk mill for three cents an hour.

"How much?" fairly shouted Judge Gray.

"Three cents an hour," the little interpreter answered.

"Three cents an hour!" repeated the judge, slowly. The comment he felt called upon to make was made under his breath. From the expression of his countenance he was saying something that would not get into an expurgated edition of the record.

A little later, in telling about their home life, the little girl admitted that her father owned his own home.

"They own their own house?" inquired Judge Gray to make sure that he heard aright.

"Yes, sir," said the little interpreter.

Judge Gray looked ahead of him vacantly for awhile, with his hands thrust deep in his pockets, and then remarked: "I'd like to see her father."

Swore She Was Thirteen.

Judge Gray called attention to the fact that the law forbids the employment of children under 13 years of age in factories, mills and the like, and asked how it was that the witness, who was not yet twelve, had been working for more than a year. The little interpreter and the witness talked in Slavish for a time and then the former answered: "Her father swore she was thirteen."

Major Warren's questions brought out the information that the little girl's father is a contract miner and that he works steadily.

Rosie Huser, an eleven and a half year old Dunmore girl, told that she has been working nights in the silk mill for six months at 5½ cents an hour. Her father is William Huser, a contract miner for the Pennsylvania Coal company, and has five children. He owns his own house.

"Your father owns his own house?" asked Judge Gray.

"Yes. He is my step-father, not my father," said the little girl.

"I thought as much," remarked the judge.

Mr. Darrow tried to mollify things by having the little girl tell that the house is not paid for. The little girl thought it was not all paid for.

Judge Gray inquired if there was any law in this state forbidding children from working nights. Nobody could answer him. Mr. Torrey said that he would look it up.

"I guess the statutes relative to child labor are not much better than dead letters in the coal regions," said the judge half inquiringly.

The judge spent a little time looking over the statutes, which he keeps before him, and found a law prescribing that minors between the ages of thirteen and sixteen shall not work more than six months in any one calendar year. He read the statute and looked up as if to say: How about it?" There was no response. It was evidently news to the lawyers.

Wages Fathers Earn.

During the noon recess, Major Warren made an investigation of the Pennsylvania Coal company's statistics and found that the fathers of three of the little girls had earned wages in 1901 as follows: John Denko, $934.36, for eight and a half months' work; Peter Sisack, $1,121.05 for twelve months, and William Huser, $416.28 for five and a half months. The statistics of the Nay Aug Coal company show that the father of the McDermott girl earned $375.02 in the six months he worked for that company in 1901 and that his earnings for the nineteen days he worked since the strike were $96.21. All these are net earnings.

Thomas William, a 14-year-old slate picker, employed by the Red Ash Coal company at Reno, Schuylkill county, told that he works for $4.75 a week and that his ten-year-old brother works for $4 a week. His mother is a widow.

"There is a case," said Judge Gray, "where a poor woman very likely is compelled to have her babes earn for her."

The little fellow was asked by Judge Gray how it came that his ten-year-old brother was working when the law prescribes that no one under twelve years of age shall be employed in the breaker.

"He got a note to the boss," said the boy.

"Yes, so I supposed," said the judge. "Who wrote the note, Tommie?"

"I did," said the lad, laughing.

"And who signed it?" asked the judge.

"Mother did," replied the boy.

"Well, I suppose she had to," said the judge. "She probably needs the money."

At the opening of the afternoon session, Judge Gray asked for the name and address of the factory inspector. Major Warren informed him that the inspecter is Earl W. Bishop, of Dunmore.

Invited Factory Inspector.

"Mr. Recorder," said the judge, "take that down, and write the inspector inviting him to come before the commission, and tell what he knows about these apparent violations of the child labor laws."

More witnesses from the Philadelphia and Reading collieries were called and examined by Congressman Charles Brumm, of Minersville, who was called in specially by the miners to assist in the examination of the witnesses from this region.

Henry Leidich, of Good Spring colliery, complained that the company rescinded a pillar robbing contract because he was making too much money and that he was later discharged. Mr. Wolverton brought out the fact that the boss who discharged him was his brother-in-law, and that there was a family quarrel between them.

Earl Mayer, another Good Spring man, told that he was not re-employed,

after the strike. He couldn't explain why.

John Kilcuski, of Shenandoah, exhibited two badly deformed hands, resulting from a gas explosion which he blamed on the fire boss. He was idle sixteen months and received no help from the company. He was re-employed for a while by the Reading company, but he got sick and when he returned another man was in his place and he was sent away. He said he only received $1.80 a day for himself and two men while he worked for the Reading company.

George Seeg, from the Good Spring colliery, presented his pay checks for twelve years from 1889 to the present. His last pay was $15 for ten shifts.

John Carr, of Ashland, a driver at the Locust Gap colliery, complained that he was discharged since the strike because he refused to tend to two gangways instead of one as heretofore. On cross-examination, Mr. Wolverton brought it out that the witness really quit because he would not take the place of another man who was discharged.

John Schlotman, from the Good Spring colliery, complained he and his boys were not re-employed and that new men, who never worked at the colliery before, have been put in their places.

Charles Burke. from the St. Nicholas colliery, near Mahonoy City, told of a lower wage being paid at his colliery than at surrounding collieries for building a battery.

Testimony anent conditions at Erie collieries was next presented.

At Erie Collieries.

Anthony Shamus, check weighman at the Clifford colliery in Forest City, testified that twenty-nine hundred weight or 3,248 pounds are required for a ton at this colliery. The company never allowed him to weigh the empty car, but his estimate was that there is a difference of 1,000 pounds in the weight of different cars, but all are rated at 2,300 pounds. The average at one shaft, he said, was 4,421 tons out of 58,079 tons or nine and one-half per cent., and at another, the average was 1,538 tons out of 34,128 tons or four and one-half per cent.

Stephen McDonald, a Sunday newspaperman, went on the stand to tell how many mills and factories there are hereabouts employing girls. His knowledge was meagre, vague and indefinite, and Mr. Darrow withdrew him.

J. E. Stuttlebein, carpenter at the Avondale colliery of the Delaware, Lackawanna and Western company, told that the size of the mine car was increased one inch in height, in 1890. This added two and one-third cubic feet to the contents.

Man in His Place.

P. O. Malley, a fireman at the Forest City colliery of the Erie company, also complained of not being taken back after the strike. When he applied for reinstatement the boss told him there was a man in his place. During the strike he secured work as a section hand on the Erie railroad, and without any known cause was one day summarily discharged.

Major Warren asked the witness if it was not true that he promised the district superintendent he could count on him standing by the company, and in the face of that if he did not abandon his position. The witness said he told the superintendent he would stay at work as long as the union would let him.

"I wouldn't go back on my oath," added the witness.

"Then you take an oath, do you?" asked Judge Gray. "What kind of an oath do you take?"

"Just a promise to stand by our fellow-workmen."

"Do you promise to stand by non-union fellow-workmen?" asked General Wilson.

"They stand on them, not by them, general," said Judge Gray, answering for the witness.

The obligation the mine workers' union requires of its members was read and it was brought out that a pass-word is necessary to get into a meeting.

After there had been quite an exposition of this feature of the union, Judge Gray remarked: "This does not make it a secret organization."

John Tancoski, a miner at the Clifford colliery, tried to make it appear that the Erie was cutting off allowances to recoup itself for the ten per cent. increase in 1900. In proof of this he told of an instance in 1901, when he drove eight yards of cross-cut and did not get as much for it as he did for similar work before the strike.

His Pay in 1901.

On cross-examination the witness practically admitted that he understood the increase to the Forest City men amounted to as much as fourteen per cent. in some instances. It was shown that the witness drew $444.25 in ten months of 1901.

William Murphy and Anthony Welby, miners from the Archbald colliery of the Delaware, Lackawanna and Western company, told of the attempt to form the Lackawanna union, prior to the strike of 1900. They told that a committee appointed by the foreman asked them to join such a union. Murphy also told that when he refused to join one of the committee told him he might be sorry for refusing.

M. S. Lavelle, told that District Superintendent Thomas Williams, Reese Evans and Thomas Morgan separately approached him to join the Lackawanna union, and that District Superintendent Williams tried to persuade him to become president of the Continental local of the new union.

Mr. Lavelle told of reductions made in the prices paid in two veins at the Continental after the 1900 strike. The men wanted $1.10 a car and $1.25 for rock. The company offered $1.01 a car and seventy-five cents for rock. A committee waited on General Manager Loomis and it was agreed they should work for these prices providing the company would guarantee sixteen cars to the keg.

On cross-examination the witness admitted the men went back to work under this agreement. He added, though, that they could not make a living wage at it.

Rev. Thomas R. Watkins, of North Scranton, the labor candidate for recorder, was called to testify as to the formation of the Lackawanna union. He works at the Storr's shaft and has been a miner for thirty-five years. He also preaches when called upon to fill a vacant pulpit, being a regularly ordained Congregational minister.

Mr. Watkins told that when the movement for the organization of the Lackawanna union was afoot, just previous to the 1900 strike, a fire boss at the Storrs solicited him to join it, saying it would be of much more benefit to the Delaware, Lackawanna and Western men than the United Mine Workers. He was reminded by the fire boss of the history of previous miners' unions and how it was likely that in the United Mine Workers there were thieves who would steal the funds. He declined to join the Lackawanna union despite all this.

Major Warren contented himself as cross-examination with one question, carrying the inference that the purpose of the Lackawanna union was to further the very thing that President Mitchell was advancing—collective bargaining between a company and all its employes.

To show that its main purpose was to antagonize the United Mine Workers Mr. Darrow read from the constitution of the Lackawanna union, a clause setting forth that it was a particularly desirable organization for anthracite men as it was not controlled by "soft coal or other prejudicial interests."

Several more witnesses also told of alleged discrimination. but like substantially all the others they could not deny that it was necessary for the company to fill their places during the strike, and that the men who took the places are still holding them.

At 3.30 p. m., Mr. Darrow announced that there was only one more witness to be presented by his side on direct examination. This witness is Samuel Gompers, national president of the American Federation of Labor, who is to testify, today, regarding wages paid to various classes of workmen throughout the United States.

The remaining evidence to be presented, Mr. Darrow explained, consisted of excerpts from various publications to show a combination between coal carrying roads and coal mining companies; consolidations between competing companies, and the existence of a practical monopoly of the

coal business. It would also be shown by a table, Mr. Darrow explained, that the output of the coal companies has fluctuated greatly during the past ten years, and that in consequence thereof, last year, taken alone, is not a fair criterion. "We may or may not at some future time," said Mr. Darrow, "ask some questions of railroad presidents, if they are put on the stand, regarding combinations for regulating and restricting trade."

Relevancy of Testimony.

After a lengthy discussion as to the relevancy of the testimony it was proposed to present regarding alleged combinations, discriminations and exorbitant rates, it was announced by Judge Gray that while the commission felt it was not called upon to make a finding on these matters, it would hear what it was proposed to offer. "We have quite enough to do," said the judge, "to decide the controverted issues of the strike, without widening its scope, as suggested by the offered evidence."

Henry D. Lloyd, who prepared the evidence, was called upon to give an outline of what would be offered.

He said it pertained to the causes, character and results of combinations of capital and combinations of labor in the coal regions; the profits of coal mining; discriminations in freight rates; the economical, political and social consequences of the combinations. It was, in other words, he explained, a compendium of the literature of these subjects from 1871 to the present time, embracing all important investigations by legislative and other committees together with judicial decisions, etc., etc.

Attorneys Torrey, Wolverton, Warren and Hand in turn objected to lumbering the record with what Mr. Lloyd had to offer. Judge Gray could not see the relevancy of it. Mr. Darrow explained that it would at least answer the allegation of some of the companies that they could not afford to pay increased wages.

A lengthy discussion as to the admission of this testimony was cut short by Judge Gray remarking: "Go ahead, Mr. Lloyd, we might as well spend two hours receiving the evidence as in discussing whether or not we will receive it."

After Mr. Lloyd had proceeded for an hour and a half with his reading, he reached the matter of freight rates and profits. Mr. Wolverton again objected, saying this testimony was wholly irrelevant, that there was nothing the commission wants in the way of information that can be predicated on the proferred testimony, and that at all events such matters were for the Inter-state Commerce commission.

Twenty Years' Work.

"How long has it taken you to garner all that data?" inquired General Wilson, looking up from a letter he was writing and letting his gaze fall upon the stack of books and papers in front of Mr. Lloyd.

"Twenty years," proudly replied the eminent sociologist.

"Well, we haven't that much time to look it over, Mr. Lloyd," said the general, as he resumed his letter writing.

Judge Gray said he thought the Lloyd data was wholly outside the scope of the present inquiry. If the operators aver that they are unable, on account of meagre profits, to pay the wages the miners are demanding, he said, the question of profits may properly come before the commission. Until such time, he would ask Mr. Lloyd to refrain from a further presentation of his data.

"We are going to assume," Judge Gray added, "that the operators are able to pay fair wages."

This, Mr. Darrow said, was satisfactory to his side.

During his hour and a half of reading, Mr. Lloyd presented the findings of various legislative and other commissions and the utterances of Poor's Manual and the Commercial and Financial Chronicle on alleged combinations of railroads, their identity of interests as shown by common directors, joint acquisition of the Temple Iron company, joint resistance to the independents' proposed new road to tidewater, admissions of the Delaware, Lackawanna and Western company's annual report that "concentration" of coal interests had materially bettered the local business, and acquisitions of small companies by the big ones.

He had just completed the first part of his showing that exorbitant rates are charged for hard coal, as compared with other commodities, when the interruption came. It was 5.45 o'clock before Mr. Lloyd was halted and adjournment had.

Proceedings of Tuesday, Dec. 16.

[From The Scranton Tribune, Dec. 17.]

After presenting testimony for twenty days, from 140 witnesses, the miners yesterday concluded their case in chief before the mine strike commission, and today the respondents will jointly enter upon their defense.

Yesterday's session was one of the most interesting and important yet held. A particularly important feature was the not unexpected refusal of the commission to go into an investigation of the lateral questions of exorbitant freight rates on hard coal, and the profits or losses of anthracite mining, unless it developed that the operators will defend against the demand for increased wages on the ground that they can not afford to pay them.

Only three witnesses were on the stand, but each of them gave testimony of an unusually interesting and pertinent character.

A bit of surprise was sprung at the morning session by the miners' side calling to the stand J. C. Haddock, of Wilkes-Barre, an independent operator, who has not been working in harmony with the big companies, and who was not at all reluctant to giving testimony unfavorable to his fellow-operators.

Gompers on the Stand.

The whole of the afternoon session was taken up with the examination of Samuel Gompers, president of the American Federation of Labor, who told of the successful workings of trade agreements, and the policies and principles of trade unionism in general. He made an excellent witness, and, no doubt, made a strong impression on the commission. He was asked a great many questions by the commissioners, and when he concluded his testimony was thanked for his assistance by Chairman Gray.

The other witness was Rev. Peter Roberts, Ph.D., who was re-called to explain a chart he had made showing the fluctuations in hard coal production during the past ten years, for the purpose of supporting the contention of the miners' side that the year 1901 was so comparatively good as to be abnormal, and, therefore, not a proper period to serve as a criterion of miners' earnings.

At the opening of the morning session, Judge Gray referred to the testimony of the silk mill girls of the day before, and, in the name of the commission, called upon the community to take steps to remedy the sad condition of affairs unfolded by the stories of the little girls. He particularly recommended that legislation be passed forbidding children or females from working all night.

A summary of the statistics of the Hillside Coal and Iron company for the year 1901 was filled during the afternoon by Major Everett Warren. It showed that the average number of pounds of prepared and pea coal produced per miners' ton was 2,088; average earnings of miners, $685.28; average earnings of company hands, men and boys, $359.53; average hours worked per day, 6 6-10.

The decision of the commission refusing to accept, at this time, testimony bearing on freight rates and alleged community of interests among the operators followed a speech by Henry D. Lloyd advocating the acceptance of the data he has prepared on this sub-

ject, and which he was engaged in presenting, the day before, when objections on the part of the companies moved the commission to ask Mr. Lloyd to defer the further reading of his data until later.

Mr. Lloyd's Speech.

Mr. Lloyd read his speech from manuscript, as follows:

Mr. Chairman, I desire to ask the commission to allow us to put in evidence with regard to the extortionate and discriminating freight rates, for this reason; the fact that such rates have been and are charged go to the very root of the questions at issue here between the coal companies and their men.

We do not desire to submit this evidence for the purpose of asking the commission to take cognizance of it as a matter within your jurisdiction. We do not ask you to assume the functions delegated by congress to the Interstate Commerce Commission. The Interstate Commerce Commission have already pronounced on this question and its findings are part of the evidence we wish to submit, but we ask the Commission to receive this evidence because it shows that a state of affairs of deadly import to labor 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 laboring 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 labor 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 do not ask this because we expect or desire—

The chairman—What was the last proposition?

Mr. Lloyd—The last is that we ask you to allow us to present out of the reports of the companies the further evidence we have of this community of interest leading to the presumption that there is but one employer in this industry. We do not ask this because we expect or desire that you will undertake to declare that the combination is unlawful. Not at all. But we ask you to take cognizance 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.

From Reports of Companies.

We offer to supplement the evidence from the official investigation given yesterday, the evidence taken from the reports of the companies themselves, bringing the evidence that there is but one employer down to date. We do not attack the principles of combination; we claim the right of combination for ourselves. But here is an abuse of combination with the greatest economic effect.

You have to decide between the parties before you 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 labor 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 forces and the violation of law. We do not ask you to find that this is the fact, but we do ask you to take cognizance 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 wish to convince you that the level of wages here is unnatural by showing you that an unnatural economic condition has been at work. It is impossible that the knowledge of this fact, if it be a fact, should not be of weight in your deliberation as to whether you can give ten per cent. or twenty per cent. or one per cent. of betterment of conditions. Where the ownership and operation of an entire industry and the employment of labor, are all passing into one set of hands regulating prices and wages, fixing output, deciding who shall and who shall not be allowed to engage in the business as laborer, miner, carrier, merchant, or capitalist, and on what terms—blacklisting money as well as men—it is inevitable the working man should be forced down to a lower industrial life than he would be otherwise.

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 labor, that 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 labor 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.

Still at Work.

We seek to show that these forces are still at work and must be provided against by the commission, if the award is to be effective and if it is not to be nullified in every possible way after it has been made. The completion of the evidence, Mr. Chairman, will take about twenty-five minutes.

The Chairman--The commission have considered, since the last adjournment, the substance of the offer you now make, Mr. Lloyd, and I feel that the issues presented to us must be confined to what we consider reasonably within the four corners of the submission by the parties to the controversy. That limitation and characterization of our duty is contained in the first place, in the open letter of the operators in which a request is made that the President shall appoint a commission and secondly, in the acceptance of the offer of submission therein made by the mine workers by their proceedings at the Wilkes-Barre convention.

The offer of submission by the operators, so far as it is pertinent to this question, is, "we suggest that a commission be appointed by the President of the United States (if he is willing to perform that public service), to whom shall be referred all questions at issue between the respective companies and their own employes, whether they belong to a union or not, and the decision of that commission shall be accepted by us." . . . "The findings of this commission shall fix the date when the same shall be effective, and shall govern the conditions of employment between the respective companies and their own employes for a term of at least three years."

The mine workers submitted through their counsel the following as the questions at issue: "First, an increase of twenty per cent. upon the prices paid during the year 1901, to employes performing contract or piece work. Second, a reduction of twenty per cent. in hours of labor, without any reductions in earnings, for all employes paid by the hour, day or week. Third, the adoption of a system by which coal shall be weighed and paid for by weight wherever practicable; the minimum rate per ton to be sixty cents for a legal ton of 2,240 pounds; the differentials now existing at the various mines to be maintained. Fourth, the incorporation in an agreement between the United Mine Workers of America and the Anthracite Coal Companies of the wages which shall be paid and the conditions of employment which shall obtain, together with satisfactory methods for the adjustment of grievances which may arise from time to time to the end that strikes and lock-outs may be unnecessary."

Vast Fields of Inquiry.

The commission is not unmindful of the fact that the issues thus presented, like most issues presented for the determination of the human faculties, touch at various points vast fields of inquiry, and in this case they do touch upon the boundaries of large sociological questions, undoubtedly, and for that very reason the commission have felt that it was very important that they should not be tempted into these fields, however attractive for exploration, but should confine themselves within what they think a reasonable limit of investigation.

The award of which you speak, Mr. Lloyd, and as to which you expressed a wish that it may be one that will be productive of good results and permanent peace, would be in the dim and distant future if we attempted to explore thoroughly these fields which you, by your offer, open to us.

I do not mean that you propose to take much time in reading the evidence to which you refer, but once open that door and we cannot do otherwise than make a complete investigation. We must endeavor at least not to arrive at half truths and we must invite the other side to go into that field with us and assist, as you would assist, in arriving at a result that would be comformable to truth and justice, and to arrive at economic facts, before attempting to apply them to the real issues that we have in hand.

We feel we must confine ourselves somewhat strictly, not too strictly, but somewhat strictly, within the bounds of investigation marked out by the submission on both sides. The discrimination alleged to have been made by the coal carrying companies may or may not be true. We have heard—it is in the air—that such discriminations are made, but we do not think that at present those discriminations, whether they be true or

not, whether the fact be one way or the other, will very much, or at all, affect the work we have in hand, or the findings that we may hereafter make. We do not think we will be affected by them. If we should discover it was necessary, in order to make a finding satisfactory to ourselves and the public, they should be gone into, we will not hesitate to turn to any source of information that may enlighten our pathway.

As to the second branch of your offer, which I am going to ask you to repeat again, kindly, as I may mis-state it—

Mr. Lloyd:—For the same reason we ask that you will allow us to present out of the reports of the companies the further evidence we have to give of the community of interests.

Chairman's Reply.

The chairman.—That question, which you invite us to go into, can only be gone into, if at all, thoroughly of course. We will receive and we will expect to receive, and doubtless will receive, if we once attempt it, from the other side a contentious presentation of their side, in that respect.

But whether there be community of interests or no, the great question as to the justifiableness of the demands made by the mine workers remains and we do not see at this time just how we are to be affected in our findings, or aided by going into this question.

We think, with God's help, we may be able, we sincerely pray we may be able to assist all parties in this region to arrive at a better understanding and at more liberal conditions than have attained here for years past. Whether we do or not, we do not think would depend on embarrassing ourselves by the excursions right and left of our pathway that you invite us to take. If hereafter the testimony should open the way, or make it necessary that evidence on any of these subjects should be gone into we will not deny you the opportunity to meet the contention of your opponents. For the reasons that I have briefly and imperfectly stated, the commission are of the opinion that we will not go further in that direction than we have already gone.

Judge Gray's reference to the child labor question took place at the opening of the morning session. He said:

"Gentlemen, the commission are anxious that the lesson of yesterday, drawn from the testimony of those little girls, should be impressed upon this community and upon the citizens of this commonwealth. Of course, we do not wish to intrude or criticize the execution of the laws in a commonwealth of which we are not citizens, but we do believe that the good people of this commonwealth will take it to heart and see that the laws which were evidently framed to meet such cases are executed.

"We all have an interest, although we are but guests of your commonwealth, in the conditions which affect our common humanity, and I hope that any emphasis that we can give to that situation, although we are not of your household, may attract the public attention that it deserves."

"If the chairman please," said Major Warren, "the deputy factory inspector is here and can explain, I think, to the commission, the conduct of these parents and the way these children were employed, as well as the efforts that are taken by the commonwealth to enforce obedience to our laws. And he will relieve the commission, I think, of the idea that there are not such steps taken as can be taken to try to comply with reasonable regulations and rules concerning the employment of child labor."

"We all think, I am sure," said the chairman, "if you will take it in good part of us to intrude our advice, that your legislature ought seriously to consider whether it would not be for the public good to enact a law forbidding the employment of any child labor at night, or of any female labor at night."

Judge Gray here stated that he had seen in the morning papers that the wages of these little girls' parents had been ascertained and asked that they be presented.

Mr. Darrow objected on the grounds that his side had information that the wage statements were not correct and he wanted time to investigate them. They had spent a good part of the night looking into the matter but had not completed their investigations.

Statements Presented.

Judge Gray decided to take the statements and give Mr. Darrow opportunity to challenge them later. The statements were then presented by Major Warren, for the Pennsylvania Coal company and Mr. Reynolds, for the Nay Aug Coal company.

When asked by Judge Gray if the statements were correct, General Manager May of the Erie coal department said they were copied from the attested records and he believed them to be correct. If they were incorrect, he said, he would be glad to know it.

Regarding the testimony of Deputy Factory Inspector E. W. Bishop, it was decided to defer calling him until Mr. Darrow could have time to prepare to cross-examine him.

The testimony of John C. Haddock, independent operator, was then received. In calling him to the stand, Mr. Darrow said he thought it was only fair, to his side, to say that under a strict hearing of the case he might not present Mr. Haddock. "Although I think, in the main," said he, "that his testimony will be favorable to us, he is a coal operator and a party to this case, and I know that the inferences that might, ordinarily, be drawn, would not be drawn in this particular instance; that is, it would not be fair to say he is a hostile witness."

"He might turn state's evidence," suggested Judge Gray, which provoked general laughter.

"I want the information, whatever it is," said Mr. Darrow. "I simply make this explanation to have it understood I do not want to be considered as bound by it, in the same sense that I would ordinarily by one of my own witnesses."

Mr. Haddock began his testimony by stating that he was president of the Plymouth Coal company, which operated two collieries in Luzerne borough. He began to operate in 1879 and continued in business until last March, when the company went into the hands of a receiver, and later into the hands of a trustee.

Have the Best Market.

He told that small sizes, which were formerly discarded, now bring the best market: that there has been a decided fluctuation in output during the past ten years; that there is at present a market for all the coal that can possibly be mined; that coal is being sold in New York for $11 and $12 a ton, although the list price is $4.50, and that it is likely a high price for coal will be maintained for another year at least, because of the present shortage and the assurance that consumers will buy heavily during the summer to stock up for next winter.

He could not say there had been anything done by the coal roads and operators to regulate the coal supply, but he admitted that there was apparently some regulation of the tonnage. It took him a year and a half, he said, to establish his right to mine and ship as much coal as he wanted to. The Delaware, Lackawanna and Western company, he said, showed a disposition to try to regulate it for him.

Simpson & Watkins, he said, was the first firm to go to the inter-state commerce commission to secure better treatment in the way of car service from the coal carriers. Coxe Bros. & Co. also complained. He, himself, had to have recourse to the commission.

He declared his belief that a labor union was beneficial to the men and to the community; that he has dealt directly with mine workers' unions; that an eight-hour day for miners and firemen and nine hours for others was enough; that the condition of the market warranted an advance in wages, and that where coal can be paid for by weight it should be done, as it is the only fair way.

On cross-examination, Mr. Torrey tried to have it appear that because of the fact that Mr. Haddock had allowed the union to help him run his business the property had gone into the hands of a receiver. Mr. Haddock declared this was not the case at all: that a fire which caused extensive damages, coupled with unfair treatment from the coal carriers, caused his failure.

Waste of 20 Per Cent.

Mr. Reynolds' cross-examination elicited the admission that there is now little or no market for big sizes, and that in breaking down the big sizes to make the coal marketable there is a waste of 20 per cent.

When Dr. Roberts was explaining his fluctuation chart, Mr. Torrey asked him if it wasn't true that the miners asked for an advance on the 1901 wages. The witness agreed that this was so.

Mr. Darrow said the commission is asked to raise the price per yard, per car. or per pound, according to the method of measuring wages. An award could not be made with nothing as a basis other than one big year's earnings.

Mr. Torrey repeated a statement of President Mitchell that the only fair way to get at a man's wages is by his annual earnings.

"Yes, for a number of years," said Mr. Darrow.

Samuel Gompers, national president of the American Federation of Labor, arrived at 1.50 p. m. from Washington, D. C., and was on the stand twenty minutes later. He and Commissioner Clark shook hands warmly.

In response to questions by Mr. Darrow, he told of the formation and working plan of the federation; that there has been a growth in labor organizations in the last ten years, and especially since the revival of industry, subsequent to the panic of 1873, and particularly in the last year; that opposition to labor unions from employers is disappearing; that organized workmen are better paid and more intelligent than those not organized, and that the reduction in the hours of labor has been beneficial to both employer and employe.

Commissioner Parker asked the witness if unions do anything to educate their members in the way of making them better workmen.

Mr. Gompers answered in the affirmative. Eighty of the one hundred unions issue periodicals devoted largely to increasing the efficiency of the members by teaching them the technique of their craft.

Commissioner Clark asked if Mr. Gompers had made any comparisons of the productive capacity of the workmen under the eight and ten hour days. The witness said it has never failed that both in the aggregate and per individual the productive capacity of an eight hour day exceeds a ten hour day. Labor-saving machinery has almost invariably followed the installation of the eight hour day, he added.

Do Not Restrict Output.

In answer to a question by Commissioner Watkins, Mr. Gompers denied that unions restrict output or limit the working capacity of their members. "The union man believes in letting the machine do all the work it can during a reasonable working day," said Mr. Gompers. "All we ask is that we have a fair day's wages. We feel we ought to share in some measure in the benefits of the machine."

Further questions by Commissioner Watkins elicited the admission that some individuals, who are union men, do attempt to restrict production, and that possibly a union, here and there, does not discourage it.

Collective bargaining, Mr. Gompers said, is being more general every day. The joint agreement obtains as a rule in the building trades, the printing industry, clothing trade, with coopers, electrical workers, glass workers, granite cutters, hatters, horseshoers, tin and iron workers, longshoremen, machinists, stone cutters, marble workers, railroaders, soft coal miners, iron moulders, musicians, oil workers, painters, paper makers, and so on.

Since the adoption of the trade agreements there has been a great lessening of friction between employers and employes. They are generally, faithfully, observed on both sides and have caused a great diminuition in strikes.

Judge Gray asked if strikes have increased in number correspondingly with the increase in unions. Mr. Gompers said the contrary was the case.

Judge Gray asked Mr. Gompers for his views on boycotts.

He said he believed in withdrawing or withholding his patronage from an unfair merchant and to advise others to do likewise. By an unfair merchant he meant one, who, for instance, would not pay the prevailing rate of wages.

"Would you boycott me for riding on a street car?" asked Judge Gray.

"No, I think not—no, I would not," answered Mr. Gompers.

Unions never approve of force or violence as aids in winning a strike, Mr. Gompers went on to say. He pointed to the set back the progress of unionism experienced by reason of the Haymarket bomb throwing on the day appointed for the inauguration of the eight hour work day.

"I hear of operators saying they will deal only with their own employes," said Mr. Gompers. "This is another mistaken policy. When there is a dispute between an employer and his employes, the likelihood is that the spokesman of the employe is either too docile or too domineering to make an effective representative. Let some official of the employes' union act for him and you will have better results. It is essential to the official's reputation as a successful moderator that he shall accomplish something. This will move him to be conservative. He is also more fitted by experience to negotiate settlements, and can do this with less annoyance to the employer than can either the docile or domineering employe.

"At all events," continued Mr. Gompers, "the employer has no right to refuse to hear his employes through the representative they may select. The constitution guarantees every citizen the right of representation in court by counsel. The employer's office is the court of the industrian. The representative he may choose is his counsel in that court. The employe asks for an extension of this right of representation by counsel."

"Does collective bargaining bring the most conservative employes to the front?" asked Commissioner Watkins.

"It certainly does," said Mr. Gompers. "The men very naturally seek out as their representatives those of their number who are best fitted to deal with larger questions with some hope of accomplishing something."

In response to a question by Commissioner Wright as to what he comprehended in the phrase "recognition of the union," Mr. Gompers said:

"Representatives of both parties meeting and agreeing on terms of employment for a specific period, and making a compact that no strike or lockout shall be inaugurated during the specified period, but instead that differences shall be adjusted by a compromisory policy, and in case of this failing, that arbitration shall be invoked."

The Cross-Examination.

Mr. Torrey conducted the cross-examination of President Gompers. Like some of the preceding witnesses, Mr. Gompers had written things and Mr. Torrey was prepared to confront him with the writings.

One of the things Mr. Torrey paraded before him was an article from the American Federationist, in which Mr. Gompers declared the "third party" to the mine strike—the public—had no rights to either interfere with the miners staying out on strike or to force the operators to open up their mines. Mr. Gompers said he still subscribed to that view.

In a report of the industrial commission, of 1901, a statement to the effect that the American Federation of Labor is antagonistic to all attempts to suppress the boycott, and that President Gompers in the national convention of the federation in 1896 advised that if a court grants an injunction against a boycott, the name of the boycotted party and the grievance against him be printed together with a statement that "we are enjoined from boycotting this party."

Mr. Gompers denied this. He advised, he said, that the injunction itself be published broadcast.

"To strengthen the boycott, I suppose?" queried Mr. Torrey.

"Do you think the publication of the injunction would be more effective than the boycott itself?" asked Mr. Gompers, and then, after a brief pause, he added: "Well, if you do, your views are all right."

Mr. Gompers said it was possibly wrong to give every local body of trades unionism the power to inflict boycotts, and admitted that private spites or commercial rivalry might sometimes enter into the infliction.

To Judge Gray's inquiry, Mr. Gompers said the observance of a boycott was not obligatory on any member of a union. It was left to his own conscience.

Improper Uses.

To boycott a merchant for refusing to sell necessaries of life to non-union men, or to boycott school teachers because their relatives were non-strikers were improper uses of the boycott, Mr.

Gompers admitted. "A rather far-fetched use of it," is the way he put it.

Mr. Torrey concluded the cross-examination by reading from the constitution of the Brotherhood of Locomotive Engineers certain disciplinary clauses inflicting penalties of expulsion for drunkenness and so on, and asked Mr. Gompers if he did not think the United Mine Workers could improve their standing before the public, and particularly in the eyes of the operators, by making some provision for disciplining their members for breaches of this and similar kinds.

"When the mine workers come to be regarded by the operators with the friendliness and confidence that the railroads regard the engineers," said Mr. Gompers, "the miners will likely be disposed to make their constitution conform more closely to the views of the operators. There are some things in the matter of policy the miners should adopt, but not just yet."

A provision of the engineers' organization is that no illiterate man shall be initiated. "Ten years from now," said Mr. Gompers, "the miners might graft that into their constitution. Just now the miners' union should take in and educate the unlettered thousands from southern Europe whom the coal companies have brought over here to work in their mines."

"Have you any evidence of coal companies bringing such men here?" interrupted Mr. Torrey.

"No trouble to prove it absolutely," said Mr. Gompers.

"We would very much like to have the proof," rejoined the lawyer.

Proofs He Mentioned.

"I can give to the chairman of the commission the name of a gentleman—which I can not give now—who will give all the proof you need. I, myself, have seen copies of circulars sent through southern Europe inviting the men there to come to Pennsylvania, where there was plenty of work at big wages in the coal mines."

"Were not those circulars sent by steamship companies?" Mr. Torrey asked.

"Those particular circulars may have been sent by steamship companies, but it is a remarkable fact that those who responded to the invitation were not in this country very long before they were working in the mines."

Mr. Gompers was telling of the elevating influences of unions and cited certain of them which broke up the practice of making pay day settlements with laborers, or of engaging help in barrooms, as was a common practice years ago.

"That sort of thing is left for the politicians now?" ventured Mr. Torrey, jokingly.

Mr. Gompers took this as a reflection on him personally, and came back with: "You probably know more about that than I."

Mr. Torrey had time to think a few thinks while the laughter was on, and when it subsided he remarked: "But, Mr. Gompers, I must protest. I have no office, while you seem to be able to hang on to yours very tenaciously."

Mr. Gompers asked the stenographer what the last question was.

It was 4.30, the adjourning hour, when Mr. Gompers left the stand.

Hillside Company Statistics.

Appended is the summary of the statistics filed by the Hillside Coal and Iron company:

The statements submitted to the commission by the Hilslide Coal and Iron company show, in detail, the number of collieries, the production, the shipments, the dockage, the earnings of the contract miners, and all other classes of labor, the time worked by breakers and employes, the time lost from various causes, the character of the veins worked and in general everything of the actual conditions of production of coal by the Company possible to show statistically, for the year, April 1st, 1901, to March 31st, 1902. Following are the principal facts:

Total number of breakers.....	6
Total miners' tons produced	800,406
Total tons prepared coal produced,	582,971
Total tons of pea coal produced..	163,018
Total tons of prepared and pea coal produced, ...	745,989
Average number of pounds of prepared coal produced per miners' ton, ...	1,632
Average number of pounds of prepared and pea coal produced per miners' ton, ...	2,088
Percent of dockage, ...	3.98

MINERS.

Average earnings of all miners who worked during the full year	$685.28
Total number of miners, ...	1,011
A number of miners made net earnings ranging from $2,320.76 down to $1,175.00, and the average net earnings of all miners who sent coal out 90 per cent, of the number of days the breaker started, was $831.36.	
Tons mined per day, per inside employe, 1900, ...	4.409
Tons mined per day, per inside employe, 1901, ...	3.400

COMPANY MEN.

Average earnings per day and per year of day and monthly men, commonly known as company men, by classes:

	Average per day.	Average earnings per man per year.
Engineers, machinists, carpenters, blacksmiths, etc..	$2.03	$639.50
Firemen, pumpmen, stablemen, trackmen, timbermen, etc., ...	1.83	545.54
Dumpers, footmen, headmen, runners, loaders etc.	1.67	338.76
Drivers, plate or gatemen, watchmen, etc., ...	1.44	297.07
Door boys, slate pickers,.....	.86	190.93
Laborers and various other classes, ...	1.67	382.62
Average earnings per year of men and boys, ...		$359.53

Average breaker starts, ...	253
Average hours worked per day based on total starts, ...	6.6
Number of suspensions due to action of employes, ...	682
Number of suspensions due to machinery, ...	116
Number of suspensions due to cave in,	1

Statement concerning the houses owned by the company, as follows:

Number of company houses, ...	107
Average rental per month.	$5.40
Average number of rooms, ...	5.8

The statements also show uncollected rent amounting to $2,172.75 as due from employes November 1st, the annual rental of the property being $5,938.00.

They also show the names and number of employes who are owners of real estate, total number being 341, or over 13 per cent. of the whole.

Proceedings of Wednesday, Dec. 17.

[From The Scranton Tribune, Dec. 18.]

The operators opened their case before the mine strike commission yesterday afternoon. Statements outlining their position and what they propose to prove were read by Hon. Simon P. Wolverton, of counsel for the Reading company, representing all the big companies, and by Ira H. Burns, of counsel for the independent operators of the Lackawanna and Wyoming regions, representing all the independents.

The undecided question of whether or not the recognition of the union is before the commission for decision was specifically raised by the operators' statements, and a lively discussion was thereby precipitated, but once again the commission refrained from a declaration as to how it stands on this matter.

To accomodate witnesses who reside in this locality, the operators' programme of procedure as originally decided upon was modified to the extent of allowing the non-union men's case to be heard first. The last hour and a half of the afternoon session was taken up with the examination of witnesses who told about the Winston murder in Olyphant; the attempted lynching of John Flanaghan in Dunmore and the bolt of strikers from an Olyphant church because of the presence of a non-union man.

A heated discussion was precipitated by an objection by Attorneys Joseph O'Brien and John T. Lenahan to a question as to who retained them to represent the non-union men. Mr. Darrow asserted that the question was proper because it tended to show that the non-union men were before the commission under false colors; that they were simply being used by the operators as they were during the strike to combat the union. Attorneys O'Brien and Lenahan were not called upon to make any defense of their position. Judge Gray did

it for them. He declared with a considerable show of feeling that Mr. Darrow's question was absolutely immaterial, and that if the operators had hired lawyers to present the case of the non-union men they did a very creditable thing. During the discussion Mr. Darrow for the first time since the sessions began deserted his usual calm, easy, pleasant manner, and worked himself up to quite a pitch of excitement. He and Judge Gray seemed to vie with each other as to which could pound a desk the more vigorously. The comsioners conferred about Mr. Darrow's question and decided that Judge Gray's declaration represented the opinion of all.

Some Caustic Comment.

Earlier in the day Judge Gray was prompted by a remark of Mr. Darrow to deliver himself of some rather caustic comment, the first he had indulged in at the present sessions. Mine Inspector Edward Roderick was telling that miners had gone into a dangerous mine despite his instructions. It was intended as a corroboration of the claim that the miners do not always co-operate with the mine inspector in carrying out the laws.

Bishop Spalding suggested that the company was to blame for allowing them to go in. The inspector agreed with him.

"The men were to blame, too, weren't they?" inquired Judge Gray.

"Weren't they trying to earn a living?" interrupted Mr. Darrow.

"Now, Mr. Darrow," said the judge, "don't carry this sort of thing too far. No one has more sympathy for the miner than I have, but I do not hold them as wholly exempt from the ordinary laws governing the conduct of other human beings. They are not incapable of wrong. Don't push the sympathy lines too far. Let us not play the baby act. We don't want to become maudlin."

Mr. Darrow was discreetly silent.

At the opening of the morning session, the miners put on the fathers of two of the little Dunmore silk mill girls to contradict the statement of the Pennsylvania Coal company that they were earning big wages. It was made to appear that the figures given by the company were not for a miner and laborer as represented, but for two miners and two laborers. Mr. Darrow declared with much vehemence that this action on the company's part was in bad faith and an injustice to the fathers, the commissioners and the miners. Judge Gray indicated that he was not disposed to set much store by the other figures on miners' wages submitted by this company, until it had been ascertained and set forth how many men the different miners had to pay out of their earnings. General Manager May said the company has no record of this and it would be difficult if not impossible of ascertainment. He would, however, refer the matter to the company's auditor, who had the matter of statistics in charge.

Most of the day was taken up with the examination of witnesses specially wanted to appear by the commissioners, themselves. These were Deputy Factory Inspector E. W. Bishop and the mine inspectors of the different anthracite districts. From the factory inspector, the commission sought to inform itself of the workings of the factory inspection laws. The mine inspectors were asked general questions about their duties and for opinions on various matters based on their observations, but more particularly were they examined as to the allegation made by so many of the miners that they never or very seldom saw an inspector in the mine and that when they did see one, he was almost invariably accompanied by a mine boss, whose presence, the witnesses averred, deterred them from making complaints.

Generally speaking, the inspectors admitted they were often accompanied on their tours of a mine by the foreman and that his company was not only desirable, but necessary, but all except one denied that it had been their experience that the presence of the boss restrained the employes from making complaints. It was generally agreed by the inspectors that the mine laws were closely observed by the operators and that the majority of accidents are due to carelessness on the part of the miner, or his disregard of dangers to which he becomes indifferent by reason of constant association with them.

The opening statements of the operators were read at the conclusion of the examination of the mine inspectors. A nod from Judge Gray to Mr. Wolverton indicating that the commissioners were through with their special witnesses brought Mr. Wolverton to his feet with the typewritten statement of the big companies and without as much as a word of preface he began to read it. The statement was as follows:

Opening Statement.

Mr Chairman: It has been thought advisable that a brief statement should be made in behalf of the respondents, outlining their position.

All the anthracite coal in the United States is found within the boundaries of a few counties in the state of Pennsylvania. It is safe to say that over $200,000,000 are invested in the ownership of these lands, and many millions of dollars in the development of them, and over 140,000 men are employed in the mining, preparing and shipping of coal therefrom.

The conditions are so entirely different in different parts of the anthracite coal field that it is not practicable to adopt any uniform method of mining that can be successfully carried on throughout the whole region.

Conditions not only differ in different parts of the anthracite field, but in different mines, in the same mines and in the same veins. It is, therefore, necessary that the mining in the greater part of this coal field must be done by special bargaining, from time to time, between the operators and the miners.

Bituminous coal is found in almost every state and territory.

The United Mine Workers of America was an organization of miners of bituminous coal, covering most of these states and territories, producing coal which is a competitor with anthracite coal in the market.

The respondents will show that it is the acknowledged purpose of the United Mine Workers of America to organize all of the mines of the United States, and thus to establish a monopoly of the labor necessary to produce the fuel supply, which is essential to the domestic comfort and industrial prosperity of the American people; a monopoly obviously dangerous to all industry and contrary to sound public policy.

In the latter part of 1899, or the beginning of 1900, this organization reached out to control the mining of anthracite coal. Organizers filled the region, and during 1900 succeeded in originating a strike in the upper anthracite region, which, after some time, through sympathy, extended to the lower anthracite field, and the strike became general. It was followed by violence, and the calling out of the National Guard to suppress it. The strike was settled in October, 1900, under circumstances familiar to every one who has given the subject the least attention. Wages were increased 10 per cent., and in some instances more, by that settlement, and it was understood that all complaints of the miners should be taken up and settled by the operators and men, as they arose, which we shall show was done.

Over 100 Strikes.

We shall show that notwithstanding the operators complied with the terms of the settlement of 1900, the mining of coal thereafter was very unsatisfactory to the operators, that union men refused to work with non-union men, and that there were over 100 strikes in one year in different parts of the anthracite region. There was also a serious impairment of discipline, and a great increase of unnecessary friction, which seems to be directly attributable to the organization. The operators signified their willingness to continue to pay the increased rate of wages agreed upon in 1900, but the Mine Workers, represented by Mr. Mitchell, wanted not only an additional increase of wages over that allowed in 1900, but the reduction by one-fifth of the hours of labor, with the same pay, and demanded that coal be weighed, and that the United Mine Workers, as an organization, be recognized by entering into a contract with that organization.

These unreasonable demands not being acceded to, on May 12th, 1902, the United Mine Workers ordered a strike, notwithstanding the miners of a large part of the region were opposed to it. On May 21, 1902, to enforce the strike declared on May 12th, the United Mine Workers also issued an order requiring the pumpmen, firemen and engineers to abandon the mines to destruction. These men not only left their posts under this order, but other men were prevented by violence, threats and all kinds of intimidation from filling their places.

As a consequence some mines were abandoned and allowed to fill with water, and many of them partly filled, requiring the expenditure of a great deal of money and loss of time for the miner, so that after resumption was ordered, many of them could not obtain work in their old positions. Some of the mines are even

yet flooded and will not be entirely pumped out for months to come.

Had it not been for the most strenuous efforts on the part of the operators to keep the pumps going, so as to keep many of the mines in condition for work, but few miners would have been able to obtain employment after the resumption. Nor could there have been a general resumption of mining until next spring, and possibly not even then. Had the union, therefore, succeeded in its attempt to prevent running the pumps, little or no coal could have been furnished to the public during the winter of 1902-3.

Right to Organize.

The respondents concede the right of labor to organize for its protection and to benefit the conditions of the laborer, but they feel that to be subject to any control of a bituminous coal organization, composed of boys as well as men, in which the youngest boys are entitled to half of a vote, and many of them to full votes, covering the whole United States, consisting of eighteen districts, of which fifteen are in the bituminous region, and only three in the anthracite, would end in the ruin of the anthracite coal business in Pennsylvania.

The steps that were taken, which led to the appointment of this commission, are familiar to all.

The first question of importance to be determined is, "What questions were submitted for its consideration and decision?" It is powerless to consider or take any action upon any other question. It has been conceded during the progress of this hearing that the basis or foundation of the appointment of the commission, and its powers, rest upon the letter to the public, signed by the presidents of the coal mining companies, dated Oct. 13, 1902, and the acceptance of the terms of this letter by the convention of striking mine workers, and that the powers of this commission are confined to the questions affecting the rates of wages paid and the reduction of the hours of labor, and in no way involve the question of recognition, or the entering into any agreement with that organization, as proposed in the statement of claims filed by the complainants in this case.

The respondents will also show that after the settlement of the strike of 1900 there was an apparently concerted effort on the part of the miners to restrict the output of the mines, and to load fewer wagons or cars for a shift, instead of six or eight as before, and that this resulted in a reduction of output of the mines of over 12 per cent.; that the miners by an apparent understanding left their work after a certain amount of coal had been produced, regardless of the number of hours engaged, and that scarcely any coal was put through the breakers during the last two hours of each day, although the machinery was running the full time. This restriction was for the evident purpose of preventing the producers from accumulating a stock of coal on hand to meet emergencies, such as floods and strikes, and when the strike was ordered in May, there was less than one month's supply of coal in the market, showing that the strike was contemplated and planned a long time before hand, and carried out without the slightest regard for the interests of the public.

Dissimilar Conditions.

That under the reasons given by the Mine Workers before this commission, in the first claim for an increase of twenty per cent. upon the price paid during 1901, to employes performing contract work, the respondents will show that there is no similarity between the mining of bituminous coal and anthracite coal, so as to make the wages paid to the bituminous miners a standard for the payment of wages to the miners of anthracite coal; that mining of coal in the anthracite region is not similar work to the mining of bituminous coal, and that the rates of wages in the mines operated throughout the anthracite region are not forty or fifty per cent. lower than is paid to miners in the bituminous region, but are actually higher.

That as a rule, contract miners in the anthracite field earn $600 per annum or more, and that many of them earn upwards of $1,000 a year, and that all laborers are paid higher wages than those employed in other occupations of equal skill and training.

That according to the most reliable statistics taken from the reports of the Bureau of Industrial Statistics of Pennsylvania, from the report of the twelfth census of the United States, bulletins of the department of labor, and from other sources, it will be shown that the average earnings of all employes of manufacturing establishments, covering over 300 different classes, skilled and unskilled, is much below the average wage of the miners; that by the census reports of the United States, it appears that the average earnings, during the last census year, of employes of manufacturing establishments is below the average earnings of the miner in the anthracite coal region.

From the report of the Department of Labor, the average wage of farm labor in Pennsylvania, is about one-half of the miners' wage, and much less than the wages paid to laborers about the mines.

From the annual reports of Industrial Statistics of Pennsylvania, it will appear that the average daily wages of all manufacturing industries in 1901, was $1.53 per day, and that the average earnings was about $449.45.

Some Wage Statistics.

From the reports of the twelfth census of the United States, it appears that the average earnings of wage workers of all manufacturing industries in Pennsylvania, in the counties of Carbon, Columbia, Dauphin, Lackawanna, Luzerne, Northumberland, Schuylkill and Sullivan, is about $466.00, and of all male employes from 16 years of age and upwards.

That the average earnings of this class of employes in Lackawanna county are $504; in Luzerne county, $493; in Northumberland county, $408; in Schuylkill county, $452; these cover all manufacturing industries.

From the report of the twelfth census of the United States, the average earnings of wage workers of all manufacturing industries in 54 cities and towns, in and near the anthracite region, are below $450.00; and that in but three towns do they exceed $500.

From the twenty-ninth annual report of the Bureau of Industrial Statistics of Pennsylvania, covering eighty-eight manufacturing industries in Pennsylvania, requiring skilled labor of a higher character than that required of miners, it appears that the average rate of wages paid to the employes for the year 1901 is $449.45; that among the industries are the following:

Steel castings,	$497.01
Steel billets, slabs and booms,	768.14
Iron and steel forgings,	529.41
Iron specialties,	478.72
Malleable iron,	493.18
Bolts and nuts, etc.,	363.63
Wire nails and rivets,	451.64
Tacks and small nails,	350.11
Wire,	415.00
Wagons and carriage axles and springs,	496.42
Stoves, ranges, etc.,	552.39
Hardware specialties,	430.87
Edge tools,	450.29
Locomotive and car building and repairing,	612.57
Brass, copper and bronze goods,	480.62
Iron and steel bridges,	566.83
Engines, boilers, etc.,	562.88
Locomotives, stationery engines, etc,	625.27
Railway supplies,	538.68
Iron vessels and engines,	572.32
Boilers, tanks, stacks, etc.,	496.49
Machinery,	551.42
Foundry and machine shops,	545.23
Electrical supplies,	570.78
Metal and metallic goods,	464.93
Building and structural iron work,	524.78
Iron fences and railings,	470.09
Agricultural implements,	512.69
Tinware,	368.95
Paving brick,	374.08
Building brick,	375.55
Fire brick,	428.42
Slate roofing, etc.,	399.15
Slate roofing squares,	390.16

The respondents will further show that the average wages paid miners and laborers in the bituminous coal field are not in excess of those paid to the anthracite miners, under the same conditions, and will also prove that the conditions in the bituminous region are less favorable for the miner than in the anthracite region, and the respondents will further show that after the strike of May, 1902, a large number of anthracite miners left the hard coal region, and found employment at mining in the bituminous coal fields, and elsewhere, but that they returned to the anthracite region, immediately upon the announcement that the strike was over and work would be resumed. If the conditions had been more favorable they would have remained. The respondents will show that the miner in the anthracite region works fewer hours than in the bituminous region, and is earning more for the hours of labor performed.

Educational Facilities.

That in no part of the state, outside of the large cities, are better educational facilities afforded than are offered to miners' children in these regions. The employes of the coal companies assess the coal lands, levy the taxes, generally to the full limit allowed by law, and expend the money in building up school houses and equipping them better than in any other part of the country. They have a greater number of months schooling per annum, and pay their teachers about double the amount paid in the agricultural districts of the country.

For instance, it will be shown that in Schuylkill county, the total school and building taxes for 1901, were $389,950.36, of which the coal companies paid $162,466.11, and the Philadelphia and Reading Coal and Iron company paid $80,059.29, and that these taxes were nearly all assessed and paid in that portion of the county in which the coal lands are situate; that in these townships, the companies paid from

72 to 99.7 per cent. of the school and building taxes.

That in Northumberland county, the coal land is located principally in three townships, Coal, Mount Carmel and Zerbe. In Coal township, the total school and building taxes levied for 1901 were $40,363.86, of which the coal companies paid $28,442.90, and the Philadelphia and Reading Coal and Iron company, $14,306.05. In Mount Carmel, the total amount of school and building taxes levied for 1901, was $14,279.67, of which the coal companies paid $12,380.93, and of which the Philadelphia and Reading Coal and Iron company paid $6,304.31. In Coal township, the full limit of twenty-six mills, thirteen mills for school and thirteen mills for building purposes, was levied, and in Mount Carmel township, fifteen mills for building purposes, was levied, two mills for building purposes. The schools were kept open ten months in the year, and larger salaries paid to the teachers than in any other portion of the county. Practically the same condition will be shown to prevail throughout the coal regions. Under these circumstances, it is unjust to the young people of the anthracite coal region, to charge that they have not the educational facilities necessary, or that they have not made use of them in acquiring a good English education. In no part of the state where agricultural or manufacturing industires prevail, are there to be found brighter or better educated or more intelligent people than among the miners, who have been born and educated in the anthracite coal fields, and they will compare favorably with those who have enjoyed the benefits of the free schools in any other part of the state. There may be instances, when, through neglect of the parents or the officers of the districts, a child may be allowed to remain out of school and thus not take advantage of the facilities offered, but such instances are likely to occur in any district, and the result should not be charged to any but those who are responsible.

Is Not Unhealthy.

It will be shown by reliable statistics and the testimony of physicians that mining is not an unhealthy occupation, and that aside from accidents, its healthfulness compares favorably with all other occupations.

As to the third claim made by the complainants, for the adoption of a system by which coal shall be weighed, and fixing a minimum rate per ton, it will be shown that in the larger part of the anthracite coal field, owing to the pitch of the veins and other conditions, it is not only impracticable, but almost impossible to adopt such a system; that mining is now carried on by contract in this portion of the anthracite region, by which the coal is mined mostly by the yard, and that as all of the material, including rock and slate, must be brought to the surface it is the only method that can be adopted.

As to the claim for the reduction of the hours of labor, without any reduction of earnings, it will be shown that miners and laborers do not work eight hours, and that as to the miners, in a majority of cases, they worked fewer than six.

It is to be hoped that after the testimony in behalf of the respondents has been fully heard, the miners and laborers will feel that the wages paid to them are not only equal to but greater than are paid to others engaged in similar occupations, and that their conditions and surroundings are not intolerable, as the paid agitators and organizers would make them appear, and that the good feeling between the operators and employes, which prevailed prior to 1900, for over thirty years, will again be restored. It is also hoped that the commission, when it has heard all of the evidence, will be able to render such a decision as will be followed by a lengthy period of peace between the employers and employes.

When Mr. Wolverton had concluded his reading, Mr. Burns announced that the independent operators had prepared a supplementary statement pertaining to their contentions, and offered to read or file it for record as the commission would desire. Judge Gray said he might file it, but later the commission decided to hear it read, and Mr. Burns obliged. He was interrupted several times by the general laughter which his happy illustrations provoked. The statement was as follows:

Independents' Statement.

The object and organization of this commission is probably without any precedent in this country. It is not based on the common or statute law, but has for its foundation only the agreement of the operators and workmen. It has no power to enforce its judgments, and its findings must necessarily be largely advisory. Under such circumstances, it will easily be seen that the most careful investigation as to the facts, and the clearest judgment as to justice and right, are necessary in order to give satisfaction to the immediate parties, as well as to the general public, who are deeply interested in the ultimate result. If the result of the work of this commission is to be a success, and is to form a precedent for like commissions in the future, then it is a commencement of what may be a solution of some of the most intricate problems connected with the labor question.

It seems to us that the questions, so far as they concern the individual operators represented by us, may be considered under three general heads:

1. Wages.
2. Hours of labor.
3. Non-union men and discrimination.

First—As to wages: As this commission derives its powers entirely from the consent of the parties, it may be well to refer to the terms as stated by the coal operators in their suggestion of the appointment of this commission as follows:

"We suggest a commission to be appointed by the president of the United States, if he is willing to perform that service, to whom shall be referred all questions at issue between the respective companies and their own employes, whether they belong to a union or not, and the decision of that commission shall be accepted by us.

"We are not discriminating against the United Mine Workers, but insist that the miners' union shall not discriminate against or refuse to work with non-union men; that there shall be no deterioration in quantity or quality of work, and that, owing to the varying physical condition of the anthracite mines, each colliery is a problem by itself."

Limit of Jurisdiction.

This declaration by the coal operators limits the jurisdiction of this commission, and defines the method of its application.

It will be noticed that the "questions at issue" are not between the operators as a body, and the workmen as another body, but between the respective companies and their own employes.

In light of the further statement contained in the submission, that "each colliery is a problem itself," it is clearly apparent that the labor of this commission involves the examination of the differences, if any, at each colliery, and an adjustment thereof, without much reference to the affairs of any other colliery in the anthracite region. And this not only by the essential difference in the workings, but because it is a vital part of the charter from which this commission derives its authority.

It should be remembered, too, that the adjustment which this commission is to make is between the operators and their employes.

Who are such employes? Evidently, those who are in the employ of the operators. There can be none others. It is somewhat remarkable that among otherwise intelligent persons there should prevail an impression that a different rule of law applies to the business of coal mining than is recognized in the relations of employer and employed in other fields of labor. If a farm laborer, without a contract for a certain length of time, is discharged and paid off, nobody supposes that he has any further claim on his employer. If he should come back at the end of four or five months and claim he is entitled to his former place, and even at a higher rate of wages, he would be laughed at. And yet there is no difference whatever in the legal or moral rights of a farm laborer, and a coal miner. The term "miner's job," when applied to a miner out of employment, is a myth. He has no job. If he had he would not be looking for work. It is also a curious perversion of law and logic, that though the miner claims some sort of estate in reversion to his employment, even after he has abandoned it, he disputes any right whatever of the employer to demand his further services. He claims the entire right to select another employer, but will not admit the employer's right to select another employe. His idea of his labor relation is like Richard McHugh's instruction to his attorney when drawing a lease; which was "to make it mighty tight on one side and mighty loose on the other."

We claim that according to the terms of the submission, any question as to wages should be settled by an examination of the complaints and conditions at each separate colliery, and that the only issues involved are those between the operator of each mine and the men actually in his employ.

Consumer Must Pay.

Again, we think the commission before taking any action looking to the increase of wages, should carefully consider upon whom such increase must fall. Of course any increase in cost of production ultimately rests on the consumer. A half crop of corn means a doubling of the price, as we have witnessed during the past year. If, by reason of higher wages and shorter days' work, the cost of producing coal is increased one dollar per ton, that dollar must be added to the present cost to the consumer. The shivering inmates of the east side tenements of New York must pay a few cents more for each pail of coal in order to give more wages to the miners of

Pennsylvania. If this commission were distributing a charity fund, perhaps it might hesitate between the needs of the one and the suffering of the other, but such is not the case. There is no authority to tax one class of the poor in order to contribute to the comfort of the other. That is the province of the administrators of the poor laws.

As we understand it, one of the chief duties of the commission in this case is to ascertain the value of labor in and about the mines. It is purely a business proposition, as much so as the ascertainment of the price of corn and sugar in the open market. And yet the large portion of the evidence thus far has been devoted to sympathy. The small boy in the breaker, the sick woman in the company house and the scarred and crippled miner in the mines have figured very largely in the evidence, and that without the slightest relevancy to the issue being tried. The labor of the poor man with half a dozen children working in the silk mills and living in a company house, is not worth a cent more than that of another man who owns his own home and keeps his sons in college. It is the value of the labor, and not the necessities of the laborer, that we are trying to ascertain. The laborer is worthy of his hire, but the hire is fixed according to what he does and not by what he needs. The merchant who wants for his sugar a cent per pound above the market price because his family need bread, will get no bread because he will sell no sugar. Business is business, and sympathy is sympathy, but the two do not run together.

Hours of Work.

Second—As to the length of a working day:

This is a matter in which the individual operators are particularly interested. As a rule their workings are deep, and veins of coal are thick. They necessarily have greater expense for pumping, and lifting the coal. The business itself necessarily entails large fixed charges. A breaker must be erected, and a shaft or slope sunk, costly machinery, tracks, mules and mine cars provided before a ton of coal is produced or a dollar of money received. When mining is commenced the receipts from the sale of coal must not only be enough to pay wages, royalties and running expenses, but there must be enough laid by to reimburse the operator for the money first laid out; for a second-hand mine shaft, breaker and machinery are practically worthless after the coal is exhausted. It may well be that the difference between an eight hour and a ten hour day, to the operator, might mean the difference between a profit and a loss. For illustration, suppose the expenses of a flour merchant are eighty dollars a day and he sells ten barrels an hour at a profit of a dollar on each barrel. If he works eight hours a day his profit is eighty dollars, which just balances his expenses. If he works ten hours a day, his expenses are eighty dollars, and his whole profit one hundred leaving a net profit of twenty dollars per day. If the merchant were strictly bound down to an eight hour day he would simply have to go out of business. There is such a thing as killing the goose that lays the golden egg. An eight hour day with ten hours' pay is like trying to make eighty cents worth of silver worth a dollar. It takes an act of congress to do that.

Indeed, we have heard very little eight hour agitation at our own mines, and among our own employes. The clamor seems to be found almost entirely on the stump and in conventions.

The varying conditions of work at the respective mines make it impossible to lay down a hard and fast rule that will do equal justice to all concerned. If there should be an eight hour day to accommodate a few outside workers around the breaker, it would stop at the end of the eight hour day. In some mines it might be highly desirable to run the breaker more hours in order to clean up the work of the contract workers inside.

It seems to us that the length of the working day may well be left to the operators and miners of each colliery, for they can understand it better than outsiders possibly can.

An Inherent Right.

Third—Persecution of non-union men:

If any award is made by this commission in favor of the Mine Workers, we claim that as a condition precedent there should be some substantial assurance on the part of such United Mine Workers that they will in the future refrain from in any way interfering with, or molesting persons who wish to work in or about the mines, but who do not belong to the union.

It is one of the inherent rights of a workman, under our government, to sell his labor wherever he pleases, and to perform it without interference. The first section of the Bill of Rights in the Constitution of Pennsylvania, provides:

"All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring and possessing and protecting property and reputation and of pursuing their own happiness."

In effect the strikers say that this constitutional provision does not apply to "scabs" which is a polite way of designating those who do not belong to their association. The wanton persecution of non-union men who only ask to be allowed to earn their daily bread in peace, is a shame to those who commit or allow such persecution, and a blot on the administration of justice in the state of Pennsylvania. He who would have equity must do equity. Without the assistance of mob violence and terrorization, no strike could exist for any great length of time. We could have produced coal during the late strike in much larger quantities than were actually mined if the men who desired to work for us had not been stoned and beaten, and even threatened with death unless they abandoned their work. Yet, strange as it may seem, courts will listen patiently to the authors of these outrages when they complain that we do not re-employ them, after they have done their worst to destroy our property and injure our business.

In conclusion we would say that we are ready at any and all times to defend ourselves against any and all complaints made by our employes, to the extent and in the manner laid down by the parties to the original submission. For weeks we have patiently waited for proof that there are any "questions at issue" between ourselves and our employes, and, if so, what they are. We have waited in vain. We, therefore, respectfully ask this commission to anonunce that no further action will be taken in regard to us until such time as it shall be made to appear, by proper allegation and proof, that there are questions at issue between ourselves and our employes that are properly entitled to be heard by this commission.

I. H. BURNS,
H. C. REYNOLDS,
Attorneys for Individual Operators.

Question of Recognition.

The discussion of the question of whether or not recognition of the union was at issue was precipitated by Mr. Darrow. After referring to the contention of the operators anent this matter, as set forth in their statements, he said that, "in a way," the authority of the commission was given by contrast and prescribed in the letter of submission from the operators and answer of the mine workers accepting the terms of submission. The offer of submission, however, he went on to argue, had been modified by the acceptance letter and other things, and in these modifications, the question of the recognition of the union—one of the matters in dispute in the strike—had been made an issue befor the commission.

Furthermore, he said, the action of the respondents in accepting battle on the recognition question when it was introduced by the miners placed the question at issue. On the miners' side, said he, there is no desire to limit the scope of the commission's investigation, but in the argument of the case, he would insist that no evidence as to violence or attacks on the organization or its officers should be presented unless the question of recognition were at issue. The commissioners, he contended, could only listen to such testimony on the theory that the question of recognition was before them. Otherwise the testimony was not pertinent.

Mr. Wolverton remarked that Mr. Darrow's contention might be proper argument two weeks hence, at present it was not opportune.

Mr. Torrey argued that it would be utterly unfair to prevent the companies from making answer to the vast amount of testimony offered by the miners regarding their union after the companies had protested time and again against its introduction.

Judge Gray's only remark was that as yet the commission had not given itself over to any great extent to ruling out testimony. Nothing further, however, came from the commission on "recognition."

Have Had Hard Luck.

In addition to stating that the earnings they received were divided among four men instead of two, as represented by the company, the fathers of the little silk mill girls, who had been criticized for allowing such small children to work nights, told of having had extremely hard luck, as a further excuse for their seeming lack of natural parental feeling. John Demko told of burying six children in five years and having had his wife in an asylum. Peter Shicach told of having an invalid wife and large family of small children. His

little girl wanted to work in the mill and gave up a day job to go on the night shift. Judge Gray suggested to both fathers that they ought to take the little girls out of the mill. It would be better, he said, to get them positions as domestics, if it was really necessary to have them work.

Major Warren disputed the claim of the other side that the places of these miners were worked four-handed, as the system in vogue at these collieries was to work a place two-handed.

Judge Gray invited General Manager May to the stand to throw what light he could on the question in doubt. Mr. May said the company keeps no record of how many men work in a place, under a contract miner. It may be possible, he admitted, that in the instances in question the places were worked four-handed, but the likelihood is, he said, that it was two-handed, because the two-handed system prevails at this colliery. The matter would be looked up, he said, and the commission informed. He thought it would be very difficult to determine this, as the company has no record of any kind of how many men work on a contract.

Judge Gray expressed much concern over this matter, as it raised a question about the adequacy of all the Pennsylvania company's figures. He particularly requested that the commission be informed as to whether or not the earnings set forth in the statistics applied to two men or four men.

Mr. Darrow was disposed to characterize as unfair the action of the company in giving it out that the wages represented the earnings of two men when it was not sure but that it might be for four men. Major Warren remarked that Mr. Darrow was questioning the good faith of Mr. May. Mr. Darrow replied that he was directly challenging Mr. May's good faith, and repeated his assertion that the action in question was unfair and unjust.

As to Factory Laws.

Earl W. Bishop, deputy factory inspector in this district, was the first of the commissioners' witnesses to be called to the stand. Judge Gray conducted his examination. He told that his district comprises the counties of Lackawanna, Wyoming and Wayne, and gave an outline of what his duties consist of under the law.

Judge Gray asked him particularly about the law requiring those between the ages of thirteen and sixteen working in factories to be supplied with a sworn certificate showing their ages and setting forth that they can read and write English. Mr. Bishop said that when he goes into a factory he demands those certificates and looks them over. If he finds a boy or girl between thirteen and sixteen who has been employed without first producing a certificate, he takes the employer to task. Under the law it is his duty to prosecute, but it is within his discretion to forego prosecution if the employer gives assurance he will not offend again. He told of one instance in which he prosecuted an employer for permitting a girl to work without first presenting a certificate.

The certificates are, as a rule, made out before some alderman or justice of the peace, he said, and admitted the magistrates are, in some instances, apparently very lax in issuing them. The inspector is bound by the certificate, the witness declared. Even though the inspector is satisfied in his own mind that the boy or girl is under age, he can do nothing. He can not go behind the certificate.

In looking over the Pennsylvania statutes on child labor, Monday, Judge Gray found a law providing that no person between the ages of thirteen and sixteen shall be employed in a factory or mill for more than nine calendar months of any one year, and then not unless he or she has attended school for three months of the year. Judge Gray read the law to the witness and asked him if he knew of its existence. Mr. Bishop said he had no knowledge of any such law. He produced a circular from the state department of labor containing a digest of the laws pertaining to the duties of an inspector, and no such law was mentioned among them.

Judge Gray and a number of the lawyers discussed this matter at some length, and came to the conclusion that this law must have been repealed by provisions of the new general factory inspector law and the compulsory education law.

Retrogressive Legislation.

The judge said he hoped the legislature would re-enact this law, if it is a fact that it has been nullified. He did not want to appear critical, but it looked to him as if this was retrogressive legislating.

There is nothing in the law, it developed, forbidding young children or females from being employed at night. The judge thought this would also be a good matter for the legislature to take up.

The attention of Inspector Bishop was called to a clause of the factory laws providing that not less than forty-five minutes shall be allowed employes for their "noonday" lunch, and Judge Gray asked him if this was strictly enforced. He answered that if two-thirds of the employes petition for a shorter period, he permits it. They frequently petition, he said, that they may shorten the time they will be in the factory.

In the counties of Lackawanna, Luzerne, Wyoming and Wayne, which formerly constituted his district, Mr. Bishop stated there were 1,240 boys and 1,698 girls between the age of thirteen and sixteen employed in mills and factories. He had not at hand the figures in his present district.

Edward Roderick, of the First district was the first of the inspectors called to the stand. He is often accompanied by a boss, he said, when making an inspection. It is desirable to have the boss along that defects can be pointed out to him and suggestions made for improvements. The inspector does not visit all the working places in a mine on each inspection, as it would be a physical impossibility. He uses his own judgment as to what parts of the mine he will inspect and what mines he will inspect most often. Some mines are inspected once a year and some fifteen times a year.

It was probably true, he said, that some miners don't see the inspector very often because they are out of the mines before the inspector reaches the place. He has met men coming out at 8 o'clock in the morning, with their day's work finished. The miners of his district do not average five hours' work a day. The miners talk to him freely whether or not the boss is present.

Causes of Accidents.

The desire of the miners to get out early, carelessness and misjudgment, he declared, were responsible for fifty per cent. of the accidents. He suggested once as a preventive of accidents, that the miner stay with his laborer until, at least, noon, and received letters from Stephen Reap and John P. Kearney, district officers of the United Mine Workers, complaining against his suggestion. Some companies have a rule requiring the miner to stay in his place until noon, but it is not religiously observed. Miners complain very generally about their inability to get cars.

He declared the miners do not cooperate with the inspectors as they should, in his efforts to enforce the law. He cited the instance of the necessity of getting an injunction to prevent the working of the Richmond colliery at Priceburg, after he had condemned it as dangerous. He only knew of two miners who were affected with asthma.

Mr. Roderick admitted that he was a mine foreman before he was appointed inspector and said he knew of only one inspector, Patrick Blewitt, who had not been a foreman or mine official of some kind before becoming an inspector. He added incidentally that the two new inspectors, the first to be elected under the provisions of the miners' own law, the Garner act, are mine foremen. He only knew of one instance of a company refusing to obey his directions. That was the Richmond colliery incident.

Henry Owen Prytherich, inspector of the Second district, and Hugh McDonald, inspector of the Third district, gave testimony along the same general line. Mr. Prytherich read a lengthy answer to the question as to why he took a mine boss with him in making inspections. One of the main reasons, he said, was because the boss could know what suggestions he made to miners and thereby be checked from giving conflicting orders.

E. E. Reynolds, inspector of the Fourth district, also takes the foreman with him on his tours of inspection. Prior to his appointment as inspector he was a mine superintendent.

Ex-Mine Inspector William H. Davies, of the Fifth district, who is now a superintendent for the Lehigh Valley Coal company, was next called. He was inspector for six years, resigning three months ago to accept his present position. There are 123 openings in the Fifth district. The foreman accompanied him sometimes, but quite as often he went about alone. He did not examine all the working places. It was a physical impossibility. He examined the places he thought needed inspection most, visiting as many as he possibly could. Each mine was inspected three or four times a year in this manner. The miners were not deterred from talking freely to him, because of the foreman being with him. He received frequent complaints and always investigated them. Mr. Davies, too, was a mine foreman before becoming an inspector.

It was absolutely impossible, the witness declared, to observe the new inspection law—the Garner act—requiring an inspection of every working place.

Wilbur Stein, of Shenandoah, inspector of the Sixth district, also declared it was impossible to visit all the breasts on an inspection tour. Some collieries require inspection fifteen times a year and some only once. It depends on his own judgment as to the necessity for inspection. The boss always accompanies him on his tour of inspection. He sees miners going home from work at 2 or 3 o'clock in the afternoon, and others at 6.30 o'clock. He knew that miners complain generally about the companies failing to give them a full supply of cars.

John McGuire, ex-inspector of the Seventh district, resigned last May to become division superintendent of a coal company. He was a foreman prior to becoming inspector. The foreman usually accompanied him when he made an inspection of a mine. It was impossible to examine all the workings in a mine. Some contained fifty miles of roads. He received few complaints orally from the miners. He often, however, received letters containing complaints, especially about the failure of the company to hoist men when five assemble at the foot. Some complaints were about poor ventilation. Miners get through work anywhere from 2 to 5 o'clock.

Non-Union Men's Case.

The non-union men's case was opened by Mr. Lenahan reading excerpts from the correspondence leading up to the submission, bearing on the provision that all employes "whether they belong to a union or not" were to be parties to the hearings.

Mr. O'Brien then proceeded to examine witnesses. The killing of James Winston at Grassy Island by a crowd of strikers was told of by the widow and the victim's son-in-law, Samuel J. Lewis. Thomas Watkins, financial secretary of the Grassy Island local testified, with some show of reluctance, that the three men indicted for the murder are union men. It was also brought out that prior to the strike, the murdered man and those accused of killing him were on friendly terms.

John Flanaghan told of a crowd of forty strikers holding him up, on his way from work at Dunmore No. 1 colliery of the Pennsylvania Coal company, and putting a rope around his neck. One of the men in the crowd, he said, was a delegate to the Indianapolis convention of the United Mine Workers.

Fire Boss Charles Beatty related how District Board Member Stephen Reap led a bolt of strikers from St. Patrick's church, Olyphant, because of the presence of the witness, who was a non-striker. He also told that if the pumps at the colliery where he worked were shut down for forty-eight hours they would be under water and it would take two years to reclaim the mine once it was flooded. He could not get any Olyphant storekeeper to deliver goods to him. It was necessary for him to get his provisions in such small quantities as his children could carry. A typewritten notice given a merchant directing him not to sell goods to the witness under penalty of the boycott, was presented, but as the witness would not give the name of the merchant from whom the notice was gotten, Judge Gray refused to admit it as evidence.

George W. Bowen, John Murphy, David Lewis, Fred Reynolds and Charles Grosswick were also sworn collectively at the opening of the non-union men's case and will be heard today.

Proceedings of Thursday, Dec. 18.

[From The Scranton Tribune, Dec 19.]

Tales of the sufferings of non-union men and their families during the strike formed the burden of the testimony before the mine strike commission, yesterday. More than a score of witnesses told of their sorry experiences, of assaults, boycotting, threats, intimidation and petty annoyances uncounted. The direct examinations were conducted by Attorneys Joseph O'Brien and John T. Lenahan. The miners' attorneys did not do much cross-examining, contenting themselves with an occasional effort to make it appear that union men did not commit the violence.

There was considerable objection on the part of the miners' attorneys because the evidence tending to prove boycotting was for the most part indirect, but the commission refused to sustain the objections.

Chairman Gray said the commission was not bound by any strict rules of evidence, but would like counsel to confine themselves as far as possible to direct evidence.

It was difficult, he said, in proving the existence of boycotts, to get the best evidence on the subject. The commission, he said, wanted to know about the alleged reign of terror during the strike, and realized it would be impossible to get information about it from witnesses if the strict rules of evidence were applied.

"The coward who will go to the storekeepers," said he, "and warn them not to sell the necessaries of life to a woman, whose husband chooses to work, can be counted upon to seek the obscurity which the rules of evidence provide for him. If a girl is discharged from her position in a store because she rode on a street car during a street car strike, the coward who discharged her is coward enough to refuse to testify."

Realizes the Cause.

He recognized, he said, why some merchants will not come forward and tell who forced them to refuse to sell necessaries of life to boycotted persons, but if he were a storekeeper, he thought, he would risk his all to assist in breaking up the cowardly boycott business.

The first witness of the day was Fred Reynolds, who was a pumprunner during the strike at the Bellevue colliery of the Delaware, Lackawanna and Western company in this city. John Francis, a union man, shot at him four times, on July 5, after having threatened a few days before that he would kill him if he did not stop work. Francis was tried and convicted, and sentenced to three months in jail and a fine of $25.

Joseph Hoffman, of Drifton, went on strike, but when the union refused to give him any financial assistance, he was forced to return to work. One night a crowd of fifty or sixty attacked his home. He crawled to the garret, broke through the roof, crawled across to a neighbor's house and escaped. He went six miles through the woods to his mother's home in Eckley.

When the crowd forced an entrance to his house and found him gone, it smashed the furniture and terrorized his wife and children.

On cross-examination, Mr. McCarthy sought to make it appear that the attack was made by a crowd of mischievous youths, who had been drinking a keg of beer in an adjacent field. The witness couldn't see it that way.

John Hoffman, brother of the preceding witness, and Ellen Hoffman, the wife, also told of the attack and, furthermore, that some one overturned the stove and set the house afire. They extinguished it with the help of a next-door neighbor.

Duncan McIntyre, a Delaware, Lackawanna and Western blacksmith from Nanticoke, testified that because he refused to quit work he was hung in effigy three times and once an indecent effigy of his wife was suspended alongside his own. One day when he was returning from work he saw a crowd of boys dragging his wife's effigy through the streets. A number of men were encouraging them. The effigy was tied to a post in front of his home. His wife, who was about to become a mother, was seriously affected by the affair.

Mrs. James McNamara, of Parsons, the wife of a Delaware and Hudson engineer who worked during the strike, told that one night, while her husband was away, herself and infant narrowly escaped being cremated by a fire, which she could not account for.

Mr. Darrow, on cross-examination, asked the witness if she accused the union of setting the house afire.

Judge Gray remarked: "I feel that the commission will be disposed to believe the fire was of incendiary origin, Mr. Darrow."

John Trunble, of Plymouth, a Delaware, Lackawanna and Western machinist, told of being chased by crowds of strikers, of his wife being refused meat by two butchers.

A printed list of 112 non-union men, with the superscription that they were "unfair" and "deserving of the contempt of mankind," which had been posted in Kingston, was offered in evidence and accepted.

Fallon Did Not Know.

John Fallon, a member of the national board of the United Mine Workers, was called to the stand and examined by Mr. Lenahan. He denied that he knew the Courier-Herald was the organ of the Central Labor union of Wilkes-Barre, or that it had published a boycott list. He admitted that he secured bail for union men arrested for strike violence.

William Myles, a Delaware, Lackawanna and Western pumprunner, told of a barber refusing to shave him, and of a butcher refusing to sell his wife meat.

William Schuech, sr., outside foreman at the Lehigh Valley Coal company's No. 40 colliery, in Hazleton, gave testimony that tended slightly, at least, to contradict the miners' witnesses who stated that Hazleton during the strike was a second Peaceful valley.

On August 24, the newspapers announced that No. 40 colliery would resume operation on the following Monday. On the following Monday, Scheuch, while on his way to work, saw a crowd of strikers assaulting his son. He ran up to rescue his son, and as he approached, so he says, 'Squire McKelvy called out: "Here's the old —— — ——. Pitch into him." The crowd diverted its attention from the son and directed it to the father. When the latter woke up three days later in the hospital, he found he had three stab wounds, two ribs broken on the left side and three on the right, a gash in his scalp and bruises on every part of his body. The witness averred that 'Squire McKelvy led the attack and that the fifty men in the mob were strikers.

"You were a coal and iron policeman, were you not?" asked General Wilson.

"Yes, sir," said the witness.

"Why did you not use your gun?" queried the general.

"Well, I was afraid I would hit my son, who was in the midst of the crowd," Schuech answered.

On cross-examination, Mr. McCarthy tried to make it appear that 'Squire McKelvy interfered only for the purpose of saving the Schuechs from the mob, and that the attack was provoked by the elder Schuech being too officious as a coal and iron policeman, but the witness would not agree with him in either regard.

Corroborated by Son.

William Schuech, jr., corroborated his father's account of the assault, and asserted emphatically that 'Squire McKelvy incited the mob to the assault.

Mrs. George Richardson, of Parsons, told of her husband being threatened, her son assailed, and of merchants refusing her goods because her husband continued to work as a fireman at the Laurel Run colliery of the Delaware and Hudson company.

Her husband, she said, was a fireboss at the Laurel Run, and during the strike acted as a fireman to help keep the pumps going. The day after the steam men were called out, her boy, who worked in the Wilkes-Barre Lace company's mill, came home, bearing a note, which read as follows:

"George Richardson:

"As long as you are an unfair workman we won't work with your son.

"(Signed) Brass Bobbin Winders of Wilkes-Barre Lace Mill."

The witness said she found out, afterwards, that Manager Doran, of the lace mill, knew nothing of her boy being sent home, with the note.

Mrs. Richardson also told that Burgess Davis, of Parsons, who keeps a butcher shop, refused to sell her meat, because the mine workers had threatened to boycott him if he did. Grocer Sward told her that the strikers' committee had notified him not to sell her provisions. He ignored the notice. Milkman Winterstein also ignored a notice to quit selling her milk.

Henry Vermilye, of Luzerne borough, a veteran of the Civil war, who did not like the way the union was carrying on and who therefore refused to join it, told a long story of his trials and tribulations.

He was working for J. C. Haddock as a company hand doing repair work. George W. Carey, the foreman, and Patrick Kelly, the fireboss, came to him, he said, and requested him to join the union, saying that the union threatened to shut down the colliery if he did not join the union or was not discharged. The witness told the bosses he would rather not join the union, but at their earnest solicitation, after four days, he consented to join. He paid $3 initiation fee and became a member.

Wouldn't Buy Button.

When the strike came on, a committee from the local notified the boss that the witness could only work every other week at his repair work. The witness did not take kindly to this and when, a few days later, an officer of the union told him he would have to buy and wear a union button or quit work, he quit work, and went into the employ of the Delaware, Lackawanna and Western company as a watchman at the Pettebone colliery.

He was hung in effigy, a grave mound was constructed on one of the principal streets and a "tombstone" of wood, with his initials on it, erected above the mound, he was hooted, jeered and stoned as he came and went to and from his work, merchants were notified not to sell him goods, his daughter was called vile names as she passed along the street and his name was posted on two printed boycott lists. On account of the annoyances to which his family was subjected, he had to move from Luzerne to Dorranceton.

When the witness was starting to tell what his wife had told him about the coal man and milkman having been warned against supplying them with their wares, Mr. Darrow vigorously objected on the grounds that it was hearsay evidence.

Judge Gray said that if Mr. Darrow would insist on his objection the evidence could not be received under the general rules of legal investigation.

"Why do you object, Mr. Darrow?" inquired General Wilson. "Is it because your side is afraid to hear this man's story?"

Mr. Darrow explained that he objected because the evidence was second-hand.

Sought to Save Time.

Mr. Lenahan stated that under the strict rules of evidence the evidence, of course, was not admissible, but if the strict rules of evidence were to be enforced and he was compelled to call every member of a non-union man's family, instead of one, to tell the experiences of that family, the commission would have to sit for a year. He wished only to save time. At all events, he added, the other side had been permitted to give hearsay evidence. President Mitchell, Mr. Lenahan explained, was freely allowed to tell what others had told him.

The commissioners consulted for a few moments, and Judge Gray an-

nounced that they would hear anything the witness had to tell that he heard from members of his own household.

John Doran, general manager of the Wilkes-Barre lace works testified that the second day after the steam men were called out, a committee of his employes came to him and stated that if he didn't discharge all the sons and daughters of the steam men who had refused to obey the call, they would inaugurate a strike. He refused the demand, and the next morning the 1,150 employes quit work. The strike lasted seven weeks. The employes returned to work without the demand being granted. The seven unions represented in the mill were also required to sign an agreement not to strike again until after arbitration had failed to settle any differences that might arise.

Case Todd, a Plymouth hoisting engineer, employed by the D., L. & W. company, told that he refused to strike and that he was subjected, in consequence, to many annoyances. He was hung in effigy and four strikers stopped a plumber who was called by him to repair his bath room.

John Frederick, an engineer at the Bliss colliery of the D., L. & W. company at Hanover, refused to go on strike and was one day assaulted by a crowd of men and women and painfully injured. An effort was made by the strikers to prevent him from getting provisions from the merchants of the town.

Threatened and Stoned.

Edward Whitehead, another Bliss engineer, who would not quit work, told of being threatened, boycotted and stoned. Lee & Scouten, of Wanamie, were warned not to sell him goods but did not heed the warning.

Bruce Parker, pump runner for the D., L. & W. company, at Nanticoke, refused to strike, had his name published on a boycott list and one night his house was besieged by a crowd of stone throwers. He raised the siege by discharging a shotgun from the front porch.

George Grossewicz, of Scranton, had a long and sorry story to tell. During the street car strike in 1901, he had occasion to go to Petersburg and rode on a car, not being able to walk on account of rheumatism. He belonged to the United Mine Workers and was attached to the local at the Archbald colliery, where he was a contract miner. The president of the local spread the word throughout the mine that he rode on a street car and that he was engaged by the street car company at $5 a day to act as a hired passenger to encourage others to ride. A committee of the United Mine Workers tried to have him discharged and after apealing in vain to the foreman, the district superintendent, and General Manager Loomis, proceeded to make it impossible for him to work by preventing him from getting a laborer and then derailing one of his cars in his chamber and refusing to help him get it on the track. For seven days his chamber was blocked. Finally the foreman and fireboss helped him put the car back on the rails. The local passed a resolution imposing a fine of $5 on any man who helped him or any laborer who worked for him.

A crowd of miners in the rear of the room laughed heartily as Grossewicz told his tribulations.

He worked during the last strike in different places. Crowds met him daily near his home and stoned him. His landlord, John Carroll, of Filmore avenue, a mine worker, order him to quit the house, and threatened to take off the doors to force him out despite the fact that he had a little child down with fever. He stayed around the house until the landlord changed his mind about taking down the doors.

George W. Bowen, the North Scranton bard, was the last witness of the day. He was a coal inspector before the strike, and during the strike served as a watchman at the D., L. & W. company's Storrs colliery.

He told grandiloquently of experiences at the "gray of dawn," exploited his activities as watchman in military terms that brought appreciative smiles to the face of General Wilson and read from a diary, which he had religiously kept during the strike, the day, place and minute circumstances of the various instances by which his neighbors evidenced their displeasure at his refusal to join the strikers' ranks.

He was repeatedly stoned, once he was fired upon from ambush, his children were beaten and his house attacked, but worst of all he found on his first visit to the rooms of the North End Glee club, of which he was president, that the picture of himself, which he has presented to the club, was turned towards the wall.

Proceedings of Friday, Dec. 19.

[From The Scranton Tribune, Dec. 20.]

Another day was spent by the mine strike commission yesterday, listening to tales of the sufferings the non-union men endured during the strike. The stories, substantially, were a repetition of those of the day before. Dynamiting, boycotting, bombarding houses, shooting, stabbing, clubbing, hanging in effigy, threats, intimidation and terrorizing in general were detailed from the witness stand by men, women and children in a manner which could not help but convince the commissioners that the "inalienable constitutional right" of a man to sell his labor when where and how he chooses was, to say the least, seriously questioned in the territory covered by the strike.

Attorneys Joseph O'Brien and John T. Lenahan, who conducted the direct examinations, were particularly zealous in bringing the various offenses to the door of the union. In many instances they showed immediately or inferentially that officers of locals were the leading offenders. Attorneys Darrow, McCarthy and Murphy, who are the cross-examiners for the miners devoted most of their energies to efforts at disproving or throwing doubt on the charges that the union had any connection with terrorizing. President Mitchell was constantly suggesting questions to the attorneys to aid these efforts.

Judge Gray frequently inquired of witnesses as to whether or not they had taken other men's places. When it was shown that the man had simply continued at his own job or took a new place created by reason of the strike, such as extra watchman or the like, Judge Gray made some sign or comment indicating his appreciation of the significance of this.

Pretty Fair Wages.

In the non-unionists' " statement filed at the opening of the case, claim is incidentally made for increased wages. Several times, yesterday, Mr. Darrow, on cross-examination, would remark that the non-unionists' lawyers had neglected to ask him anything about the demand for higher wages and then would question the witness as to his views on this point. The witness, as a rule, would say he was getting pretty fair wages, but would like something more if he could get it.

At the opening of the morning session Judge Gray made reference to the incident regarding the apparent discrepancies between the statements made by the Pennsylvania Coal company concerning the wages paid the fathers of the Dunmore silk mill girls and the claims of their fathers as to what their wages really were. The judge said:

"In justice to Major Warren and Mr. May it is only fair to state that there was not the slightest imputation of their good faith. What the chairman said was that a mistake—a natural one under the circumstances—if a mistake was made, tended to shake the faith of the commission in the statistics that had been filed. Since then, I want to say, the commission has learned from Dr. Neill, the assistant recorder, with whom the statistics were filed, that, in filing them, the auditor specifically called his attention to the fact that the

company had no means of knowing whether the money paid the contract miner—the only one the company deals with—represented the earnings of two, three or four men. Major Warren and Mr. May were deceived by information gathered over the telephone, hurriedly. It was either given to them incorrectly or they misinterpreted it. If a wrong impression has been created by the remarks of the chairman on that occasion, I trust this statement will correct it."

Two Handed Places.

Major Warren said, in way of explanation, that the collieries where the men in question worked are designated on the company's books as "two-handed" places, and it was naturally believed that these men worked two-handed. The company was not yet admitting that the men worked four-handed, at least not for any considerable part of the time, and was getting exact information in the matter.

Much amusement was created during the first hour of the morning by Mr. Darrow's cross-examination of George W. Bowen, of North Scranton, the poet-miner, who deserted the union in the last strike and worked as a watchman at the Storrs colliery of the Delaware, Lackawanna and Western company.

Like Rev. Dr. Roberts, Mr. Bowen had written a book—"The Legend of the Mines and Other Poems." The book was published while Mr. Bowen was apparently an enthusiastic union man and contained some strong lines lauding Mitchell, and unionism in general, and anathemizing men who would work during the strike.

When Mr. Darrow started in to parade before Mr. Bowen these musings of another day, the witness forestalled him end emphatically declared that his utterances regarding unions were "shielded satire." After hearing some of them, Judge Gray was moved to remark: "Mr. Bowen, you were too careful in shielding your satire."

Mr. Darrow closely approached being inconsiderate of Mr. Bowen's finer sensibilities in some of his comments. His parting shot was the most unkindest cut of all.

"You sold a large number of your books, did you not, Mr. Bowen?" asked Mr. Darrow.

"Two editions," proudly replied the poet.

"Now, honestly, Mr. Bowen," said Mr. Darrow, "don't you think the people who, you say, threw stones at you were those who bought your book?"

The witness would not deign a reply. Anyhow, it would not have been heard for a full minute.

During his recital of the wrongs to which he had been subjected, Mr. Bowen, among other things, told about his little home having been attacked and, with a vehemence that would not be looked for in one of his nature, he declared: "If my home had been destroyed by those union men, I would have held John Mitchell responsible for it with his life!" Mr. Mitchell smiled.

Col. H. M. Boies, to whom the book is dedicated, was an interested listener to the cross-examination.

James Elias, of Richmondale, testified that his house was dynamited after strikers had threatened him. Two of those who made the threats were members of the United Mine Workers. Alexander Solomon made a threat on Saturday and the house was dynamited the next Monday night. Another threat was made to him by a Polander at 5 o'clock on the evening of the dynamiting.

Wife and Child at Home.

He, his wife and eight-year-old child were in the house when the dynamiting took place. The bomb was put on the front porch. It broke down the front door and smashed all the windows.

James Fahey, of Buffalo, special agent of the Delaware, Lackawanna and Western company, was called to show that the Courier-Herald, official organ of the Central Labor union of Wilkes-Barre, which printed boycott lists, has as one of its proprietors, Charles Thane, who is a member of the United Mine Workers, and who was an organizer for the union. Objection was made by Mr. Darrow, and President Mitchell protested that the United Mine Workers had no control over or connection with the paper.

Mr. Lenahan called attention to the fact that at the head of the Courier-Herald is printed "Owned by the Central Labor union"; that the United Mine Workers is one of the organizations allied with the Central Labor union, and that, although Mr. Mitchell lived in Wilkes-Barre many months, not far from the office of the Courier-Herald, he never repudiated the declaration of the paper that it was owned by an organization of which his union was a part.

Mr. Lenahan also wanted to show that National Board Member Fallon, of the United Mine Workers, made efforts to get bail for Editor Thane, when he was arrested for criminal libel by some of the boycotted parties, but Judge Gray refused to accept the testimony, because it did not bring responsibility home to the United Mine Workers.

Mr. Lenahan read from the Courier-Herald a list of the "We Don't Patronize" articles. Among them were several brands of cuffs. "I suppose," suggested Judge Gray, "they don't patronize the brand of cuffs the non-union men have been getting."

Max Lazar, of South Washington avenue flats, who remained at work at the Dodge colliery of the Delaware, Lackawanna and Western company, in this city, testified that late one night, while he was watching from his upstairs window, he saw a man throw something into his house through an open window in the lower part of the house. He rushed down, and, on the floor of a bed room, where some of his children were asleep, found a bottle of powder with a lighted squib inserted in its neck. He extinguished the squib and preserved the bottle.

The Bottle Exhibited.

Special Officer T. V. Lewis exhibited the "bottle." It was of a quart capacity and filled to the neck with black blasting powder. Mr. McCarthy, on cross-examination, tried to minimize the damage that would have resulted had the explosion occurred. The witness insisted there would have been nothing left of the house.

Eugene Detty, a young man employed by Morrell Bros., gardeners, of Green Ridge, told that he was going on a visit to relatives in Justus, on the night of Sept. 20, and upon alighting from a car in Priceburg, had gone but a short distance up the road, when fifteen foreigners pounced upon him from ambush and despite his protests that their accusation that he was a "scab" were untrue, beat him unmercifully. He was laid up for three months. The witness insisted that he never worked in the mines and did not intend to.

George Meyle, an engineer at Olyphant No. 2 colliery of the Delaware and Hudson company, told that one day on his way to work, during the strike, he encountered a crowd of fifty or seventy-five strikers, led by Stephen Reap. Reap asked him to turn back. The crowd gathered about him, and its manner was such that he decided to grant Mr. Reap's request.

William Whitbeck, who was doing some haying on a Delaware and Hudson farm at Olyphant, told of being frequently molested, and that once a crowd of strikers threatened to throw him into the river.

Thomas Kennedy, a 15-year-old boy from Carbondale, told the story of a committee of mine workers attempting to have him discharged from Kelly's drug store, because his father, William Kennedy, was working as an engineer at a Delaware and Hudson mine. Proprietor Kelly was traveling through the west, and the head clerk, Thomas Shannon, told the committee he had no power to discharge the boy. The committee came around the next day and repeated its demand, adding that if the boy was not discharged in three days they would place a boycott on the store.

The clerk sent for the boy's father, and after talking the thing over it was decided that the boy should lay off to save the absent proprietor from the boycott.

School Children Struck.

William Kennedy, the boy's father, corroborated this story, and, told, further, that the pupils at the public school which his two youngest children were attending, went on strike because of their aversion to associating with the children of a "scab." He withdrew his children from the school and sent

them to St. Rose academy, conducted by Catholic nuns.

White-haired Captain Joseph H. Duggan, of West Market street, Scranton, who continued at work in his position as engineer at the Leggett's Creek colliery of the Delaware and Hudson company, broke down and cried as he related on the stand, how the Father Whitty Total Abstinence society, of which he was a member for twenty-seven years, demanded his resignation because he would not give up his job. He was drillmaster of the society for many years, and his whole heart was wrapped up in it.

He also told of being frequently hooted, jeered and stoned by strikers as he was on his way to and from work, and that a committee of the United Mine Workers ordered his grocer, M. J. Clarke, to refuse to sell him goods.

David E. Lewis, foreman at the Grassy Island colliery of the Delaware and Hudson company at Olyphant, testified that he was turned back from work one day by a crowd of 300 strikers, led by District Board Member Stephen Reap. Olyphant was very disorderly during the strike, he declared. One Sunday morning seven effigies were suspended from telegraph poles in the very heart of the town. He knew the murdered James Winston very well and declared he was a highly, respected, quiet, inoffensive man.

John Lowandofski, who worked at the Delaware, Lackawanna and Western company's Dodge colliery during the strike, found a dynamite cartridge, with cap and fuse attached, lying in front of his door one night. He heard men running away, and going out on the porch found the bomb. The fuse was lighted. He cut the fuse with a knife and prevented an explosion.

Exhibited the Dynamite.

Special Officer Lewis exhibited to the commission one of the five sticks of dynamite which composed the bomb. He had it enclosed in an old stocking, carefully packed in wet cloths. It had been previously frozen to lessen the danger of a sudden and tragic adjournment of the hearings. The witness did not contribute much to the ease of those sitting about the witness box by his statements of the destructive powers of the bomb. It would blow a house to pieces, he declared.

Mary Kultz, of Weston, near Derringer, in lower Luzerne county, gave testimony through Deputy Clerk of the Courts Charles Mirtz, acting as interpreter.

A crowd surrounded her house one evening, when her husband returned from work in the mines, and stoned it for six hours. Every window was broken and many things inside the house were smashed by the big stones which passed through the windows. She and her child sought shelter in the garret during the bombardments. The crowd dared the husband to come out, threatening to hang him to a tree. The next day they moved to Drifton, on receiving a letter threatening that if they did not leave the place in two days their house would be burned down. They owned their own home, but now are paying rent in Drifton. Mrs. Kultz declared she would never go back to live in it, because of fear.

On cross-examination, Mr. McCarthy brought out the fact that Mrs. Kultz had had William H. Dettery, a district board member of the United Mine Workers, arrested for leading the attack, and that at the hearing he was acquitted and she was held for false swearing. Mrs. Kultz reiterated that she was still satisfied that it was Dettery who led the mob.

Her husband followed on the stand and corroborated the story of the attack. Photographs of the house "before" and "after" the bombardment were shown the commission. It was testified that the house cost $1,000. From the "after" pictures, the house would not bring much more than thirty cents at a forced sale the morning following the bombardment.

The Damage Done.

E. A. Oberander, private secretary for Alexander Coxe, who had the photographs taken, gave an account of the damage done. Stones weighing thirty pounds were hurled through the doors and windows, and against the side of the house. The stove was broken and the furniture, in general, demolished.

Frank Fidati testified that he was sent to Winton by J. L. Crawford, president of the People's Coal company, to watch the house of Dominick Bertaki, one of the employes at the Oxford colliery. Four men, two of them officers of the United Mine Workers' local, waited on him and warned him that if he did not quit protecting Bertaki's house, he would be hurt. The next night two men shot at him with revolvers ten times. One of the bullets struck him in the leg. He had to go to the hospital.

Dominick Bertaki, the owner of the house, testified that the next morning, in company with a squad of soldiers from Camp Wyckoff, he went to his home and found a dynamite bomb in the yard. The fuse had been lighted, but went out. John Musgozzi, a union man, told his wife, and she told him afterwards, that the union had passed a resolution to blow up his house. This testimony was not allowed to go on the record, as it was hearsay.

Mr. O'Brien asked District President T. D. Nicholls to stand up. Mr. Nicholls complied. Mr. O'Brien then had the witness say he knew Mr. Nicholls and had received a "letter of recommendation" from him.

A photographic copy of a letter was shown District President Nicholls and he admitted it was a copy of a letter he had written. Thus, incidentally, was Mr. Nicholls for the first time heard to make an utterance before the commission. The witness also identified the letter, and then Mr. O'Brien read it, with appropriate emphasis. It follows:

Office of the United Mine Workers.
District No. 1.

Officers and Members of the U. M. W. of A., Jessup:

Dear Sirs and Brothers: The bearer, Dominick Bertaki, has decided to quit work at the People's Coal company, Oxford colliery, and become a good union man. I advise and trust that you will treat him in a friendly manner as long as he behaves himself accordingly.

Yours truly,
T. D. Nichols.

Seal of District No. 1.

Hearty laughter followed the reading of the last part of the letter.

Wanted Them Discharged.

James Conlon, a mine foreman for the Delaware and Hudson company at Plains, and president of the Plains township school board testified that in June a committee of the United Mine Workers demanded the discharge, or more exactly protested against the re-employment of Miss McKay, Miss Winterstein and Charles Brandt, each of whom had a relative working in or about the mines. The committee appeared openly at the meeting at which the teachers were being chosen for the ensuing year and put forward their demand. There was no question as to their competency or qualifications, the miners said.

Mr. Darrow sought to excuse the committee's conduct on the ground that they were acting, not with any animus towards these school teachers, but for the general good of the schools, it being disadvantageous to have the teachers disliked by the pupils.

"Isn't it advantageous that the teachers are liked by the pupils?" Mr. Darrow asked.

"Yes," the witness answered, "and these teachers were the best liked of any in the schools."

President Mitchell whispered something to Mr. Darrow and the latter proceeded to ask questions with a view of emphasizing the fact that the committee did not ask the board to discharge the teachers, but to not re-employ them.

Frank McCarthy was principal of the Miners' Mills schools for six years, told of being refused re-employment by the school board last August. He alleged it was because his brother is a mine foreman. One of the directors told him it was because he had voted wrong for the office of 'squire at the spring election. His father's and brother's names were printed on a banner containing a list of "scabs" and admonitions to the people to not send their children to school to relatives of "scabs."

Miss Barrett, who taught for seven years and whose brother continued to work in the mines was the only other teacher not re-employed. She is now working as a clerk in a dry goods store in another city.

The banner aboye described was exhibited by Daniel Powell, of Miners' Mills, who took it down from where it was suspended above the road where Plains and Miners' Mills meet. Attorneys Darrow, Warren, Lenahan and Wolverton held the banner outctretched that the commissioners might read it. It was twelve feet long and five feet wide.

Christ McDermott, of Pittston, a fire boss for the Pennsylvania Coal company, had to have police guard over his house every night for a week; that Murphy & Joyce, storekeepers, refused to sell him goods, and that the woman who sold him milk cut him o'f because she received an anonymous letter notifying her that if she didn't stop selling him milk she would find her cow missing some morning. The ice man and a huckster also refused to deal with him.

W. R. Gardner, a weighmaster for the Pennsylvania company told of frequent and serious annoyances to which he was subjected during the strike, because he would not give up his job. He was held up by mobs, stoned, threatened, boycotted and hung in effigy. Daniel Davis, a butcher, refused to sell him meat.

The witness said he never belonged to a labor union since the time the union elected a full county ticket in Luzerne. He was sorry he ever voted the ticket. The sheriff, he said, was a defaulter.

David Dick, of Old Forge, who refused to quit work for the Pennsylvania Coal company, testified that one night he was sitting on his porch when he was fired at five times from ambush. One bullet went through his hat. He had previously been threatened by strikers.

Crippled Engineer.

Joseph Webb, an old and crippled fan-engineer, testified to having been beaten, knocked down and cut on the hand by a mob of fifty, armed with revolvers, knives, clubs, whips and cat-o'-nine tails. He did not go to work after this.

William Booz, of Pittston, refused to quit his job as blacksmith for the Pennsylvania company. He was threatened several times by strikers. At 3 o'clock one morning the house of his father-in-law, in which he, the witness lived, was dynamited. He judged that a stick of dynamite was hung on the door knob. The door was splintered, windows smashed, and furniture, dishes, pictures and the like wrecked.

Mike Endres, of Plains, was stoned and called vile names. William Mokes, of Port Blanchard, was mobbed and his house attacked by a crowd of twenty-one men. Charles Cuttle, of Avoca, had the usual experiences.

James Mitchell, who was a miner before the strike, and who worked as a blacksmith's helper and track repairer after the strike commenced, told of being put out of the Browntown (Pittston) branch of the Ancient Order of Hibernians. The vote was unanimous.

Appended is a summary of the statistics of the Pennsylvania Coal company filed with the commission yesterday, by Major Warren:

The statements submitted to the commission by the Pennsylvania Coal company show, in detail, the number of collieries, the production, the shipments, the dockage, the earnings of the contract miners and all other classes of labor, the time worked by breakers and employes, the time lost from various causes, the character of the veins worked and in general everything of the actual conditions of production of coal which it has been possible for the company to accurately show for the year April 1, 1901, to March 31, 1902. Following are the principal facts:

Total number of breakers	10
Total number miners' tons produced	1,943,216
Total tons prepared coal produced	1,440,802
Total tons pea coal produced	326,180
Total tons of prepared and pea coal produced	1,766,982
Average number of pounds of prepared coal produced per miners' ton	1,631
Average number of pounds of prepared and pea coal produced per miners' ton	2,037
Percentage of dockage	1 05

MINERS.

The total number of contract miners was	1,828
The average annual earnings per contract was	$1,267.49

(On account of the uncertainty of the best information which it has been possible to obtain as to the number of miners or laborers in each contract, the average earnings of each miner or laborer has not been stated).

The accuracy of the statements referring to earnings of contract miners has been certified to by James Markwick, chartered accountant, representing the miners.

COMPANY MEN.

	Av'age rate per day.	Av'age earnings per year
Enineers, machinists, carpenters, blacksmiths, etc	$2.12	$621.96
Firemen, pumpmen, stablemen, trackmen, timbermen, etc	1.80	550.48
Dumpers, footmen, headmen, runners, loaders, etc	1.56	334.87
Drivers, plate or gatemen, watchmen, etc	1.39	345.66
Door boys, slate pickers	.90	149.84
Laborers and various other classes	1.63	353.29
Average earnings per year of men and boys		$312.19
Average breaker starts		232.1
Average hours worked per day, based on total starts		6.8
Number of suspensions due to action of employes		533
Number of suspensions due to machinery		116
Number of suspensions due to mines being flooded		28

Statement concerning the houses owned by the company, as follows:

Number of company houses	28
Average rental per month	$6.607
Average number of rooms	7.25

The statements also show uncollected rent amounting to $2,315.65 as due from employes November 1, the annual rental of the property being $4,130.

They also show the name and number of employes who are owners of real estate, total number being 989, or over 21.8 per cent of the aggregate.

Proceedings of Saturday, Dec. 20.

[From The Scranton Tribune, Dec. 22.]

The mine strike commission adjourned Saturday morning at 11.45 o'clock over the holidays. Before adjourning Saturday morning, Judge Gray made another urgent request thatthe companies present their statistics at once. He said he wanted t oimpress on the representatives of the companies the urgency of their statistics being filed at once. He trusted they would all be put in during the early part of the recess so that those who have in hand their examination may ascertain whether or not they are satisfactory, and in what, if any, feature they should be amended or supplemented.

There Was Time Enough.

"With all due deference," the judge remarked in meaningful tones, "there has been time enough for all these statistics to be presented. Unless there is better co-operation this hearing will drag itself out interminably. We want to get at the earnings of the miners. The only way we can get at them is through the books of the companies. We trust these figures will be forthcoming without further delay."

In announcing the adjournment Judge Gray, in the name of the commission, wished all the parties a happy Christmas, and expressed the hope that all would bear in their minds the message of the season, "Peace on earth; good will to men," and return to the hearings imbued with this spirit.

The commissioners are well pleased with their stay in Scranton and felicitated themselves on the fact that this city was selected for the sessions. One of them said to a Tribune rpeorter as he was leaving for his train that they could not have asked for more delightful environments. The people could not do tob much for them, he said, in the way of hospitable treatment, the lawyers and others participating in the hearings, and the newspapers in dealing with the commission and its work were one and all most courteous and

considerate. "If our experiences continue to the end as it has in Scranton," said the commissioner. "we will have nothing unpleasant to look back to."

One Adverse Criticism.

Only one utterance of adverse criticism of the commission has as yet been heard. A New York paper, which is seeking self-advertisement by instituting a legal fight against the alleged coal trust, took exception to the action of the commissioners in refusing to go into this question. It was a great disappointment to the paper in question not to be able to print in glaring headlines "Mine Strike Commission Joins Hands with the ——— in Exposing the Coal Trust." The existence or non-existence of a coal trust, the commissioners believe, has nothing directly to do with the questions at issue before them, and it is a matter of great doubt if it can have the slightest indirect bearing. The commission has declared it will assume the operators are able to pay better wages. This the miners have asserted is all they can ask, unless the operators allege they are not able to pay better wages. If the operators make such a contention, the commission says, it will take up the matter of going into the excluded question.

The commission has won the confidence of the whole people and as this is absolutely necessary to the permanent effectiveness of its work, it is regretted by the thinking men of all parties immediately concerned, and by the party most concerned, the people of the anthracite region, that anything should occur tending to diminish this confidence.

The closing session, Saturday, was not marked by any especially important feature. Non-unionists' witnesses told stories similar to those related during the preceding three days, showing how they had been maltreated because of their refusal to join the strikers, and incidntally showing the extent of the strike violence.

The miners were permitted to interrupt the non-unionists' case, to rebut the story tearfully told the preceding day by Joseph H. Duggan, to the effect that he had been expelled from the Father Whitty Total Abstinence society because he worked during the strike. Patrick J. Mulherin, president of the society, declared the story to be false; that Mr. Duggan was expelled for violation of his total abstinence pledge, and incidentally that Mr. Duggan was known to be able to shed tears very readily. Attorney O'Brien contented himself by showing that the society's minute book, regarding the action in the Duggan case, was not put in evidence.

Held Up by Mob.

David E. Lewis, foreman at the Grassy Island colliery of the Delaware and Hudson company at Olyphant testified to having been held up by a mob of two hundred at Tinsley's crossing and prevented him going to work. A newspaper correspondent happened along at the time Mr. Lewis was being mobbed and took a picture of the scene. Copies of the photograph were shown the commission, after Mr. Lewis admitted their accuracy, and the commission engaged a hearty laugh. Foreman Lewis is shown in the photo sitting calmly on a mound of earth posing for the picture, while the "mob"—about 150 persons—are grouped around in poses even more studied than that of the foreman. Everybody including the victim of the mob, "looked pleasant."

Judge Gray jokingly asked if the crowd "resumed operations" after the picture had been taken. Mr. Lewis replied in the affirmative. They gathered around him, jostled and threatened and compelled him to turn back.

Dr. L. L. Sprague, principal of Wyoming seminary at Kingston, gave testimony to show that union men prevented teamsters from hauling coal mined and ordered before the strike. He went to the headquarters of the United Mine Workers at Edwardsville to see if he could not prevent the teamsters from being molested. The man in charge of the headquarters called up President Mitchell at Wilkes-Barre and laid the case before him. Mr. Mitchell decreed that if the Delaware, Lackawanna and Western company would haul the coal from the mine to the Kingston station, the teamsters might take it from there to the school.

John H. Otto worked at Archbald for the D. & H. company during the strike. He had great difficulty in securing provisions. The merchants told him they had been threatened with boycotting if they sold him goods.

Why He Quit.

Thomas Clarke, a fifteen year old boy, whose father worked during the strike testified that he heard a committee had gone to his employer to have him discharged, and that he quit sooner than get his employer in trouble.

William Allen, of Peckville, division superintendent of the Elk Hill Coal and Iron company told of the disorder at Throop and Eynon. At the former place there was an attack on the pump house on the night of August 11. Shots were exchanged between the assailants on one side of the river and the four men guarding the pump house on the opposite bank and when the battle was over fourteen bullets were found imbedded in the side of the pump house facing the river. At Eynon, a mob attacked and wrecked the carpenter shop which was being used as living quarters for the non-union men, and then pulled the fires in the boiler room, where steam was generated for the Raymond washery and the colliery pump.

L. B. Thompson, who worked at the Raymond corroborated Superintendent Allen's story and told, further, that the non-union men were driven out with guns. John Siegel also told of this affair.

Mrs. Rose Snyder, of Wilkes-Barre, whose husband worked during the strike, testified that one night the house was entered and robbed and a few nights later it was set afire and burned to the ground. She was corroborated by her husband's parents, Mr. and Mrs. John Snyder.

Anthony Roguski, a Wilkes-Barre non-unionist, was assaulted by a mob and laid up with injuries for six weeks. Joseph Tomashumas, of Hazleton, was assaulted, his house was stoned and grocers refused to sell him goods.

Dragged Her Out.

Mrs. Ongowsky and her little boy, twelve years old, who lived in Kingston, told that while her husband was at work a crowd of strikers forced their way into her house, dragged her and her boy into the street, brutally beat them and threw their household goods into the street. They got another house in another part of the town, but were there only two days when the landlord ordered them out. When they were moving, their goods were tossed about and broken by a mob. The Wilkes-Barre board of charities took care of her and the children until they could get a house in Wilkes-Barre. The woman's story of how the mob beat her in the presence of her frantic little children was truly pitiful.

The last witness to be heard here was Herbert Dolan, of Parsons. He worked as an engineer for the Delaware and Hudson during the strike. Henry Jenkins, a member of the U. M. W., told him he was a marked man and would be killed. James Moran, president of the Parsons local told him if he did not quit work, no union man would work with him after the strike. Another union man told him his house would be blown up. June 3 his house was attacked by stone throwers, and the windows smashed. His children were frequently insulted and beaten. Reese & Co., with whom he had traded for a number of years, told him they had been notified by the union not to sell him goods and that while they did not want to refuse him they would have to insist on his coming in the back way when he wanted anything, or else send the children. He declined to trade under these conditions.

An interesting incident, indicative of the fact that some of the sad tales by miners' witnesses made a deep impression on the commissioners, was uncovered accidentally on Saturday. Before leaving for his home Saturday, Judge Gray made up a big Christmas box and sent it away by express. It was found to be addressed to Andrew Chippie, of Jeddo. This is the little Hungarian boy who testified that his earnings of 4 cents an hour are being kept by the company to pay a debt of $80 for rent and coal contracted by his father, now deceased.

Proceedings of Tuesday, Jan. 6.

[From The Scranton Tribune, Jan. 7.]

Philadelphia, Jan. 6.—The anthracite mine strike commission resumed its sessions, after the Christmas recess, in the circuit court room of the federal building, here, this morning at 11 o'clock, and spent the day listening to further tales of the woes of non-union men during the strike.

The court room is only a little larger than the superior court room in the Lackawanna court house, where the Scranton sessions were held, and which was crowded to suffocation at every session, but at the opening session here, there was plenty of room in the spectators' benches, and probably not more than fifty persons were present who were not interested as parties, attorneys or witnesses. At the afternoon session the seats were all taken and a few could not gain admittance.

There was a large crowd, however, in front of the building at the close of the morning session when the attendants were coming out. The crowd was there for one purpose only—to see Mitchell. Newspaper photographers lined up on the sidewalk with their cameras focused on the doorway to "snap" the miners' leader. Persons on their way to dinner gathered about the photographers, leaving an open space in front. Judge Gray, Bishop Spalding, Wayne Mac Veagh and other national celebrities came out, but the cameras were idle and the crowd uninterested.

Mitchell appeared all unconscious and slipped into the clear space. "Click, click, click" went the camera shutters and the crowd surged forward. Mitchell and a friend walked on and crossed the street to his hotel. The crowd followed and surged into the hotel corridor. No one could tell from Mitchell's face that he felt there was as much as an eye upon him. It was not until he took the elevator for his room that the crowd left the corridor.

The arrangement of the court room here is substantially similar to what it was in Scranton. The tables for the respective parties were placed in positions corresponding to those obtaining in Scranton, and the same men occupied relatively the same places at the tables. Instead of having the jury box fitted up as a press gallery, as in Scranton, it was removed from the court room here, and two large tables substituted. About thirty newspaper representatives are attending the hearings. Few of the New York papers are represented by special correspondents.

An Interesting Feature.

The most interesting feature of the day was the cross-examination of Sheriff Charles H. Schadt, of Lackawanna county, by President Mitchell, of the United Mine Workers. The generally-known fact that they are close friends made the examination the more interesting. Not a few of Mr. Mitchell's questions bore on incidents that came to his knowledge from personal association with the sheriff.

Judge Gray's criticism of a Plymouth 'squire who refused to issue a warrant for men who assailed a non-union man, and a declaration by a non-union witness that he had been threatened with death if he came here to testify before the commission were provocative of close interest from the listeners.

The attorneys present besides those mentioned in yesterday's despatch are: Hon. Wayne Mac Veagh, of the Erie; John B. Kerr, general counsel of the Ontario and Western; W. W. Ross, general counsel, and Devid Reese, Scranton attorney for the Delaware, Lackawanna and Western, and Samuel Dickson, of Philadelphia, of counsel for the independent operators of the Hazleton region.

President J. L. Crawford, of the People's Coal company; General Superintendent C. C. Rose, of the Delaware and Hudson company, and General Manager May, of the Erie's coal properties, are among the Scrantonians present.

The members of the executive board of District No. 1, United Mine Workers of America, arrived tonight. District President Nicholls and District Secretary Dempsey will come tomorrow.

Prior to this morning's session, the commission had a conference and it was expected some announcement would come from Judge Gray, at the opening of the session, but no announcement was forthcoming. The resumption was wholly without incident.

THE MORNING SESSION.

No Formality Attends the Resumption of the Hearings.

No formality whatever attended the resumption of the hearings. Judge Gray simply said in opening the session: "We will start in where we left off," and Attorney John T. Lenahan forthwith resumed the presentation of the non-union men's case.

John J. Williams was the first witness called. He lives at Wilkes-Barre, and is a mining engineer at the Stanton colliery. In answer to questions by Mr. Lenahan, the witness told that on June 26, while going home from work, he encountered a mob led by an Hungarian wielding a club. The leader called him "scab" and struck him with the club. The witness ran up a side street and encountered another mob. He had to run through a swamp to escape the two bodies of assailants. He was chased and overtaken. Two shots were fired at him, he was hit in the back with a billet of wood, a stone struck him on the temple, and finally one of the mob laid him out senseless in the swamp with a club. He was left lying where he fell. When he recovered consciousness he dragged himself home and went to bed. He was laid up for two weeks.

On cross-examination by James L. Lenahan, it was brought out that no one has been indicted as yet for the assault. One man was arrested, but the case has not yet gone to the grand jury.

Judge Gray's questions developed the fact that the assailants were miners, adults and foreigners.

The second witness was Sheriff Charles H. Schadt, of Lackawanna county. Attorney Joseph O'Brien conducted the direct examination. Sheriff Schadt told that the first thing he did in an official way in connection with the strike was to issue and post a proclamation, calling for strict observance of the law and particularly warning persons against interference with coal company property and employes. The proclamation was issued the first day of the strike.

He also placed deputies about various of the mines. It was difficult to secure deputies because of the supposed dangerous character of the work and the dislike prevailing among the men of the region to being "mixed up in it." Most of his time, the sheriff said, was spent in answering calls for assistance coming from different collieries. He usually found a crowd of women and children about, but if there had been any trouble it was over with before he could reach the place.

Disorder at Throop.

The witness outlined the story of the disorder at Throop. One night he was called to suppress rioting at the Pancoast colliery at Throop. The superintendent showed him four bullet holes in the colliery pump house along the river bank, which it was alleged had been fired from across the river at men guarding the pump. At the witness' suggestion the company placed electric lights about the colliery and installed a search light on the top of the breaker, which could light up the region around the isolated pump house.

Another night, in the vicinity of the same colliery, the sheriff heard shots in a patch of woods and on making an investigation, found a Lithuanian with a shot gun. The stock was detached from the barrel and the barrel was being used as if it was a walking stick. The sheriff arrested and disarmed the man and turned him over to a deputy. The man later escaped from the deputy.

The witness told that one of his deputies, Miles McAndrew, was shot at while driving through Priceburg in

company with a mine superintendent early one evening.

He then told of the incidents leading up to the call for troops. There were five or six calls every day from different places for assistance. It continued to grow worse daily, and on the day he made the call for troops there were no less than ten different breaches of the peace reported. The witness had not beeen in bed for three days; he was unable to get enough men to act as deputies to insure the peace being preserved, and when word came of violent outbreaks at the Raymond colliery, Archbald, and down the valley, all at the same time, he decided to make requisition for assistance.

Further questioning by Mr. Lenahan brought forth the information that the sheriff drafted a second proclamation setting forth that the disorder was increasing and that it must cease or radical steps would be taken to prevent it. This proclamation, before being issued, was sent to President Mitchell, through Druggist John J. Loftus, a close personal friend of both the sheriff and Mr. Mitchell. The sheriff instructed Mr. Loftus to say to Mr. Mitchell that if this second proclamation was not effective, a requisition would be made for troops. Mr. Loftus brought back word that Mr. Mitchell would do all in his power to discourage disorder.

When Troops Were Called.

At 7 o'clock on the night the troops were called, the sheriff gave the second proclamation to the newspapers. An hour later, the reports of violent outbreaks began to pour in from all sides. The Raymond colliery had been attacked by a mob of 200, another mob was reported to be forming at Olyphant, to march on a Priceburg colliery, steam pipes were blown up by dynamite at Lackawanna, and from various other parts of the county came telephone messages calling on the sheriff for protection. Feeling he was no longer able to cope with the situation, the sheriff telegraphed the governor for assistance.

The sheriff said he had talked with Mr. Mitchell twice about disorder and was assured by Mr. Mitchell that he would do everything he could to assist in preserving the peace. The witness personally knew of several instances where Mr. Mitchell sent peace committees to prevent or suppress disorder.

Commissioner Watkins asked if President Mitchell had issued any statement, or anything of that kind, discouraging violence, after the talks which the witness had with him. The witness said he had not seen any.

President Mitchell then cross-examined Sheriff Schadt, and showed that among his many other accomplishments he has the makings of a good lawyer in him. His questions were direct, to the point and neatly framed.

Mr. Mitchell began by eliciting the admission that Sheriff Schadt, all during the progress of the strike, found it possible to periodically leave his bailiwick, going to Lake Ariel on an average of twice a week and once to New York. He also brought it out that the sheriff and himself enjoyed an outing at Harvey's Lake for a whole day in September.

"Did you find a general state of lawlessness existing in your bailiwick during the strike?" asked Mr. Mitchell.

"No, I can't say that I did," the sheriff admitted.

"It has been testified that a reign of terror existed throughout the whole region during the strike," said Mr. Mitchell. "Was that the case in your county?"

"Sometimes," replied the witness. "I dare say it existed in small localities for a time."

Mr. Mitchell further elicited an admission from the sheriff that alone and unaided he was able to disperse the crowds he was called upon to deal with, and men, in these crowds, presumably strikers, frequently volunteered their services in helping to disperse the crowds.

Gaffney Pitched Quoits.

Mr. Mitchell asked it if was not true that Deputy Sheriff John E. Gaffney, who was stationed at the William A. colliery, at Lackawanna, pitched quoits and played at Italian bowling with the strikers in that locality. The sheriff admitted that he had been informed that Mr. Gaffney and the strikers of that place were on very friendly terms.

"Is it not true that the sheriff, under the laws of Pennsylvania, has authority to compel citizens to act as deputy sheriffs?" Mr. Mitchell asked.

"That's true,' the witness replied.

"Did you exercise that authority?" asked Mr. Mitchell.

The sheriff replied in the negative.

"Is it not true," Mr. Mitchell continued "that every time you notified me of impending trouble I sent officers or members of the union to help in preventing it?"

"I don't know about every time," replied the sheriff. "I know of you having done it several times."

Mr. Mitchell tried to bring out that on the night the call was made for the troops, the sheriff was in consultation with a number of attorneys for the coal companies. The witness affirmed, positively that it was not until after he had made the call that he consulted the attorneys.

"Mr. O'Brien, here, is your attorney and also attorney for a number of the operators, is he not?" asked Mr. Mitchell.

"He is my attorney," said the witness," but I do not know of his being attorney for any operators."

"I've been agin' them for twenty years," remarked Mr. O'Brien.

The sheriff admitted, in answer to Mr. Mitchell's query that the second contingent of troops for Lackawanna county came without his knowledge. He denied that the crowds he found when responding to calls for assistance were made up of women and children. "There were men there, too,' said the sheriff.

"Do you remember saying to me at Lake Harvey," queried Mr. Mitchell, "that it was a few fellows here and there who were creating the bother, and that generally speaking the people were orderly."

The sheriff answered in the affirmative.

Later Major Warren asked if this was not in the early part of the strike, and the witness said he thought it was. Mr. Mitchell reminded the sheriff that the trip to Harvey's lake took place in September. The sheriff agreed that this was correct.

Mr. Michell also elicited the statement that the sheriff paid the forty-five extra deputies who served during the strike, and that the coal companies reimbursed him.

General Wilson asked why the county had not paid the bill. Attorney Lenahan explained that the law provides for the payment being made by the companies.

An Un-American Law.

Judge Gray denounced such a law as un-American. "When the body-politic," said he, "relinquishes the protection of life and property, it is in a fair way to dissolution. It is un-American."

Mr. O'Brien called attention to the fact that the sheriff employed forty-five extra deputies during the strike and that at present not a single extra deputy is employed.

President Mitchell brought up the case of the foreigner who was shot in the head and killed, just outside the William A. stockade and tried to have the sheriff confirm the story that the coal and iron police at the colliery shot him and then had the bullet removed that the act could not be traced to any of them. The sheriff knew nothing about it further than that the bullet evidently lodged in the head but could not be found by the coroner.

Mr. O'Brien developed the fact that the coal and iron police arrested for the shooting were acquitted by the grand jury for lack of evidence. He also tried to show by the sheriff that the county detective is now working on a theory that the man was murdered by some of his fellow countrymen. The witness knew nothing of it. This ended the sheriff's testimony.

Lyman Troop, of Plymouth, an aged man, testified that he worked during the strike for the Lehigh and Wilkes-Barre Coal company as a timber cutter. Sept. 15 a crowd of fifteen held him up on his way to work, kicked him and cuffed him for a quarter of a mile. He was laid up for three weeks and four days as a result of the beating. His principal assailants were two foreigners. They did all the kicking and

cuffing. He was told that he would be shot if he went to work again. Some days later he found a letter in his front yard containing a threat to burn his house if he resumed work.

Attorney James L. Lenahan, on cross-examination, brought out the fact that the witness did not have any one arrested for the assault. Judge Gray asked why. The witness said he could not get Burgess Walters to issue a warrant. The witness admitted he told the burgess he did not know the names of his assailants, but could identify them.

Judge Gray Indignant.

Judge Gray expressed indignation on learning that an officer of the law had thus failed in his duty.

"This 'squire deserves the advertising he is getting today," said the judge with meaningful tones. "He should be pilloried as one magistrate in the state of Pennsylvania who notoriously and obviously didn't do his duty."

"But he couldn't tell the names, your honor," suggested Attorney James L. Lenahan.

"Oh, pshaw!" exclaimed Judge Gray in disgust.

Attorney John T. Lenahan called attention to the provision of the law that a warrant can be directed against an unknown person under the fictitious names of John Doe or Richard Roe.

William Jenkins, of Wilkes-Barre, worked for the Lehigh and Wilkes-Barre Coal company at No. 11 colliery at Plymouth, in the early part of the strike. June 23, while he and four other workmen were leaving for home at 6 o'clock p. m., a crowd of 300 men and women made a rush for him, hit him in the back with a stick, and threw him back into the stockade, and down a dirt bank. He went out another way and got home. The blow and fall caused internal injuries which laid him up in Mercy hospital for seventy days.

After coming from the hospital he went to Plymouth one day to attend to some private business. Four men held him up and made him return. Matthew Davidson said as he approached: "Here's the Yankee —— — — —— of a scab that's firing at No. 11," and then told the witness to get out of the borough or he would get his "medicine." Davidson and Thomas R. Edwards, two of the four, were United Mine Workers, the witness said. "The other two gentlemen," said the witness, "were named James."

Outside Foreman Thomas Robinson, of the Stanton colliery of the Lehigh and Wilkes-Barre company, at Wilkes-Barre, testified that the mine has not been able to work even yet because of being flooded. The flooding resulted from the inability of the company to keep men at work at the pumps, because of the frequent attacks made by mobs of stone-throwers from the closely adjacent hill tops, and other acts of violence against the workmen. The trestle at the breaker was set afire, a gondola was run through the gate, and later the stockade was set afire. Members of the fire department were stoned while extinguishing the fire.

The flooding of the mine has thrown between 600 and 700 idle. It will take some weeks before the mining of coal can be resumed.

A 10-year-old boy was shot just outside the stockade the day after the second fire. It was believed he was shot from within the stockade, the witness admitted, but the guards were acquitted by the grand jury.

Experience of John Jones.

John T. Jones, of Sugar Notch, who worked at the No. 9 colliery of the Lehigh and Wilkes-Barre company during the strike told of his house having been ransacked during the strike, his dead wife's picture mutilated, his overcoat stolen and indecencies perpetrated.

He created a ripple of excitement by testifying that on Sunday morning last while he was in bed some one stood outside his house and called to him that he would be killed if he went to Philadelphia to testify before the strike commission. Sunday night he was stoned and called a scab. He could not tell who did these things. He knew it was union men, he said.

"How do you know it was union men?" asked Commissioner Clark.

"Because non-union men would not do such things," the witness replied at which there was applause from the crowd of non-unionists waiting to be called as witnesses.

Edward Stewart, of Westmoreland, who gave his occupation as "bricklayer's assistant" and afterwards explained for Judge Gray's benefit that this was what is commonly comprehended in the term "hod-carrier," told of being assaulted and robbed by a crowd of strikers on his way to work at the Nottingham colliery, on October 4. He swore that a borough policeman rescued him from the mob—after he was badly battered.

The first witness of the afternoon, John Lucksie, a butcher from Cooper Hill, Kingston township, told of being boycotted and stoned by strikers. He lost $400 in the first three months of the strike and closed up his shop. He could not afford to remain idle and took a job as fireman at the Kingston colliery. The abuse that was heaped on his family induced him to give up the job. He went to work at the Reichart & Company brewery, in Wilkes-Barre, and strikers succeeded in having him discharged. He was stoned and his house was also attacked by stone-throwers.

Murder of Italians.

John Morris, of Forty Fort, who worked at the Maltby colliery of the Lehigh Valley company, testified that he heard of a raid being planned on the colliery for Sept. 8, and that on that date a raid occurred. The telephone wires leading to the colliery were cut before the raid occurred. A crowd of 125 marched towards the breaker. On the way they met an Italian carrying a gun. He was a striker bound for a day's hunting, in company with a fellow-countryman. The mob took them for guards and attacked them with clubs and guns. One of the two Italians was shot dead; the other got away. This put an end to the raid. The men comprising the mob, the witness averred, were all strikers and members of the union.

The witness would not tell the name of the man who gave him the information that the raid was to take place. Judge Gray would not let him say whether or not his informant was a union man.

John B. S. Keeler, foreman at the Maltby, gave a history of the experiences with the union men at his colliery from the time of the 1900 strike on.

Nov. 5, 1900, the men struck because the company would not discharge non-union men who had been hired during the strike. November 14, they returned to work, admitting they had done wrong. In the following March, the breaker boys went on a brief strike. March 25, 1901, the whole force struck, because two of the union had been discharged. One was a boy, charged with killing a mule. The men went back without gaining any concessions. July 16, 1901, the firemen went on strike, and the next day the engineers struck. The miners struck shortly afterwards because of their aversion to using "scab" steam. They returned, but again, on Aug. 2, 1901, the miners quit, because of the "scab" steam. This strike continued until the strike of 1902 was settled.

Foreman Keeler told of the raid of Sept. 8, 1902, when the Italian hunter was killed, and of the finding of a United Mine Workers' membership card on the person of the murdered man. Neither the murdered man nor his companion were known to the witness. They did not work at the Maltby, he was sure.

In response to questions by Judge Gray, the witness said he made efforts to get men to take the strikers' places, but the best he could do was to maintain force sufficient to keep the mine from flooding.

Conductor Shot at .

Thomas Franklin, a Jersey Central conductor, testified as to an experience he had in taking trains of coal from Wanamie to Ashley. Sept. 20, 1902, a shot was fired at the engine. The bullet struck the dome of the engine. Three days later, the train encountered ties and other obstruction on the track at Warrior Run, and at Sugar Notch ran into an open switch, which had been opened by breaking the lock. The train was stoned at different points. Elmer Butz, engineer of the train, corroborated the conductor's story.

Joseph Becker, foreman at No. 11

colliery of the Lehigh and Wilkes-Barre company, at Plymouth, told of attacks on himself and other workmen, and of the sleeping quarters within the stockade being stoned at night. Between 120 and 150 windows were broken in an isolated engine house and the brass mountings of the engine stolen.

Mr. Darrow contented himself with gaining an admission that the stealing of brass was a common occurrence in the coal regions.

Outside Foreman M. J. Flaherty, of the Hollenback colliery of the Lehigh and Wilkes-Barre, told that the strikers set fire to the stockade about the breaker and then stoned the men who went out to extinguish the fire. About 270 feet of the fence was destroyed. Three men who worked under him during the strike were hung in effigy. Oct. 5, at 2 o'clock in the morning, a stone was thrown through the window of his bed room.

Daniel McAllister, a mine laborer from Maltby, worked during the strike and besides the usual experiences suffered the loss of fifty feet of his picket fence. Eight windows, all told, were broken in two raids by stone throwers.

David Richards, a Lehigh Valley pumpman from Maltby, testified that a crowd of 200 held him up one day in September while he was on his way to work. Some one shouted: "Shoot the scab," and some one did. The bullet hit him in the leg.

Kicked in the Face.

John Stroh, a carpenter employed by the Lehigh Valley Coal company, told that he was sandbagged in Exeter borough while on his way to work. He was kicked in the face while lying on the ground.

"You didn't take anybody's job, did you?" asked Judge Gray.

"No, sir," the witness replied.

Joseph Adams, a Lehigh Valley teamster from Sturmerville, who refused to quit work, was stoned and clubbed, his house was bombarded and his milkman refused to supply him with milk.

S. T. Belles, another Stumerville teamster told that he was hung in effigy and his house was stoned. He also recounted a night attack made by two hundred strikers on a couple of men returning from work. The witness rescued one of the victims and started to carry him into a barn for safety. The mob threatened to burn the barn if the wounded man was placed in it.

David Harris, a fire boss for the Lehigh Valley company at West Pittston, told of being attacked by a mob and shot at. On one occasion, he said, Patrick Brown, president of a local of the United Mine Workers, stood by and witnessed one of these attacks. The witness averred that thirty shots were fired at him.

Frank L. Robbins, a Lehigh Valley shipping clerk, from Plymouth, told of a mob of 800, half of them carrying clubs and stones, marching threateningly about the stockade at No. 11 colliery. The workmen did not dare go home that night. On another occasion he saw a man who was struck by a stone on his way to work. The man's face was badly bruised and cut. He heard afterwards the man's jaw was broken.

Proceedings of Wednesday, Jan. 7.

[From The Scranton Tribune, Dec. 8.]

Tabular Statement of Wages and Hours of Employment of the Employes at the Oxford Colliery, Operated by the People's Coal Company, as Furnished to the Anthracite Mine Strike Commission.

	Percentage of men in given class.	Average days worked per man.		
		Average per man.	Starts.	10 hour days.
No. of men earning $1,000 and over	24%	$1,065 58	224	146
No. of men earning $900 and over	21½%	997 46	255	153
No. of men earning $800 and over	13%	857 10	250	150
No. of men earning $700 and over	10½%	724 26	246	147 6-10
No. of men earning $600 and over	26%	641 62	247	148 2-10
No. of men earning $500 and over	24%	561 27	250	150 2-10
General average of wages		$770 01	261	

Average wages per breaker start for all classes, $2.95.

Philadelphia, Jan. 7.—The second day of the Philadelphia sittings of the mine strike commission was devoted entirely to the further hearing of the non-union men's case. Tomorrow and the next day will be similarly consumed. Philadelphia is awakening to the realization of the fact that something interesting is doing in the circuit court room in the Federal building. There were crowds unable to gain admittance at both sessions today, and, as a result, it was decided to regulate admittance, hereafter, by ticket.

The presentation of the non-unionist testimony from the Wilkes-Barre region was concluded early this afternoon, and the Pottsville region was then taken up. Attorney Joseph O'Brien conducted the direct-examination, and ex-Congressman Charles Brumm, of Pottsville, cross-examined for the miners.

All the executive officers of the Nicholls and Fahy districts are now here. The officers from the Duffy district are detained by their district convention.

W. H. Taylor, one of the Scranton independent operators, arrived today.

The non-union men will likely take up the rest of the week. Among the witnesses to be put on by them tomorrow and Friday are Brigadier General J. P. S. Gobin, Colonel Watres, Colonel Clements, Colonel Dougherty and other commanders of the National Guard who did strike duty. They will be expected to show that even with the troops in the field the respect for law in the strike territory was not all that it should be.

FIRST STORY OF THE DAY.

E. C. Tiffany, of Ashley, Tells of the Work of Dynamiters.

The first story of the day was about dynamiting. E. C. Tiffany, of Ashley, foreman for the Lehigh and Wilkes-Barre company, told that on September 18, at 3 o'clock a. m., the dam of the reservoir supplying No. 8 washery was blown up and the next day he found near by an empty dynamite box such as is supplied to collieries. The company was compelled to use city water to operate the washery.

Mr. Darrow tried to destroy the supposition that the dam was dynamited by showing that empty dynamite cans are thrown about promiscuously in the neighborhood of collieries.

Robert A. Reed, outside foreman at No. 18 colliery of the Lehigh and Wilkes-Barre company, at Wanamie, testified that on September 26, late in the night, he was notified at his home that there was some shooting going on in the neighborhood of a steam shovel which the company had in operation at a distant dump. He took a locomotive and hurried six guards to the scene.

The shooting continued even after the guards arrived, but it was impossible to locate the shooters. Two of the shots were from rifles, the witness judged. On the return trip, the locomotive encountered a quantity of dynamite, which had been placed on the track, evidently while the guards were at the steam shovel. The cab windows were wrecked, and the witness, who was acting as engineer, was rendered unconscious. The engine kept going for half a mile before he recovered his senses. A hole eighteen inches deep was found in the roadbed at the point where the explosion took place.

George W. Jasper, of Wilkes-Barre, who worked as a coal and iron policeman at Stanton, No. 7, colliery, Wilkes-Barre, during the strike, told that oil-soaked cotton waste was placed against the fence of the stockade before it was set afire, and that on the night the trestle was burned, five boys were seen walking on the trestle, one of them bearing a can, from which he was pouring some liquid on the timbers.

Compelled to Leave Town.

Mrs. Thomas P. Jordan, whose husband worked at Lost Creek, Schuylkill county, during the strike, told that she was compelled to move with her children to Philadelphia to escape the abuse of their neighbors. The husband remained in the stockade. The children became sick and she took them back to Lost Creek, after ten days, to live with her husband's mother. They remained there six weeks, when they again ventured back to their home. The second night they were there, Mrs. Jordan heard a crash and going down stairs found that a large stone had been thrown through the front window. Mrs. Jordan also told of the butcher, baker and grocer refusing to sell her goods. She and the children subsisted on provisions supplied from the commissary at the mine.

Robert McCann, of Plains township, who was a hoisting engineer for twenty-four years, told that he was held up three different times and shot at and stoned going to and from his work. A committee of United Mine Workers, he said, waited on him and told him if he did not quit work the miners would refuse to work with him after the strike ended, and, furthermore, his daughter would be discharged from her position as teacher in the township school. He refused to quit, and a committee of Mine Workers waited on the school board and protested against his daughter being reemployed as a school teacher. The protest, however, was unavailing.

On cross examination, McCann told that he was receiving $82.50 a month for twelve hours a day and that while he would prefer an eight-hour day, he was quite content to work twelve, as he had been doing for twenty-four years.

J. E. Finch, a coal and iron policeman, exhibited the dynamite box found near the Ashley dam, and a few pieces of stick dynamite which were picked up on the track near where the locomotive was dynamited in Wanamie. He also exhibited a "notice" found on a company building along the coal road on which the dynamiting took place. The notice was printed with pen and ink on a 6x8 square of white paper, the border of which was ornamented with skulls and crossbones.

House Badly Wrecked.

Kate Steckroth, a young girl from Hazle township, whose father worked for Pardee & Co., testified that on the night of September 8, at 11 o'clock, their home was attacked by a large crowd and badly wrecked. All the windows on two sides were broken, the balustrade and steps of the porch taken away and 200 feet of the fence torn down. The mother and her four week's old babe had to seek shelter in an inside room. After this, the house was continually guarded by men furnished by Pardee & Co.

George Ford, docking boss at the Prospect colliery, in Plains township, told about being held up and badly beaten. A crowd of four or five men grabbed him one night, pinioned his arms and began to reason with him to this effect: "George, old man, you oughtn't to be working. You should be ashamed of yourself. We counted on you to stand by us." The witness discussed the situation for a while and finally admitted he was not in love with the idea of working during the strike and would quit at once. Good nights were exchanged and Ford started away. He had gone only ten feet when he heard a step behind him and turning received a blow in the nose which broke the bridge and rendered him unconscious. When he was on the ground he was kicked and his pockets rifled.

The witness also told that he had to withdraw from the union after the 1901 Hazleton convention. The convention gave permission to docking bosses and fire bosses to withdraw. District Superintendent Shoemaker told the witness what the convention had done, and directed him to secure a withdrawal card before a certain day or quit work.

A "Local" Order.

Edward Quinn, a coal company clerk from Wilkes-Barre presented in evidence an interesting and important document. It read as follows:

U. M. W. A.
Local 484.

Martin Bubble, Secretary.
Wilkes-Barre, Aug. 28, 1902.

To Whom It May Concern:

Do not interfere with Lewis Bubble to and from work.

Martin Bubble, Secretary.
James Gallagher.

[Seal of Local 484.]

The Bubbles are brothers. The one who was working had charge of a conveyor line at a Wilkes-Barre washery.

Few stories the commissioners have heard have been listened to with closer attention that that which was told this morning by Thomas Washniski, of Hazleton. He is 23 years of age, and worked as a clerk in a grocery store. During the strike he was accused frequently of being a "scab," and finally decided as long as he had the name of it he would have the gain of it, and accepted a position as a waiter at the No. 40 shaft commissary.

He was engaged to be married on Sept. 16, and proceeded to keep the engagement. With his bride, her sister and his brother he drove to Rev. Father Aust's church. A crowd of 200 surrounded the carriage when it stopped at the church door. He was grabbed by the coat by a man in the crowd and jostled about. His brother rescued him and he hurried into the church with his bride. The crowd called him "scab" and other vile names, and kept shouting opprobrious epithets while the ceremony was being performed. The groom's father, who is a union man, was assaulted when he entered a protest. When the ceremony was concluded the bridal party found the crowd so turbulent that it was decided best not to leave the church, and they repaired to Father Aust's home, by a rear exit.

Jeered the Priest.

The mob assembled in front of the parochial residence and called on Father Aust to turn out the scabs or they would bombard the house. Father Aust appeared and pleaded with the mob to disperse. He was hooted and jeered and called "scab priest." One of the crowd called out "You marry scabs, then you're a scab." Threats to tear down the house were made unless the "scab" bride and groom were turned over to the mob. Father Aust tried to smuggle the bridal party away by having the carriage come around to the rear of the house, but the crowd held up the driver and induced him to depart.

The two women of the bridal party, under escort of the groomsman, who was a union man, braved the fury of the mob and got away on a trolley car. They went to the home of the bride's father. After two hours had elapsed, the groom under escort of two armed deputy sheriffs was safely escorted out of the house and into the shelter of the stockade of No. 40 colliery. They were hit by stones but not hurt. The groom did not venture to join his bride until the next night.

The witness also told that Alex Cominsky, one of the men who composed the mob, told him some time later that "Father Aust would get his other leg broke" for marrying a "scab," and allowing his telephone to be used to call the deputies who escorted the bridegroom away from his home. Father Aust had recently sustained a broken leg in a railroad accident.

"Where did all this take place?"

Judge Gray inquired of Attorney Lenahan.

"In Hazleton, a city of 15,000 population," Mr. Lenahan informed him.

"They have police officers there, I suppose?" said the judge.

"Some few at some times," replied Mr. Lenahan.

Judge Gray's Comment.

Judge Gray shook his head wonderingly, as he remarked: "What kind of a community is that, anyhow?"

At this juncture, Attorney James H. Torrey took occasion to explain to the commission the laws of Pennsylvania bearing on the matter of corporations reimbursing a sheriff for the services of special deputies, which Judge Gray yesterday characterized as an un-American law.

"Without appearing as a critic of this grand old commonwealth," said the judge, "I want to say that this is a most deplorable state of law. It is only the rich, those who can afford to pay for special deputies, who can have full protection of their life and property."

Mr. Torrey agreed with the judge, and said he could give assurance that the coal operators would join with the miners in having the law changed, so that the public, and not private parties, would assume the burden of reimbursing a sheriff under the circumstances in question.

Attorney James L. Lenahan asked Mr. Torrey if it was not true that the sheriff has power to compel citizens to serve as deputies. Mr. Torrey admitted that this was the law, but pointed out that any deputy thus impressed would be worse than useless. "He would not perform his duties," declared Mr. Torrey, "unless the sheriff had him by the neck all the time. It is only the volunteer or paid deputy who will actually serve."

More stories of non-union men were then heard. William H. Wallace inside foreman for the Lehigh Valley company at West Pittston, testified that Patrick Braun, president of the local at his colliery, told him on September 23 it would be made so —— hot for the "scabs" at his place that they would not be there a week from that time. Five days later an armed mob of several hundred surrounded the colliery. David Richards, a miner, was shot; Fireboss Harris was beaten and a deputy sheriff, who tried to get the mob to disperse, was felled with a stone and shot at twice. Braun was in the mob.

Howard Calley, a Lehigh Valley foreman from Wilkes-Barre, told of being hung in effigy and of his being boycotted by his grocer, milk dealer and laundryman.

Fred Lawrence, a 17-year-old Hazleton journalist, who went to work as a waiter at the No. 40 colliery commissary, told of being stabbed in the side by Salvatore Peccili, an Italian youth, whom he encountered while on his way to work, September 19.

In Maysville, Coal township, Northumberland county, fifty teachers are employed. Last June the school board re-employed all of them except one. That one was Miss Maud Leizer, whose brother worked during the strike. She was a teacher for three years, and in proof of her competency she has a certificate from the supervising principal, which sets forth that she is in every way highly qualified to teach school.

Miss Leizer testified that she and her mother waited on School Director Albert DeLong and secured from him an admission that she was refused re-employment because of her brother refusing to quit work.

Maud Leizer's Testimony.

There was much of a significant nature in the testimony of Miss Leizer. It is given below, substantially in full:

Q. Did you get a school this year, were you re-employed this year? A. No, sir.

Q. Go on and tell the circumstances. A. Simply because my brother worked during the strike. He had been appointed clerk for the Union Coal company and a committee of the men came to our house and said if my brother kept on working my father's business and my position was at stake.

Q. A committee of men? A. Yes, sir, three men. Q. Who were they? A. Jacob Fry and James Madden.

Q. Do you know the other man? A. He is a foreigner.

Q. They are union men? A. Yes, sir.

The Chairman: They are not manly men, whether they are union men or not.

Mr. John T. Lenahan: I guess we will agree about that. That is something Mr. Darrow will agree with me on.

Mr. Darrow: Oh, no, I will not. I stand for the boycott.

Mr. John T. Lenahan: Q. Did you talk, or did you hear any of the directors say anything to your mother, or father, either before, or after the teachers were employed and you were not employed? A. The Monday after the teachers were employed my mother and I went to see the directors. We could see only one, Mr. Albert DeLong, of Brady. My mother asked him why it was I lost my position. He hesitated a moment. She says, "It is because her brother is working, isn't it?" "Yes, that's it."

Q. Did you see one of the directors before? A. Yes, Mr. Landau, of Shamokin.

Q. What did he say to you? A. I said "Can you do anything for me?" "I am very sorry, Maud, but I cannot."

Q. During the whole period that you were engaged in the public schools there for three years, was there ever any complaint made against your competency, or your attention to duty? A. No, sir. Q. Before you came down to the commission did you receive from the supervising principal of the public school of that township a certificate? A. Yes, sir.

Mr. John T. Lenahan read the letter as follows:

"Albert Lloyd, Superintendent of Coal Township's Public Schools, 1101 Chemung Street.

"Shamokin, Pa., Jan. 1, 1903.

"To Whom It May Concern:

"This is to certify that Miss Maude Leiser, of Shamokin, Pa., has been a teacher under my supervision for three (3) years. I have always found her honest in purpose and conscientious in the performance of her duties. She is well qualified and possesses a good character. I cheerfully recommend her to school directors desiring to engage a good teacher.

"Very respectfully,

(Signed) "Albert Lloyd."

The Chairman: Who is Albert Lloyd?

Mr. John T. Lenahan: Supervising principal of the public schools of Coal township.

Cross-Examination.

Cross Examined by Mr. Darrow. Miss Leiser said she had taught two years in Fairview and one year in Springfield, both in Coal township.

Q. What is your father's business? A. He is in the hotel business.

Q. How long has he been in the hotel business? A. One year.

Q. What was his business before that? A. Running a hoisting engine; lost his position because he came out with the strikers the other time.

Q. Your brother was arrested for overdocking the men, was he not? A. Yes, sir, he was, but he was found innocent.

Q. Was he ever tried? A. No, sir, the superintendent said he was honest.

Q. The superintendent prevented his being tried, did he? A. The superintendent said he was honest.

Q. He was arrested for over-charging? A. He wasn't arrested, no, sir.

Q. Charges were made against him? A. Yes, sir, there were.

Q. For over-charging, for powder, or supplies? A. Yes, by some foreigners that didn't know it.

Q. You have not any prejudice against foreigners? A. No, sir, I have not.

Q. What do you understand by a foreigner, being a school teacher? A. I have dealt with them long enough to know what they are.

Q. What are they? A. I don't think they know what they are doing in this country.

Q. You do not think foreigners ought to be in this country? A. Yes, if they can behave themselves.

Q. Do you think they have not any business here as a class? A. Yes, I do, if they can behave themselves.

Q. Is that the way you teach your children in your school? A. I would like you to come and see.

Mr. Darrow: Is it, or is it not, I have not time.

The Chairman: What way, Mr. Darrow?

Mr. Darrow: That they have not any business here?

The Chairman: Unless they behave themselves, that is what she said.

Mr. Darrow: That is what she said, after she saw the position she was in.

Mr. John T. Lenahan: Oh, no.

Darrow's Perseverance.

The Chairman: We must interpose there, and I speak on behalf of the commission I know, that you are unintentionally, perhaps, misrepresenting the witness.

Mr. Darrow: Now, your honor——

The Chairman: She said from the first and all the time in her opinion they had business here if they behaved themselves.

Mr. Darrow: I do not so understand the record.

The Chairman: Let the stenographer read her testimony.

(The stenographer read the cross-examation of the witness).

The Chairman: That is the way I understood it.

By Mr. Darrow: Q. Is that the way you teach your children in school? A. Yes, sir. Q. You teach them as foreigners exactly as you testify here?

The Chairman: Or do you teach them anything about it?

The Witness: I do not deal with their countries.

Mr. Darrow: You have expressed your sentiment about them on this examination as you wish now to be understood?

The Chairman: A pretty wise sentiment, Mr. Darrow, as she last expressed it?

Mr. Darrow: I do not think, if those are her sentiments she should be employed in a school where there are foreigners.

The Chairman: Those that want to live up to American standards——

Mr. Darrow: It seems to me it is perfectly obvious this young woman meant and deliberately did say, that she had this feeling against the foreigners. After II pressed her, she said if they behaved themselves.

The Chairman: You heard the stenographer read the notes.

Mr. Darrow: I am content with the record of it.

Mr. John T. Lenahan: You do not seem to be.

Mr. Darrow: Did you teach your term out? A. Yes, sir, I did.

Q. You were not re-employed? A. No, sir.

Q. How many foreigners are there in your school? A. There were more than half foreigners.

Q. What do you understand by a "foreigner?" A. Why, I think that people that come to this country from another country.

Q. More than half of them come from another country? A. Yes,, but I got along well with them.

Q. Do you make any distinction between Irish, Germans, Scandinavians and Hungarians? A. No, sir, I treat them all alike and got along.

Q. You said there was a Hungarian man on this committee? A. Yes, either Hungarian or Polander.

Q. How many teachers are there that are employed by this board? A. Fifty.

Q. Do you know how many were not re-employed the next year? A. All but me.

Q. You were the only one in the school that was not re-employed? A. Yes, sir.

Q. Did you try to find any work anywhere else? A. Yes, sir.

Q. Where? A. In the stores in Shamokin.

Q. Did you try to find a school anywhere else? A. No, sir.

Q. Never applied for a school anywhere else? A. No, sir, there wasn't any use.

Q. Did you try? A. No, I thought the men would go against me again, I thought there was no use trying.

Q. You assumed the men would go against you? A. Yes, the union men.

By the Chairman: Q. What were the names of those men that came to you and notified you? A. Jacob Fry and James Madden.

Q. They were the ones who told you unless your brother ceased working you would lose your position? A. I wasn't in the same room where these men were speaking, but I heard it.

Commissioner Parker: They did not say that the foreigners charged you treated their children worse than any of the others? A. No, sir.

Leizer Boycotted.

Her father, Emanuel Leizer, followed later on the stand and told of being boycotted because of his son's refusal to join the strikers. His son did not live at home. The father was a member of the United Mine Workers up to 1901, when he went out on strike. He could not get his job back and started a hotel. During the last strike his hotel was boycotted. He could neither get any one to sell him beer or any one to buy it from him if he had it to sell. His place was shunned by buyer and seller alike. He appealed to District President Fahy to have the boycott lifted, declaring he had no control over his son and that he was in no way responsible for the boy's refusal to quit work. President Fahy told him he could do nothing, as the case had been left entirely in the hands of the Brady local.

Afternoon Session.

The first witness of the afternoon, Aaron Kinzer, outside foreman of the No. 9 colliery of the Lehigh and Wilkes-Barre company, at Sugar Notch, told of hearing an explosion late at night and of finding, on investigation that a steam pipe supplying the fan engine had been demolished. His theory was that the steam pipe had been dynamited.

George Jeffrey, of Mt. Carmel, told of a raid by strikers on the Lehigh Valley breaker, Sunday September 28. The mob ransacked the engine room and office, smashed the telephone, tore up the books and papers in the office and dynamited a pipe supplying steam to the pumps. Before the pipe could be repaired, the water in the slope raised fifteen feet. Five feet more of water would have drowned the pumps and resulted in the flooding of the mine. At the time of the raid there was no mining going on. It was rumored, however, that the colliery was to resume operations.

The next day a mob of 300 made a visit to the breaker, looking for workmen. The foreman hid his men in the chutes and other decidedly uncomfortable places. The mob kept watchers at the breaker until Tuesday night. The hidden men did not dare show themselves until 8 o'clock Tuesday night.

George W. Good, a draughtsman for the Philadelphia and Reading company, told in detail the story of the Shenandoah riot of July 30, in which, it will be remembered, Deputy Sheriff Beddell's brother was killed, and which brought out the first detachment of troops. Mr. Good was examined by Attorney O'Brien.

Good and two machinists, Messrs. Vaughan and Bennett, went from Pottsville to Shenandoah to repair a pump at one of the Reading breakers. They started for the railroad station on the return journey about 5 p. m. The two machinists had their overalls wrapped up in newspapers and carried them under their arms. On the way down the railroad track a crowd of men and women surrounded them, tore open the packages and, discovering the overalls, proceeded to treat the trio in the usual fashion. They were buffeted about by the men, spat upon by the women, and, finally, all three were felled by clubs and stones, and kicked and cuffed, as they lay half-senseless on the ground.

When they succeeded in getting to their feet they made a dash for the railroad station and succeeded in reaching it safely, with the assistance of Deputy Sheriff Beddell, who happened along. Arriving at the depot, they found there an aged one-legged foreigner, who had been brutally beaten by the mob some time before.

Locked in a Station.

Deputy Sheriff Beddell, Good, Vaughan, Bennett and the one-legged man locked themselves in the station and telegraphed for an engine. The crowd on the outside grew in numbers and turbulence. The witness said that not less than 3,000 men, women and children were massed about the depot.

Four borough policemen arrived about the time the engine hove in sight and made a way through the crowd to permit of the besieged men getting aboard the engine. Shooting was going on between the mob and police on the outside of the crowd, and stones and bullets were rattling against the depot and through the windows. At this time, out on the street, Deputy Sheriff Beddell's brother, who was coming to the rescue of the men in the depot, was mortally wounded.

The men in the depot were pelted with stones as they ran from the ladies' waiting room to the engine, and the witness, who was the last to go out, was grabbed by the leg and pulled partly back from the tender by some one in the mob. In trying to save himself from being pulled back into the mob, Good accidentally thrust his hand in the firebox and sustained terrible burns. Deputy Sheriff Beddell shot the man who had hold of Good's leg and caused him to release his hold. The engine then steamed away to the accompaniment of a veritable fusilade of bullets and stones.

On cross-examination, by ex-Congressman Brumm, it was brought out that the two men under arrest for the Beddell murder are a butcher and saloonkeeper. It was also shown that two English-speaking miners tried to protect Good and his companion on their way to the depot. Good admitted that the crowd was composed mainly if not entirely of foreign-speaking people.

Mr. Brumm tried to make it appear that the day in question was close to the day of the election primaries and that it was election and not strike excitement which animated the mob. The witness would not agree with Mr. Brumm entirely.

Case of Charles Carroll.

Charles Carroll, of Mahanoy City, a boss at the Tunnel Ridge colliery told of a crowd of 200 hooting at him when he left the stockade and appeared at his mother's house, in response to a message that she was dying. His mother was dead before he reached the house. So many threats came to him orally and by letter that he did not dare go to his mother's funeral. He also told of a mob of 1200 following and abusing his wife and children when they came to visit him at the stockade.

Four non-union men from Gilberton testified that their homes were dynamited while they were at work. Morgan Bevan's house was dynamited September 24, between 1 and 2 o'clock in the morning. Two of his children were ill at the time, one of them very ill. Fireboss Richard Parfet's wife was rendered unconscious and his three children blown violently against the wall by the explosion at his house. Mike Hoolihan and Harry Godshall had their houses badly damaged by the explosions. The Bevan and Godshall houses were dynamited on the same night.

Thomas Charlton, a young man who got permission from the president and secretary of the St. Clair local to work during the strike as stable boss told that he was corralled by a mob of 200 one day as he was returning from work and made to march fifteen miles through four towns.

Alfred Dry, a miner from Minersville, who would not quit work had his house blown up with dynamite. Three men were arrested for the crime. One of the trio was a milkman, a neighbor of Dry, who had threatened to blow him up.

David L. Jenkins, a Philadelphia & Reading coal and iron policeman, told of a number of attempts at trainwrecking, during the strike. June 30 ties were placed across the tracks in front of a miners' work train near Pottsville, and July 4, spikes were laid on the rails near the same place.

August 25, a switch at Silver Creek junction was tampered with and left half turned. It was discovered only a few minutes before the New York express came along. The wooden railroad bridge at Silver Creek was dynamited September 19; set on fire, September 20, and its "props" sawed on September 22. After this date the bridge was guarded. Thirty-three railengths above the bridge, the railroad was dynamited the night after guards were placed at the bridge.

Proceedings of Thursday, Jan. 8.

[From The Scranton Tribune, Jan. 9.]

Philadelphia, Jan. 8.—The principal feature of the proceedings before the coal strike commission today was the exception taken by President Mitchell to a remark made by Chairman Gray that he would like to see the miners' union come up out of the mire that is around the baser parts of it into the sunlight. The miners' president said the union should not be indicted unless a connection could be shown between it and acts of lawlessness. The head of the commission replied that he did not wish to indict the organization, but hoped it would disentangle itself entirely from the violence and lawlessness committed during the strike. The incident came suddenly while a witness was on the stand, and caused quite a stir among the lawyers on both sides of the controversy. Outside of this, the entire day was taken up in nearing the stories of non-union men or their relatives of alleged persecution during the period of the strike.

The Mitchell incident was brought about by Commissioner Parker. Anthony Ferguson, of Mahanoy City, outside foreman at the North Mahanoy colliery of the Philadelphia and Reading Coal and Iron company, testified that he was beaten while on his way to work, that he recognized two of his assailants as union men, and that they were prosecuted and convicted. Mr. Parker asked the witness if the men were expelled from the union for what they had done, but the foreman did not know. Mr. Mitchell has stated on the witness stand that all members of the union found guilty of crime are expelled from the union. Noting the interest the commission took in Mr. Parker's question, the lawyers for the non-union men called on Terrence Ginley, a member of the executive board of the union in the district where the assault was committed, for the information desired. Ginley said he did not know whether the local union to which the men belonged took any action, and he went on to give a long explanation of how the local unions and individual strikers used every means to disperse crowds and help maintain the peace. The actions taken by the local unions, he said, was principally advisory. He told of the attempts made to keep the peace at Shenandoah before the big riot there, and added there had been no disturbance until the coal and iron police were sent to that place.

Regarding Discipline.

Chairman Gray then asked:

"Do you wait for conviction by the civil authorities before disciplining your men? Do you think you can have effective discipline unless you make investigations yourself and bring the men up and punish them in some way? I ask you as a member of the order, and as a man who would be glad to see your order come up out of the mire and the clouds that are around the baser parts of it, into the sunlight and into the air of free government and a free country."

"If it is proven that our men have committed acts of violence, there is no question about our disciplining them," replied the witness.

Then followed a discussion over the Shenandoah riot and the killing of a man, and in reply to Mr. Mitchell's remark that it was not the miners who did it, Chairman Gray said:

"But there was a crowd, and as yet I have heard on evidence of a disciplining voice in that mob. No man there said: 'Shame on the cowards.'"

Mr. Darrow—You must not expect the railroad company to furnish that.

The witness said the union would prove that union men tried to prevent the riot. to which Judge Gray replied he hoped so.

There was a further discussion on thi subject and then Mr. Mitchell arose and said to Chairman Gray:

"I do not know whether I quite understood you in expressing yourself to the witness as to your solicitude for the organization, that it should arise above the mire or that part of it should arise above the mire."

Chairman Gray: "Perhaps I may have been misunderstood. It was not an unfriendly wish that was expressed. I said I hoped it would lift itself out of the mire and of the conditions created by these things which have been testified to, around its baser parts."

Mr. Mitchell said in reply that while the commission is going to determine all the questions that are being presented here, there is a greater jury passing upon the attitude of the strikers.

"As to the action of our organization and the position of the coal operators," he said, "there is no doubt in my mind that many of the witnesses are brought here and do not come as witnesses ordinarily do, to testify against the strikers and indirectly against the United Mine Workers. It does seem to me until there is some connection shown between the United Mine Workers of America and acts of lawlessness, the organization should not be placed under any indictment at all."

Chairman Gray said that he did not wish Mr. Michell to understand that anything he said indicted the organization.

"I did hope," continued the commissioner, "that it would disentangle itself from these scenes of violence and lawlessness with which the strike was

attended. They may have been exaggerated as you contend. I am not passing upon that now. We have heard isolated instances of outrage which we must all admit. We are not saying that the organization is responsible for every act of violence and we only wanted to see whether the organization has interested itself in maintaining the order which you have advised, and whether it has disciplined those who actually were convicted of disorder."

Mr. Mitchell said that he did not know that any member of the union had been expelled, and added that until men are convicted of violation of law, the organization had no right to expel them and thus prejudice their case before the trial court. Chairman Gray said that Mr. Mitchell's point was well taken so far as concerns those under indictment, but what he wanted to know was whether any of those men were ever called up who had been notoriously engaged in illegal acts and whether they were subjected to discipline by the organization.

This ended the incident.

Witness Ginley further testified that witnesses were averse to coming before the commission because they were afraid of losing their positions. He told of one instance where a man was refused work because he appeared before the arbitrators, and the commission made a note of it and said an investigation would be made. The witness, in reply to Commissioner Wright, said that many of the coal and iron police were of bad character. Some had served time in jail and were hired as guards as soon as liberated from prison.

The commissioners and the lawyers for the miners became involved in a discussion as to whether an organization had a right to expel a man for committing a crime. Mr. Darrow thought no organization should throw a man any more than a Christian church. Daniel J. McCarthy, another lawyer for the miners, said there was no law that would warrant the union expelling a man for committing a misdemeanor. He was stopped by Chairman Gray, who said:

Face to Face with Facts.

"We are not the United Mine Workers of America, and we perhaps have no right to criticize them, but the commission, as long as they are brought face to face with that, think differently about it."

Mr. Mitchell was called to the stand and testified that the three men who were convicted of killing a man at Nanticoke were not members of the union when they committed the crime. They were ex-members because they had failed to pay their dues. In reply to a question, Mr. Mitchell said the union had spent nearly $400,000 in relieving the distress among the 30,000 to 40,000 strikers who were not members of the union.

The testimony given today was along the same line as that presented yesterday. Many witnesses told of personal attacks upon them, the dynamiting of their houses, destruction of property by strikers and expulsion of non-union men from societies.

The commission requested the lawyers for the non-union men to curtail the number of witnesses as much as possible, to which they replied they would. They expect to place the National Guard officers on the stand tomorrow. The lawyers for the miners called the attention of the commission to the fact that President Baer and John Markle told President Roosevelt that twenty-one murders were committed during the strike, and they wanted the operators to prove the assertion. Chairman Gray said the commission also wanted them to prove the statement.

Mr. Torrey's Statement.

James H. Torrey, of Scranton, for the Delaware and Hudson company, stated at the opening of the afternoon session that the order of business after the non-union men had finished their case was for the company he represents to present its side of the controversy. He expected that the non-union men would take up the remainder of the week, and as the commission had asked them to finish tomorrow, he could not promise that the Delaware and Hudson company would be ready to go on.

Chairman Gray said that the commission would see later what it could do.

Anothny Kosavich, of Wilkes-Barre township, the first witness of the afternoon session, said he worked during the strike, timbering. His cow, he said, was killed, stable burned and other outrages committed on him and his property.

Lawrence Grablowski, of Mill Creek, who also worked during the strike, said his house was attacked and children threatened with death. He was expelled from a religious society, he said, because he did not strike.

George W. Hartlein, secretary of District No. 9, was called by the miners' lawyers, and denied that Miles Dougherty, national board member from the Ninth district, used vile language attributed to him by Thomas R. Powell, a witness at the mornig session. Powell said that Dougherty told him if he went to work he would not come back alive. Hartlein also denied that Dougherty said this.

Miles Dougherty also was called and denied having used such language. Dougherty said that he (himself) was for years blacklisted by the Reading company for no reason known him.

John Foote, of Miner's Mills, an engineer, said that while he was at work three members of the union came to his house and told his wife that if he did not quit work he would be killed, and if he did not come home, the wife and children would be killed. He said he was hung in effigy. He was called a "scab" while attending the funeral of his brother-in-law.

Driven from a Lace Mill.

Samuel Scott, of Parsons, a fireman employed by the Delaware and Hudson company, said that one day while on his way to work he was struck twenty-five times with stones. He was also badly beaten. A committee of the miners' union, he said, called at the big lace mill in Wilkes-Barre and notified the committee of union employes in the lace mill that his daughter, aged 21 years, should not be permitted to work, because her father did not go out on strike. The committee called on the manager of the mill, and he advised her to go home. The manager paid her salary while she was at home. Scott belonged to the Brotherhood of the Union, and members of that organization charged him with working against the best interests of his fellow-men by remaining at work during the strike. Those who made the charge were union men. He was fined $50, but did not pay it, and was dropped from the society.

Anthony Soboloski, Frank Hentz and John Ulravicz, all of Shenandoah, said they worked during the strike and that their houses were dynamited.

Charles A. Portland, of Mahanoy City, told of his father's house being blown up with dynamite, and that sixteen sticks of the high explosive were found in the cellar with a fuse attached, which had been partly burned.

Andrew Nuak, of Plymouth, an ash-wheeler, was attacked by nearly a hundred men, he testified, and sustained a fracture of two ribs.

The last witness of the day was Lawrence Jenkins, of Parsons, who was a deputy sheriff during the strike and was stationed at Wilkes-Barre. He told in detail all the places he was sent to during the strike to suppress trouble, and was still on the stand when adjournment was taken at 4.30 o'clock, until 10 a. m. tomorrow.

Special from a Staff Corespondent.

Philadelphia, Jan. 8.—Several times during the progress of the hearings, members of the commission, particularly Judge Gray and Mr. Parker, have inquired if the miners' union had done anything to discipline members who participated in strike disorders. The union's representatives, following the idea expressed by President Mitchell early in the sessions, invariably made answer that it was not fair or expedient for the union to pass upon the guilt or innocence of a member charged with a breach of the peace, as it would have a tendency to prejudice his case when it came up in court.

At this morning's session, Anthony Ferguson, a mine foreman for the Philadelphia and Reading company at Mahanoy City, testified to having been assaulted by two union men and that his assailants were convicted in quarter sessions court last November. Commissioner Parker at once asked if the

union had expelled or in any other way sought to discipline these men. This provoked a lengthy and one of the most interesting and significant of the many discussions that have been participated in by commissioners and attorneys. Judge Gray and President Mitchell took the leading parts.

To have Commissioner Parker's inquiry answered, Attorneys O'Brien and Lenahan, counsel for the non-union men, called to the stand Terrence Ginley, of Girardsville, executive board member of the United Mine Workers, for the Ninth district, in which Mahanoy City is located.

Mr. Lenahan asked him if the Mahanoy local had taken any action in the way of disciplining the two convicted men. Mr. Ginley said he did not know that it had. He added, however, that the union and all its officers had always taken a firm stand against violence and advised the strikers to keep the peace, urging upon them the wisdom of President Mitchell's oft-repeated declaration that the worst enemy of their cause was the one among them who violated the laws of the land.

Judge Gray interrupted the witness several times to repeat Commissioner Parker's question as to whether or not the union did anything to discurage violence other than advising against it. The witness told of peace committees being appointed to co-operate with the officers of the law in preventing and suppressing disorder, and detailed an instance in Shenandoah, where he personally went with the burgess to deal with a crowd of 1,000, "mostly boys," and had the boys cut down a number of effigies, around which the crowd had congregated. He also told of a compact made with the burgess to supply peace committees, permanently to assist in preserving order, on condition that no armed men would be permitted to be brought into the town.

None Disciplined for Lawlessness.

Again Judge Gray repeated the query as to whether or not the union, on any occasion, had done aything to discipline members, by dismissal, suspension or the like, for "treating with contempt" the union's advice that the law be observed, and thereby making themselves the "worst enemies of the cause." The witness could give no instance of any such action on the part of the union. He added that it would be found that the men who disregarded the union's advice were either never members of the union or else members who had lost their standing by nonpayment of dues.

Judge Gray expressed a disinclination to accept this as wholly covering the case. He would not agree that it was not possible that, at least, in some of the crowds somewhere during some period of the strike, there were members of the union, who, if they did not actually strike blows or call names, were notoriously participating in the disorder by being a member of the crowd and not doing what they could to prevent disorder. When a man goes along with a mob and does not protest against the unlawful conduct of the mob, the judge averred, he is responsible, as an accomplice, in anything any one in the mob does. To illustrate his meaning, Judge Gray remarked that he had yet to hear from any source that one man in all that great crowd which was congregated on the spot where Bedell was murdered, as much as raised his voice to cry shame on the cowards committing the assault.

Mr. Ginley protested that Draughtsman Good, one of the non-union witnesses, only yesterday testified that on the night of the Shenandoah riot, in the fracas which preceded the killing of Bedell, two union men tried to protect him and his companions as they were fighting their way to the shelter of the depot.

"I want to hear of your organization doing just that sort of thing," said the judge.

Reverting to the case of the two union men convicted of assault and battery, Judge Gray asked Mr. Ginley if he had taken the trouble to investigate as to whether the union at Mahanoy City had done anything to condemn their contempt of its officers' advice. Mr. Ginley replied that he had not had time, as yet, to do so. Commissioner Parker requested Mr. Ginley to take time to make such an investigation and let the commission know the result.

Attorney O'Brien sought to secure from the witness affirmation of a declaration to the effect that union officials looked up bail for the accused men, hired lawyers to defend them, and after their conviction sought to have the court give them a light sentence. Mr. Ginley had no personal knowledge of this, but Attorney Brumm, of counsel for the miners, who defended the two men in question, made a statement that it was true that the miners' union interested itself in securing leniency for them, but only did so after becoming satisfied that they had been convicted as a result of mistaken identity.

Mr. Darrow Would Be Christian-Like.

Here Mr. Darrow declared that if the union did all the things implied by Mr. O'Brien's questions, he personally would uphold it in what it had done. He further declared he would not favor the expulsion of union men who were convicted of a crime. Rather, he said, it would be the more Christian-like to keep them in associations that would tend to redeem them. No Christian church or a political party, said Mr. Darrow, would rightly expel a member for some such act as these men were convicted of. The Plymouth church, in Brooklyn, he pointed out, kept a very prominent divine on its rolls, even while he was in the penitentiary.

President Mitchell rose to his feet and advanced to the front of the bench, where were gathered the lawyers participating in the discussion, just as soon as the discussion began. Once or twice he started to say something, but his low tones did not command attention, and someone else would "get the floor." When all had had their say, Mr. Mitchell secured Chairman Gray's notice and proceeded to say a few things which the lawyers on his side had left unsaid.

In some comments about the union and lawlessness Judge Gray had made a remark which Mr. Mitchell misinterpreted to mean that the judge believed the union to be responsible for some of the lawlessness by not having succeeded in preventing it to a greater degree than it did. To this Mr. Mitchell took exception, saying that unless some connection was shown between the union and the committing of acts of lawlessness, it was not fair to hold the union responsible. Judge Gray assured Mr. Mitchell he was not charging the union with responsibility for the lawlessness. He had been misinterpreted, he said. What he did say was that he, with every other well-wisher of the union, hoped it would be above such a thing.

"I expressed the hope that the union would disentangle itself from any such condition," said the judge. "We have heard of some isolated instances, let us say, of union men being participants in strike disorders. Possibly this was to be expected when you consider 147,000 men being in idleness."

Mr. Mitchell's Explanation.

Judge Gray put to Mr. Mitchell the question as to what the union had done to discipline members who engaged in lawlessness. Mr. Mitchell's reply was in line with previous answers to the same question, that is, that until a man is convicted it would be unfair to him to have the union prejudice his case in court by passing judgment on him.

This was true as to individuals, Judge Gray agreed, but, he wanted to know what if anything had ever been done to discipline members of the union who were notoriously known to the union to have been in crowds which committed violence, and who would not be charged in a court of justice with any crime. Mr. Michell would not agree that the union had cognizance of any such cases.

At this juncture, Board Member Ginley who was still sitting in the witness box informed the court that James Clark, of Ashland, who testified for the miners before the commission in Scranton had been refused his place in the East colliery, of the Philadelphia and Reading company. Judge Gray evidenced much concern about this and

took notes of it, saying: "We will look into this."

Attorney Lenahan conferred with representatives of the Philadelphia & Reading company, and then informed the commission it would be shown that Clark's discharge was on other grounds altogether.

The discussion was concluded with an affirmative answer by Mr. Darrow to Commissioner Watkins' question as to whether or not Mr. Darrow's idea of retaining in the union a man guilty of strike lawlessness would be consistent with President Mitchell's utterances.

The President on the Stand.

There was a buzz of low voices and a general craning of necks followed by a perfect silence as Attorney Lenahan called "John Mitchell." Mr. Lenahan explained he wanted to have Mr. Mitchell take the stand for further cross-examination. Mr. Mitchell unhesitatingly took the chair vacated by Board Member Ginley.

Mr. Lenahan asked Mr. Michell if it was not true that at the Scranton session while a witness he agreed to investigate and inform the commission as to whether or not the men who murdered James Sweeney at the Bliss colliery were members of the union. Mr. Mitchell replied that this was true, that he had investigated, and that he found they were not members. They had lost their membership, he explained, by non-payment of dues, not having paid any dues since April. Mr. Lenahan secured from Mr. Mitchell an admission that no member was expected or permitted to pay dues in April or the other strike months. Mr. Mitchell, however, explained that they were in arrears in April. Mr. Lenahan kept hammering away on this point and finally succeeded in establishing that they were not three months in arrears in April.

He also tried to show that one of the men who pleaded guilty to the killing was a member of the relief committee. Mr. Mitchell did not know anything about that. It was possible, though, he said, as there were 30,000 or 40,000 non-union men on strike receiving relief from the union. Mr. Lenahan challenged Mr. Mitchell to give him the name of one non-union man who had received a single cent of strike relief from the union. Mr. Mitchell met the challenge by declaring he could furnish 30,000 names of non-union men to whom the union had given between $300,000 and $400,000. Mr. Lenahan didn't press him to present the list.

At the close of the morning session, Judge Gray announced to Mr. Lenahan and Mr. O'Brien that the commission had heard quite enough from their side to inform them of the experience of the non-union men during the strike and suggested that they endeavor to close their case before the day ended.

President Mitchell addressed the chairman and said:

"Your honor, when the coal operators met President Roosevelt, Messrs. Markle and Baer told him that the United Mine Workers' had committed twenty-four murders during the strike. If Mr. Lenahan or the other lawyers have any evidence to this effect, I ask you to direct them to produce it. So far there has been no testimony to substantiate this allegation. It ought to be shown whether or not Messrs. Markle and Baer told the truth to the president."

Judge Gray said the commission did not want to shut out any evidence that was essential, but unless the non-union men had something to offer about more serious affairs than had been recounted, the commission would not care to hear anything more from them.

Mr. Lenahan said they had 196 more witnesses but he would act on the suggestion of the commission and present only the most important ones. He could finish by tomorrow he said.

Brigadier General Gobin he said would be put on the stand tomorrow to tell generally of the disorder in the whole field. Colonel Dougherty of the Ninth regiment and Colonel Clements of the Twelfth will also go on the stand. Other national guard commanders have been invited to appear and testify, but these three are the only ones who have come.

The testimony today was from non-union men from the Schuylkill region and a few from Delaware and Hudson collieries. There were times when not more than one or two of the commissioners listened with any show of attention to the cumulative testimony. When something new was being offered they gave it attention. Once during the afternoon Bishop Spalding and Mr. Watkins withdrew to the most remote part of the bench where they could not hear the testimony and had a chat while two or three uninteresting witnesses told the oft-told story of being kicked and cuffed and called names and the like.

A Silver Creek Episode.

Mrs. Lillie Stephenson, of Silver Creek, was the first witness of the day. Her husband worked during the strike and as a result both of them were subjected to continual abuse. On Sunday, September 14, she and her husband, with his brother and sister-in-law from St. Clair, were about to take a trolley car to St. Clair from Silver Creek, when a crowd of foreigners set upon them and severely beat the witness and her husband. The latter sustained concussion of the brain and internal injuries. The witness was attacked after she threw a stone at a man who was clubbing her husband. A big man pinioned her arms, and while thus held helpless she was pelted with large stones.

Mrs. Robert Robinson, of Tower City, fervidly recounted the sorrows she suffered because her husband went back to work as an engineer at one of the Reading collieries. Her house was dynamited and the whole front of it wrecked. Every night stones were thrown against the house. One day, a crowd surrounded the house and called her vile names. When they became very disorderly, she went into the house, got an unloaded shotgun, re-appeared, and the crowd dispersed.

On another occasion a crowd of 400 came to her home with a brass band and serenaded her. The musical numbers were interspersed with cat-calls, curses and union songs. Her sister's husband, James Lewis, she declared, was the leader of the mob. From the time she mentioned her brother-in-law's name until she left the stand, she devoted pretty much all her attention to telling how this brother-in-law pestered her. On cross-examination, Mr. Darrow brought out the admission that the witness and her brother-in-law were at no time very friendly.

No Relief; Assaulted for Working.

Henry Curnow, a stationary engineer, from Hazleton, was sick when the strike started, and recovered after a month or so and sought assistance from the union relief committee. After being refused three times, he decided to go to work. August 26, three days after resuming work, while on his way to the mine, at 4 o'clock in the morning, he was held up by pickets and badly battered. While one man throttled him, others beat him. He was rendered unconscious and fell to the ground. When he recovered consciousness and regained his feet, the crowd was still about him. He was wiping his face of blood and dirt when he was hit between the eyes by a fist, which he thinks must have worn steel knuckles.

"You didn't think you were living in a free country, about that time, did you?" remarked Judge Gray.

"I certainly didn't," said Curnow.

The witness exhibited a large depression where the nose and forehead meet, and averred it was the result of the blow. His eyesight has been permanently impaired, and he is undergoing treatment by a celebrated Philadelphia oculist.

Michael Weldon, of Mahanoy City, continued to work during the strike, and his house was dynamited, his children insulted and he, himself, subjected to various abuses.

Thomas Feeley, a Philadelphia and Reading fireboss, from St. Nicholas, testified that on August 16, while bound for work on a trolley car, he was attacked by six men, who held up the car, and without the first sign of protest from the conductor or motorman he was dragged to the platform and thrown bodily down a steep embankment. He was picked up, unconscious, by some stranger, placed on the car and conveyed to his home, where he received medical attention.

The witness could not tell the nationality of his assailants. Mr. Brumm pressed him to attempt it, and finally the witness said they were Americans.

"Were they Americans or foreign-Americans?" inquired Mr. Brumm.

"What kind of an American is a foreign-American?" asked Attorney O'Brien.

"The kind of an American you are, as I take it," replied Mr. Brumm. "Do you know what kind of an American you are, yourself?"

"Yes, the right kind," came back quickly, at which everybody, including Mr. Brumm, laughed heartily.

Threatened by Officials.

Thomas R. Powell, a fireboss from St. Nicholas, testified that Secretary George Hartlein and National Board Member Myles Dougherty, of the Ninth district, accosted him at the railroad station in Gilberton, as he was returning from work, and tried to intimidate him. He said that Dougherty told him if he returned to work in the morning he would not "come back alive."

National Board Member Dougherty and Secretary Hartlein were called to the stand by Mr. Darrow to deny Mr. Powell's statement, which they did. No threat whatever was made by either of them, they declared.

On cross-examination, Mr. Lenahan gained an admission from Mr. Hartlein that he advised the Gilberton strikers to try to call out the men working at the Gilbert water shaft, which drains three large collieries, and which, if it ceased operations, would be drowned. Mr. Hartlein would not deny that he had tried to call out the stable bosses who feed the mules.

Mr. Dougherty also admitted, on cross-examination, that he tried to get the men at the Gilbert water shaft to join the strikers, and that he knew if the shaft was not kept in operation the mines would be flooded.

"If the operators were willing to flood their mines rather than give their steam men a decent workday, you were satisfied they should do it, were you not?" inquired Mr. Darrow, with a show of vehemence.

"I certainly was," answered the witness.

"And I, certainly, trust you would," rejoined Mr. Darrow.

In response to a question by Mr. Darrow, suggested by President Mitchell, Mr. Dougherty averred that he has been unable to work in the mines since 1887, because of his being blacklisted. He narrated his experiences while looking for work, to prove his allegation. He also told of Mine Inspector Edward Brennan offering himself and President Fahy positions as bosses in different parts of the field, and of a mine boss telling him he would be taken care of if he stopped organizing the miners.

Aged Man Assaulted.

Thomas Healey, an aged miner, of Shenandoah, whose offense was being the father of an adult son who worked during the strike, testfied that he was beaten and shot at by a gang of foreigners. His vocal organs and hearing, he declared, were permanently impaired as a result of his injuries.

Mrs. Nellie Foreman, of Tower City, whose husband worked during the strike, told that their barn was blown up by dynamite.

Joseph A. Post, of Port Carbon, told of the finding of ninety-six sticks of dynamite underneath a Philadelphia and Reading railroad bridge at Silver Creek.

Patrick McCullough, of St. Clair, inside foreman at a Reading colliery, told of being beaten by three union men. He said he had to go armed after that, even to church.

Mr. Darrow asked the witness if he prosecuted the men who assaulted him. The witness replied: "I had one of them arrested, but I don't know what became of the case. There is no justice for us scabs in Schuylkill county. The judges are all right, but you can't get a jury to convict a man for assaulting a scab."

John Foote, of Shenandoah, complained that strikers killed his cow after he refused to quit work.

Laurence Vonosky, who worked at Miners' Mills during the strike, found his cow missing one Friday evening. The next Monday morning he found the cow in the woods, tethered to a tree, so that it could not graze. His ducks were stolen, his house frequently attacked, and two societies, St. Joseph's Polish Catholic society and the National Polish Alliance, expelled him from membership.

Cow Poisoned.

John Foote, of Miners' Mills, an engineer for the Delaware and Hudson, would not join the strikers. His cow was poisoned June 7. On June 19, while attending the funeral of his wife's mother, he was called "scab." A driver for Anthony Ruddy, his storekeeper, was threatened with a coat of tar and feathers when he was delivering goods to Foote's home, and therefore Mr. Ruddy himself had to make the deliveries.

William Scott, of Parsons, a Delaware and Hudson engineer, wouldn't quit work and had the usual experiences with stone-throwers, jeerers and hooters. Once he was given a brutal beating and still carries the scars. A committee of the United Mine Workers tried to have his daughter discharged from the lace factory and another committee of the same organization had him expelled from a fraternal and beneficial society.

Anthony Sloboski, of Shenandoah, a Philadelphia and Reading laborer, came home from work October 7 and found that dynamite had been exploded on the steps leading to his front porch.

Charles A. Portland, a rock contractor of Mahanoy City, told that dynamite was exploded inside his father's house on November 23, after the strike ended. He found sixteen sticks of dynamite in his own cellar, with the attached fuse burned to within a short distance of the percussion cap, some weeks before. It evidently had accidentally become extinguished. There were men boarding with his father who were accused of having worked during the strike, and the witness himself plead guilty of having worked two days in July.

Ex-Congressman Brumm asked the witness: "Were any of the 'scabs' in the house at the time?"

"Do you use that term as having been grafted into the English language?' inquired Judge Gray. "It would be preferrable, I take it, to say those 'so-called scabs.'"

Mr. Brumm agreed with the judge's view of the matter.

Andrew Vak, of Plymouth, hauled ashes from the Delaware and Hudson colliery. Five broken ribs and a punctured lung were the result.

Deputy Sheriff Jenkins, of Luzerne county, described various acts of lawlessness he had been called to deal with during the strike. The Warnke washery riot, at Duryea, was among them. The attack on the washery, he declared, was made by a mob of 5,000 armed with clubs, stones and pieces of gas pipe. The washery guards, who were arrested by the borough authorities, had to be escorted to the train through a double line of deputies. Even with twenty-seven deputies surrounding or on board the car, it was stoned as it pulled away A commercial drummer, who gave ten cents to a negro cook, who was fleeing from the washery, was spotted some time later in the crowd and given a bad beating. The office at the washery was wrecked and its contents destroyed. One of the washery guards had his skull cracked with a blow from a base ball bat, and as he was lying unconscious on the depot floor, waiting to be taken to the hospital in Scranton, some one in the mob threw a stone through the window and hit his bruised and bleeding head.

The witness also detailed other less serious incidents of a like general character in Kingston, Plains, Plymouth and the other towns around Wilkes-Barre.

President Mitchell and his party have left the $5 a day Continental for the Colonial, a semi-private hotel, seven blocks away, where the rates are more reasonable and the surroundings more home-like.

There is some talk of a session of a week or ten days in Washington, to give audience to parties whom the commissioners themselves want to summon and others who have volunteered testimony and advice. The commission will take this matter up for consideration before the Philadelphia sessions end.

Proceedings of Friday, Jan. 9.

[From The Scranton Tribune, Jan. 10.]

Philadelphia, Jan. 9.—The non-union men closed their case before the strike commission at the end of today's session, and they closed it with the best witness for their cause of any of the 151 witnesses whom Attorneys Lenahan and O'Brien called to the stand.

The witness in question was Brigadier General J. P. S. Gobin, lieutenant governor of Pennsylvania, who had charge of the troops doing strike duty during the most exciting period of the "reign of terror." The general knew a lot about strike violence, and he also knew how to tell it effectively. Possibly no score of witnesses presented testimony from which the commissioners could draw more intelligent conclusions of conditions prevailing during the strike than did this witness, and he told his story in a manner which must have impressed the commission that he was wholly without personal interest in the matters at issue in the arbitration.

His direct examination was a general resume of the operations of the militia consequent on strike trouble. On cross-examination, he was put to a defense of the policy he followed in carrying out the governor's orders to prevent and suppress disorder. An attempt on the part of Mr. Darrow to hold General Gobin up to censure for his conduct of the strike campaign proved a boomerang. The powerful weapon of attack was an alleged interview with a North American reporter, in which the general was quoted as saying that his "Shoot to Kill" order applied to women and children, as well as men. General Gobin branded the interview as a fabrication and offered to prove by Colonel Clements, who was at hand, that the North American man admitted that he had been sent specially to Shenandoah to "Put the soldiers in a hole."

Another allegation, from the same source, that General Gobin was given to hob-nobbing with the coal company officials, and particularly that he had been dined and wined by E. B. Thomas, chairman of the Erie board of directors, was shown to be equally shallow and baseless. As to the particular allegation that he was dined and wined by Chairman Thomas, General Gobin said that he did not even know Mr. Thomas.

In the early part of his direct examination, General Gobin made reference to a letter the governor transmitted to him from officers of the United Mine Workers in which complaint was made that the troops were being used to protect men at work in the mines. Just as the session was about to adjourn, Attorney James H. Torrey of the Delaware and Hudson company, secured permission to ask the general a few questions and with only two interrogatives brought forth the statement from the witness that the letter in question complained not only of the troops being used to guard men at work but also men going to and from work and further contained a general protest against the soldiers doing police duty.

The commission directed its recorder to write to Governor Stone for a copy of the letter.

The Companies' Case.

The big companies will tomorrow enter upon the presentation of their case. The Delaware and Hudson will be the first to present testimony. Attorney Torrey will make an opening statement, outlining what his company proposes to prove and then Comptroller A. J. Culver will take the stand to present statements as to wages, hours and general conditions of the miners in the company's employ. One of the features of the testimony will be figures showing that 250 of the company's miners in 1901 earned upwards of $1,400 apiece.

Superintendent C. C. Rose, of the Delaware and Hudson coal department will be the second witness. His testimony will deal particularly with the alleged loss of efficiency and destruction of discipline following the close of the 1900 strike. It is understood he has some very interesting incidents to relate concerning this latter allegation.

Colonel L. A. Watres, of the Thirteenth; Colonel Charles Clements, of the Twelfth, and Colonel C. B. Dougherty, of the Ninth regiments, were present today to give the particulars of the activities of their respective commands while on strike duty, but the protraction of the examination of General Gobin and the commissioners' limitation of the non-union men's time made it impossible for them to be heard.

Attorneys O'Brien and Lenahan are quite satisfied, however, that their long drawn out story should have had as its finale the testimony of General Gobin with its significant climax, comprised of the answers of Attorney Torrey's two closing questions.

Some further testimony of violence to non-union men in the Wilkes-Barre, Schuylkill and in Coxe Bros. & Co. regions made up the routine of the day preceding the calling of General Gobin.

THE MORNING SESSION.

General Wilson Presides in the Absence of Judge Gray.

When the commission appeared this morning, Judge Gray was missing. His absence was explained by a telegram announcing his illness at his home in Wilmington, where he went last evening, to spend the night. General Wilson took the central chair and presided during the day.

Mr. Lenahan opened the proceedings by presenting transcripts of the records of Schuylkill county, showing various convictions for strike lawlessness. He explained that he presented the certified copies of the records rather than witnesses to testify orally to these offenses, so that time might be saved.

During the latter part of the strike Patrick Sharp was shot and killed, and two coal and iron policemen were arrested for the shooting. Attorney Lenahan, who defended them applied for a change of venue, alleging that a fair trial could not be secured in a coal county. Judge Heydt granted the motion and in his accompanying opinion declared "a partial reign of terror existed in the region," during the strike. Mr. Lenahan offered a copy of the opinion in evidence. Mr. Darrow objected, alleging it had no bearing on the matter at issue. General Wilson allowed the paper to be filed, pending a decision later as to whether or not it would be accepted in evidence.

Deputy Sheriff Horace Jenkins, of Luzerne county, who was on the stand at adjournment last evening, was recalled this morning, and in answer to questions by Mr. Lenahan, recounted the remainder of the thirty-six strike disturbances which he witnessed from August 1, to the close of the strike. He declared that for three and one-half months he was "kept on a jump," day and night, responding to calls for aid from the sheriff in suppressing and preventing trouble.

Questions by Commissioner Watkins brought statements from the witness that there was considerable violence even before any attempt was made to mine coal.

On cross-examination, Attorney McCarthy brought out an admission that the witness was not under bond.

Minister Threatened.

Rev. Carl Houser, Lutheran missionary to the Slovaks of Hazleton and vicinity, told that he was called to Lansford, one day, to conduct services over the remains of a non-union man. On his way to the house of death he was warned by strikers not to go on or he would be harmed. He was not deterred, of course, by these threats and entered the house. No one was there except the undertaker and no one could be secured to assist in carrying the body to the hearse. A crowd outside numbering 200, and "all of them Americans," the witnesse declared, hooted and hissed as the funeral service was being read. Ribald songs were sung and vile names were called.

Three men were finally secured from another neighborhood to assist in conveying the dead man to the grave. As the casket was being carried from the house to the hearse, the crowd spit at

it, and called out "Leave the scab's body on the street; let the dogs eat it."

The clergyman was called "Hunk" and "scab priest' and as he walked ahead of the hearse on the way to the cemetery the mob stoned him. The crowd followed to the graveyard and standing outside the fence, threatened that they would dig up the body after the minister went. The witness told the sexton he would be held responsible for the grave being saved from sacrilege and the sexton remained on watch. No attempt was made to carry out the threat. The witness averred that the dead man's countrymen would have attended the funeral and assisted in the services if they had not been deterred by the Americans.

John Harvilla, of Beaver Meadow, had his eye shot out by a mob which attacked him in his home on the night of the day the United Mine Workers had a celebration. The crowd visited him a second time when he got out of the hospital and threatened to shoot his other eye out if he did not quit work.

Max Kieslich, an old employe, of Coxe Bros. & Co., worked at the pumps during the strike. He was assaulted by Charley Gallagher, a member of the United Mine Workers and one of his eyes injured to such an extent that he had to remain nine days in a dark room, as a first step towards saving his sight. He was assaulted on another occasion by a mob.

Mr. Dettry's Record.

President Mitchell was called to the stand by Mr. Lenahan to testify that William H. Dettry, of Nuremberg, was yesterday elected president of the United Mine Workers of America of District No. 7, to succeed Thomas Duffy, of McAdoo. Mr. Mitchell said he heard such was the case; that he saw it in the newspapers. As usual, he was not admitting anything he didn't have to admit.

Mr. Dettry being identified, Mr. Lenahan proceeded to give him a little advertising. John Sherman, a Coxe Bros. & Co. steam man, testified that since the strike ended he heard Mr. Dettry say: "Every man who worked during the strike ought to have his nose cut off." The witness also told that his home was successively stoned, dynamited and totally destroyed by fire.

Frank Kaley, of Oneida, another Coxe steam man, who belonged to the union up to the time the steam men were called out, swore that at a meeting of the Oneida local in Waller's hall, in the latter part of May, Mr. Dettry, who was then vice-president of the district, said, in the course of a speech, that every man who was working ought to be caught and given a good thumping.

General Gobin's Testimony.

The non-union men had scores of other witnesses to call, but on account of the limitation, or rather suggestion, made by the commission, it was decided to dispense with all except the National Guard officers. The first of these to be called was Brigadier General J. P. S. Gobin, commander of the Third brigade. He went on the stand at 11 o'clock and was not relieved until late in the afternoon. The general was in immediate charge of all the troops in the field during the strike period. His story was a recapitulation of the general history of strike violence. He told it in a plain, straightforward and evidently unbiased manner, and the commissioners gave him close attention. General Wilson evinced especial interest in his narration, and when called upon to make a ruling anent the privilege of the witness in the matter of making statements, invariably decided on allowing the widest reasonable scope. General Wilson is himself a brigadier.

An interesting feature of General Gobin's testimony was his reiteration of admiration for the excellence of the picket service maintained by the strikers. "I've done some military service in my time," said the veteran of two wars and half a dozen tours of strike duty, "but I never saw such a perfect system of picketing as that which was maintained by the strikers in this last strike. Even my own headquarters was picketed. I could not make a move that was not anticipated. I know how the thing was managed (he looked at the press gallery) and I must commend them for the excellence of their management."

At the suggestion of Commissioner Clarke, the lawyers gave over questioning General Gobin and he told his story without suggestions.

On the night of July 30, he was called to Harrisburg by Adjutant General Stewart and consulted regarding the advisability of acceding to the request of the sheriff of Schuylkill county for military assistance. There had been a serious riot at Shenandaoh the day before, in which young Beddell was killed and many persons injured. Telephonic communication was had with citizens of Shenandoah, who were personally known by the general to be reliable, and they corroborated the description of the condition in and about the town as given by the sheriff. Thereupon two regiments of infantry and a troop of cavalry were dispatched to Shenandoah.

Arrived at Shenandoah, the general had great difficulty in establishing his camp, because of being boycotted. He was unable to get a team of horses in Shenandoah. The first horses he got were a team loaned by the Mahanoy City fire company.

"You were boycotted, eh?" remarked Commissioner Watkins.

Soldiers Boycotted.

"Very badly, sir," answered the general.

There was no semblance of the administration of civil law in Shenandoah on the day the troops arrived. The chief burgess was sick, and the chief of police and all the members of the police force were laid up with injuries received in the riot of the day before.

The next day, the burgess and chief of police got on their feet again and in company with the president of the borough council, waited on the general and confessed that the local authorities were wholly unable to cope with the situation. The police force was in the hospital and no one could be induced to fill the vacancies.

The witness here proceeded to read orders, letters and the like sent and received by him, bearing on disorder.

"How were these made public?" asked Mr. Darrow.

"They were published in the newspapers," said the general. "There was an influx of newspaper men that day and they got hold of pretty much everything that was going—and some things that weren't going on."

On the second day, the general was visited by a committee of the United Mine Workers, headed by National Board Member Myles Dougherty, and District Board Member De Silva. They protested there was no occasion for calling out the troops; that the union officers could preserve order if called upon to do so, and that they had not been called upon. They promised to assist to the full extent of their power in maintaining peace.

Here the witness proceeded to recount some of the experiences he and his troops had during the early part of their stay in Shenandoah.

Col. Hoffman's Report.

August 3, Colonel Hoffman, of the Eighth regiment, reported that on the night before a sentinel was knocked down by a stone thrown from a clump of laurels, near the camp lines, that four times during the same night other sentinels were stoned, and that twice during the night, the regiment was called to arms, by reason of the attacks of stone-throwers.

An order had to be issued forbidding the soldiers from going in to town because of the fact that they were hooted, jeered and called opprobrious names.

Dynamiting of non-union men's houses began about this time, and scarcely a night passed but what some one came to camp asking for protection for the home of some such victim.

At this juncture a lengthy discussion among the lawyers was provoked by an objection on the part of Mr. Darrow to General Gobin testifying that the sheriff of Carbon county—according to hearsy—had refused to make requisition for troops, in the face of demands from many of the best citizens.

During the discussion Mr. Darrow made the remark to the effect that "great and wise" as was the witness, he should not be permitted to violate the most common rules of evidence, especially when the witness, a lawyer, knew it was irregular.

General Gobin took umbrage at this,

and addressing the commission said he would not testify further if such remarks as those made by Mr. Darrow were repeated.

Mr. Darrow assured the witness, first that he intended no offense, and, second, that he would not be offended if the general declined to say another word.

General Wilson said that personalities must not be indulged in and the testimony proceeded.

Protest Against Troops.

A letter addressed to Governor Stone and transmitted to General Gobin, written by a committee of the United Mine Workers, protesting against the troops guarding men at work in the mines was read by the witness. He also read his report to the governor on the matter in question, in which he stated that the guarding of men at work was only incident to prevention and supression of disorder. The men were not guarded by the troops while at work, the report declared, but only while going to and from work. The demands of the different sheriffs for assistance, the placing of troops in the other counties of the coal regions and the continued acts of lawlessness, even after the troops were on duty were recounted in detail by the general.

Referring to his "shoot to kill" order, the general said that it had the effect of diminishing the boldness of the disorderly element and tended to save life more than any act he performed while in the field.

The mobs were growing more desperate, the women and children were not to be restrained by a mere show of force, and all in all the tension was increasing to the straining point. A conflict was every moment imminent. If a clash came there would be women and children shot down. When it was realized that the soldiers would no longer submit to assaults, and abuse, and that the law was to be upheld at any cost, the situation was very materially relieved. The women and children kept away and the soldiers were practically free from molestation.

Resuming his testimony at the afternoon session, General Gobin told of a report made to him by Colonel Clement relative to disturbances in the vicinity of Lansford and Summit Hill.

"I called upon the burgess of Lansford and told him, a conflict was inevitable. I then issued General Orders, No. 3. This order was communicated to the people by the burgess. The order has been variously designated, but I leave it to the members of the commission for their decision."

Shoot to Kill Order.

This was the "shoot to kill order." The general read it to the commission. The order had a salutary effect.

"Had there been any shooting by your men?" asked General Wilson.

"Yes," replied the witness. "It was only when the troops were fired upon that they fired back. There were several occasions when shots were exchanged between soldiers and strikers. I did not issue ball cartridges until the troops had been fired upon."

The general then told of the calling out of the entire national guard of 10,000 men, made necessary by his inability with the 3,000 men of his brigade to cope with the situation.

In response to a question from Mr. Lenahan as to what was the result of his observation as to lawlessness in the anthracite region as a whole. He said: "I have made extensive observations of conditions in the whole region, and I have no hesitancy in saying that the whole region was in an excited state of lawlessness.'

When the whole division was called out, General Gobin was transferred to the Lackawanna-Wyoming district, establishing headquarters at Wilkes-Barre.

The disturbances in this region continued to be numerous and serious. There was most assuredly a necessity of the troops in every part of the region. Even with the troops in the field there was trouble.

Commissioner Clark remarked that it had been very generally stated on the one hand that if troops were sent into the field to give protection, thousands of men would return to work, and on the other hand that when the troops came the men did not return to work in thousands.

"No 50,000 soldiers," said the general, "that exists today, can guard every colliery, every workman's house and give the necessary protection to the whole region covered by the strike. The anthracite region is 180 miles long, by eighty miles wide in some places. It would take four men in every detail, at least. The regular army of the United States and the whole national guard of the State of Pennsylvania could afford the kind of protection that make it possible for a man to be assured he would not be molested if he worked."

Darrow Had the Worst of It.

The cross-examination of General Gobin was conducted by Mr. Darrow. He had been priming himself for days to handle the general, and as events proved, he did well to prime himself. Mr. Darrow sought to turn the examination into a trial of General Gobin on his conduct while afield. General Gobin seemingly welcomed the trial and encouraged Mr. Darrow to inquire fully into his activities. No witness who has been on the stand since the sessions began, not excluding that very admirable witness, John Mitchell, gave a better account of himself than General Gobin. Mr. Darrow had easily the worst of it, when the combat ended.

Whether or not martial law was declared by Governor Stone in his order calling out the whole division of the National Guard was one of the first questions discussed in the cross-examination.

General Gobin suggested that Mr. Darrow read the governor's order. He, himself, did not care to venture an opinion, as the very question was at present before the Supreme court.

After General Gobin had outlined generally what his duties and powers were as he saw them, he was asked by Mr. Darrow if he had a right to shoot persons who might throw stones at the soldiers. General Gobin said the soldiers had a right to shoot anyone who resisted their authority to such an extent as to demand that drastic measure. He also would exercise his authority to the extent of seizing provisions for feeding his men, if boycotting prevented him from buying them.

The witness refused to make a categorical answer to the question as to whether or not the soldiers should shoot a boy 15 years of age who threw stones at them.

"If," said the general, "a soldier is given a duty to perform and he is endowed with the greatest power a commonwealth can confer, it is incumbent on him to use that power to its fullest limit in carrying out his duty."

Riotous Warfare.

Every authority a soldier has in war can be exercised by a soldier on strike duty, the general averred. He quoted, in this connection, the words of Carlyle: "There is no warfare as terrible as riotous warfare."

"But was there any warfare?" asked Mr. Darrow.

"There was very decidedly no end of guerilla warfare," answered the general with emphasis, indicative of the mental survey of his experiences during the three months he was afield.

Mr. Darrow brought up the report of the late Colonel Hoffman, in which he told of a sentry firing on a man who was "skulking" about the Eighth regiment stables and who was shot at by the sentry when he refused to obey the call "Halt!" In making the report, Colonel Hoffman used the words: "The sentry fired, I regret to say, without results."

Mr. Darrow put it that this meant Colonel Hoffman regretted the skulker had not been killed, and putting this assumption before General Gobin asked him if he approved of it.

After some quibbling, General Gobin made an answer substantially in effect that if a man who is surprised in the act of skulking about a military camp, refuses to heed a sentry's command to halt, and runs away, the sentry has a right to shoot to make him halt.

In answer to a question by Mr. Darrow as to what he considered the most serious offense the strikers were guilty of that came under his personal observation, General Gobin replied: "Teaching the young to disregard the law."

Again Mr. Darrow brought up the "shoot to kill" order, and asked if it was not true that a sentry who had shot a man pleaded this order as his justification. General Gobin said he did not know such to be the case. Mr.

Lenahan informed the commission that such was not true; that the sentry defended himself under the general powers conferred upon him by the statutes.

The "shoot to kill" order was in effect that the most reliable men from among the sharpshooters were to be placed as file closers in moving bodies of troops, and that if the troops were attacked these assailants should be fired upon, if they could not be caught otherwise.

Mr. Darrow read from the North American a purported interview which R. J. Beamish had with the general, in which the latter is quoted as saying that the order was intended to apply indiscriminately to women and children.

General Gobin denied ever having made such a statement. He admitted that he talked with Mr. Beamish, but was positive had not made any comment on the order other than it "meant just what it says." Various newspaper men tried to interview him on the order, but his invariable answer was, "The order speaks for itself."

The Mission of Richard Beamish.

Geenral Gobin made the allegation that Mr. Beamish told his close friend, Colonel Clements, to be careful what he had to say, as he, Mr. Beamish, had been sent by the North American to "get the soldiers into a hole." "Colonel Clements is here to corroborate this," adedd the general.

He further averred that Mr. Beamish forged Colonel Clements' name to a telegram to a train despatcher to stop a troop train that he might get aboard.

Mr. Darrow asked if it was not true that Colonel Clements gave Mr. Beamish authority to write the telegram he being very busily engaged at the time the request for the order to stop the train was made. General Gobin said Colonel Clements would testify that such was not the case.

It was 4.30 o'clock when General Gobin left the stand. General Wilson thanked him, in the name of the commission, for his attendance.

General Gobin's Testimony.

General Gobin's testimony was, in part, as follows:

By Mr. Lenahan:

Q. Was your brigade called out by the governor during the strike, and if so, I wish you would go on and tell in your own way without interruption from me everything that occurred until finally the troops were withdrawn from the coal region, starting out with the first county that you went to and then going from that county to each of the other counties until you were finally withdrawn, using your reports and all that in the meanwhile and making your statement. A. On the night of the 30th of July I received orders to report at Harrisburg. Governor Stone was not at home and Adjutant General Stewart was on duty. I arrived there about 9 o'clock or half-past nine. He exhibited to me various requests coming from the sheriff and citizens of Schuylkill county giving information of a riot at that point during the afternoon of that day at which then it was reported a number of men had been killed and a certain number more injured and requesting the assistance of troops. I may say to the gentlemen of the commission that I had considerable experience in that region previously, I knew that region very well, and therefore the governor telephoned back to the adjutant general that he and myself would go over the situation carefully and act upon what we deemed to be for the best interests of the state. There were several gentlemen in Shenandoah in whom I had implicit confidence. I knew their services and positions on previous occasions. I endeavored to get them by telephone. One of those gentlemen—a clerical gentleman—was not there; he was away on his vacation. Of the other gentlemen whom I endeavored to communicate with I only succeeded in getting one. I got the information from him that satisfied both of us that the request of the sheriff should be acceded to. At 12 o'clock I ordered out two regiments of twelve companies each and the troop of cavalry to start for the region, for Shenandoah. I arrived there with four companies of infantry at about 6.30 in the morning. I telephoned the sheriff to meet me and he met me there. This was on the 31st of July, yes, and the riot had occurred on the 30th of July. The remainder of my command were coming in and I immediately stationed troops where I supposed they were necessary and began to make arrangements for their encampment. I had ordered subsistence there and my own commissary was coming with rations; but I needed wagons and I found I was unable to get any. In Mahanoy City, four or five miles off, there was a fire company that gave me the first team I could get, a team belonging to the fire company, to convey my tents and rations up on the hill. Have the commission ever visited that region?

Several members of the Commission: Yes.

A. (Continuing). Then you know the difficulty of the situation and of encamping there.

Mr. John T. Lenahan: You have a map of it?

The Witness: Yes. This is a map prepared by the engineers, if you desire to see it.

Commissioner Spalding: We were there, we know about it.

Mr. Darrow: We object to the map.

The Witness: This gives the location of all the collieries and the position of my troops. I finally succeeded in finding through my officers other means of transportation. The tents arrived and I put them up on the hill and proceeded to exercise military authority.

Commissioner Watkins: Why were you unable to get the teams?

The Witness: They refused to give them to me, sir.

Commissioner Parker: The livery people and so on in the town refused to give them to you?

The Witness: Yes, sir. One man, O'Hara, gave me something notwithstanding, as they informed me, of the protest made against it.

Was Boycotted.

Commissioner Watkins: In other words, you were boycotted, were you?

The Witness: Very badly, sir. I then desired to get into communication with the civil authority. There are two acts of assembly controlling the rights of troops and their duties in Pennsylvania, the recent one of 1901, giving the governor, in our judgment, a larger power. The other required us to report to the sheriff and support the civil arm of the law. I was acting under that act of assembly. The sheriff remained with me part of the day and then gave me one or two deputies to instruct me and I endeavored to get in personal communication with the civil authority. The chief burgess was sick, there were no policemen on duty. They had all been injured the previous day. There was therefore no civil authorities with whom I could consult. On the following day, however, the chief burgess, the chief of police, the president of the town council and one other member of the town council—probably two—came to my headquarters and said that the situation was such that they were unable to exercise any control over the peace and order of that community, that they had no policemen, that their policemen had all been injured in the riot the day previous; that they could get no men to serve on the force and that they had no means of paying them if they could get them; that they could not get a meeting of the town council, that they could not get a quorum together and therefore they must depend on me to keep order. I was therefore placed in that situation, and when the balance of my troops came on I stationed them wherever I could, principally occupying * * * there were three railroad depots, I guarded two of them for different reasons, but none of them controlled what was regarded as the violent district. On the day following, I think, a committee of Mine Workers * * * then I issued this order.

The Witness: They were issued to my troops, copies sent to each of the commanding officers, and published in the general newspapers. There was an immediate influx of newspaper gentlemen who got hold of about everything that was going on and some things that were not going on.

Commissioner Watkins: Why did you station guards at the depot?

The Witness: I will say that when I arrived and looked for headquarters I went to the Ferguson House and found there an old soldier, a Grand Army Man, I may say, whom I knew. He had seen the fight the day before, or the row or whatever you call it, and he did not deem it wise to get out of town that night but stayed over until the next morning. I had a long conversation with him and I received a great deal of information from him as to the character of the fight. It had centered around the depot of the Reading company, which is a small frame building. I examined that depot and was satisfied from the bullet holes in it and around it that there had been considerable of a muss there the day before. I had a quantity of ammunition with me and no place to put it. I occupied one of the rooms of that depot as storage for my ammunition and therefore put a heavy guard around it. The other one—the Pennsylvania depot—was down at the extreme other end of the town and in a very noisy and boisterous locality where there was a great deal of trouble and a great many people residing. That was a very delicate place to put soldiers. It is on a high bank—the depot is—with a sunken road running along and around it

and the dwelling houses are in a still higher plane. So I occupied those two places, as I thought strategic points, from which I could control the situation in any part of the town. My troops arrived that afternoon and I made a thorough examination of the town, as I thought, everywhere I could. Next morning I met a number of gentlemen representing the Miners' union—yes, I may say that—and had a conversation with them. They were headed by Miles Dockerty, whom I knew, and had seen on former occasions. We had quite a free and easy conversation on the situation. They told me that there was no occasion for the troops, that they would have preserved order or could have preserved order if they had been called upon, that they had not been called upon, and that there was not much of a riot anyhow. I told them that I thought there was a good deal of a riot and that the appearance of things indicated that there had been very much of a riot, and from the information I had we were in a community without a particle of civil law and without a civil officer in commission or prepared to preserve the peace or maintain order, and that I thought they were making a mistake in trying to minimize the situation or to present it in a false light, that that would encourage the people to further violence—if they were talking and telling people that that kind of a riot was of no consequence; that that would certainly encourage the people in that direction and that they were making a mistake. One of the committee was a very old friend of mine whom I had known all my life and I talked freely to him and to all of them. They said they would preserve order and I told them I hoped they would give me every assistance in their power, and we parted in that way. This is only an epitome of the conversation. It was quite lengthy and lasted some time. I went into camp on the night of the 13st.

There was a peculiar condition of things in that neighborhood. For several squares almost every house is a drinking place. The road leading right out to Indian Ridge colliery and my camp is that kind of a road, and there were frequent fights, and it soon became very apparent that something must be done to prevent trouble. The men were constantly insulted; there was no vile name that was not employed toward them, and I was compelled to keep them out of the town. I do not think there was an officer or man that could pass through certain portions of the town without being subject to insult of some kind or other. If a man could not talk any English at all he could talk one vile epithet that he could apply to a soldier. There were not so many men in it, they were largely boys. Men would be in the vicinity but they would not do the calling—not many of them. I therefore issued very strict orders. Soon other troubles began all over the region and reports came to me of disturbances here and there. I endeavored to avoid any trouble until about the 18th of August, I think—I would not be positive as to dates unless I consulted all my papers—but until events over in what is known as the Panther Creek valley—well, around about the town of Gilberton the troubles apparently began. That is a town, a very lengthy town along the railroad right over the ridge, what is known as Turkey Run Hill down the other side, and they commenced dynamiting over there very early. There was nothing at work over there, except one colliery, one working pumping out the water. But yet there was a great deal of disturbance and frequent dynamiting. Well, there was scarcely a night during the month of August that there was not some report of trouble in that region, and finally I was sending my troops around every morning and my cavalry frequently at night, but I never succeeded, rarely succeeded in finding anybody, because, I want to say to the credit of the gentlemen who were running the other side of the campaign, that they did the best picketing that I ever saw in my life. I could not move a column of my troops in any direction, or at any time of the day or night, without finding some people on duty. Even the headquarters in my stable were well picketed and I appreciated the manner in which they did it. They did it well, but a little inconvenient.

By Mr. Darrow: Q. A little disappointing when you were looking for trouble? A. Yes, disappointed me every time. I was not looking particularly for trouble, but I was looking for the other men that were making trouble. This thing extended to the Panther Creek valley and the demands became there very urgent, but the sheriff of Carbon county could not be induced to make the call for troops the citizens and other people, committees, were urging upon the governor of the state.

Q. Are you telling what you know now, as a lawyer, when you said people were urging? A. Yes, because they were urging me. Q. You are a lawyer, I believe? A. I profess to be. Q. Do you think you have a right to tell the commission what the people urged the sheriff? I object.

The Acting Chairman: I decide General Gobin may give testimony on such information as he himself personally knew and such information as came to him from the officers under his command, or those under his command who were there for the purpose of assisting him in discharging the official duties committed to his charge.

The Witness: I desire simply to make a statement for myself now. I am here at the request of the commission and if the distinguished gentleman from Chicago proposes to use language such as he did a moment ago, I shall answer no question of his.

Mr. Darrow: You will not offend me by refusing to converse with me, I assure you.

Mr. John T. Lenahan: The sarcasm of the gentleman is utterly uncalled for. He spoke of General Gobin being a great man and a wise man. We of Pennsylvania know General Gobin is a wise man and a brave soldier and we respect him.

The Acting Chairman: I think Mr. Darrow recognizes that, as well as the rest of us. I trust these little personalities will be dropped not only now, but from this time out.

Mr. Darrow: They will be, General, as far as I am concerned.

By Mr. John T. Lenahan: Q. Now, you are at Panther Creek, General? A. After a great deal of discussion there I received from the sheriff, by telephone, from the sheriff of Carbon county, this telephonic dispatch taken by my stenographer on the 18th of August:

"There was a riot in Nesquehoning, resulting in the death of one of the rioters. His body was taken to Lansford where he lived. More trouble is brewing. This evening, while one of my deputies, was reading the riot act to about five hundred, the papers were torn out of his hands and he had to run for his life. I am powerless, and I must call upon you for troops. I fear there will be more trouble in the morning. (Signed) Sheriff Combert. (He is talking from Mauch Chunk, and want the troops there tomorrow morning. He will have a deputy there at Lansford to meet General Gobin The name of the deputy who will meet General Gobin is Mertz").

Proceedings of Saturday, Jan. 10.

[From The Scranton Tribune, Jan. 12.]

Philadelphia, Jan. 11.—The case of the big companies is now on before the mine strike commission. The Delaware and Hudson company is the first to be heard. It began the presentation of testimony yesterday morning.

The first witness to be called by Attorney James H. Torrey, who is conducting the Delaware and Hudson case, was C. C. Rose, general superintendent of the mining department. He dealt with general conditions about the mines and particularly with the alleged diminution of discipline and efficiency since the "irruption" of John Mitchell into the anthracite region. He declared that the wages paid by his company to miners—$600 to $650 per year—was fair compensation for the labor and skill required of the miner, and that not less than eight hours' work was a reasonable day's labor. He also asserted that at most of the mines there were too many men, and that it would be better for both the employer and employe if the force was reduced. He added, however, that it was impossible to reduce the force because a surplussage of men is made necessary by the refusal of miners to do a reasonable day's work.

In his opinion, it would be desirable to raise the age limit for mine workers to 18 years. His company, he said, would be agreeable to a law thus revising the limit if the other companies would concur. It would require legislative enactment, he was satisfied, to effect this reform.

At the close of the day, Mr. Torrey announced to the commission that the operators had conferred about the much-agitated child-labor question and authorized him to say that they would gladly co-operate with the miners in having a law passed fixing the minimum age for mine workers at 16 years.

The second witness for the company

was its comptroller, Abel I. Culver, of New York. He presented and identified the various exhibits on hours and wages prepared by his company for the commission. They comprise, in substance a good sized dray-load. Mr. Culver told that the figures were the compilations of from fifty to one hundred clerks working all day and late into the night from the time the commission was appointed until the present. There is a large force of clerks here still engaged in this work.

Mr. Torrey's Statement.

In opening the case for his company Mr. Torrey read the following statement:

Mr. Chairman and Gentlemen of the Commission: A general opening of the case on behalf of the respondents having already been made, I shall at this time confine myself, so far as practicable, to a brief statement of the particular matters which it is expected to prove, especially relating to the case of the Delaware and Hudson company. We shall prove the charter powers of the company, as set forth in its answer already filed with the commission, by which it will appear that this was the first company to enter upon the business of mining and transporting out of the state its anthracite coal We shall show that for many years, up to the beginning of the 1900 strike, the relations between the company and its employes had been friendly and harmonious, and that the inception of such degree of hostility as has since marked those relations was coincident with the entry into the anthracite field of the organization of the United Mine Workers.

So far as relates to the formal demands pending before this commission, it is only fair to this respondent to state that it is in the position, unusual even in debate and practically inadmissible in legal proceedings, of being compelled to prove a negative. After spending weeks of valuable time, the case upon the part of the miners was closed without the production of any material evidence to substantiate any of their claims. Inasmuch however, as the proceedings here are somewhat extra-judicial, we shall seek to establish, as far as practicable, the negative of the assertions made in the demands.

With almost infinite labor and pain, and by the aid of an army of clerks and accountants, a vast array of information has been accumulated for the use of the commission, with reference to the wages and conditions of employment of our employes. Some of these exhibits were prepared before any request was made by the commission as to specific forms of statement desired; others have been since prepared upon lines suggested by the commission. They will all be submitted and fully explained, so far as explanation is necessary, by the controller of the company.

By these statements, and from other testimony which will be offered, it will be demonstrated that there is no merit in the first demand for a twenty per cent. increase upon the prices paid during 1901 to employes performing contract work. It will be shown that both the rates paid and the annual earnings upon this kind of work are larger than are paid in the bituminous coal fields for similar work, and the wages paid for occupations requiring equal skill and training in the region. In short, we are satisfied that upon the proof, as it shall be developed before the commission, it cannot fail to ultimately find that there is no manual employment requiring so little special training or skill, the expenditure of so little physical energy, the exposure to so little risk of health or life, and the occupation of so small a portion of the working day, which is so liberally compensated in wages as the work of the anthracite miner. In this connection, we shall show that the employment is not extra hazardous and is more than ordinarily healthful.

As bearing upon the condition of all classes of the employes of the company, we shall offer statements showing the large number of them who own real estate, its estimated value, and a large number of photographs, indiscriminately selected, of homes owned by the employes.

We shall further show that the employes of the company are not a shifting class, remaining for many years in the same employment, and that their children continue in the employ of the company rather than go into other branches of labor; and when, as during the last strike, they seek temporary employment elsewhere, they immediately return to resume their former positions.

No Complaints Ever Made.

As bearing upon the third demand of the miners for the weighing of coal and the payment by the ton for mining, we shall show that for many years this company has paid at some of its mines by weight and at others by the car. We shall show the actual product in marketable coal of units of weight and per car, and that a practical uniformity of wages results from both systems. We shall show that, so far as concerns our own employes, no complaint has ever been made directly to the company that either system was unfair or resulted in inadequate or unequal remuneration for the labor actually performed, and that, considering the end in view to be fair and equal remuneration for labor actually performed, there is no occasion for any change in the system now in vogue, which is the result of long years of experience and adjustment, and that, on the contrary, any arbitrary change will result in great confusion and probable discontent.

We have claimed in our answer that the commission cannot, under the terms of the submission of the issues which it is to pass upon, consider the fourth demand submitted by the complainants, viz., the execution of an agreement with the United Mine Workers of America, governing the wages to be paid and the conditions of employment of its employes. Without waiving this claim, we shall offer testimony in addition to the evidence already before the commission, to establish the undesirability of such an agreement, if it were fairly at issue.

Relations Always Peaceful.

We shall show that the relations between this respondent and its employes had been for many years peaceful and harmonious until they were disturbed by machinations of the officers and agents of the United Mine Workers; that the effect of the organization of its employes in that association has been to create a spirit of unrest, discontent and hostility upon the part of the employes; that the discipline which is essential to the safe and profitable conduct of the business has been very greatly impaired; that systematic efforts have been made to force all of its employes into the organization, so that the management of the business might be put absolutely under its control; and that, in many instances, to further the designs of the organization, the efficiency and productive capacity of the men has been voluntarily diminished.

We shall further show that the organization does not exercise adequate control over its membership, if indeed it has any desire to control it, and that during the period since the resumption of work in October last, in spite of the pitiful need of a supply of coal to relieve the necessities of the public, our employes have voluntarily abstained from work during a considerable portion of the time when they might have worked, thus materially diminishing the capacity of the company to supply coal to the public.

As bearing upon the sociological conditions of the anthracite regions, we shall offer testimony supplementary to the facts observed by the commission itself, as to the number of saloons in the immediate vicinity of our collieries, and as to other matters bearing upon moral conditions which may be supposed to affect the earning capacity of the men.

Although a number of our employes were called and examined upon the part of the Mine Workers, it is not thought necessary to occupy the time of the commission by any considerable evidence in rebuttal. With a few exceptions, the apparent purpose of that testimony was to prove discrimination upon the part of the company in the re-employment of its men after the strike.

Testimony of Mr. Rose.

Mr. Rose was then called to the stand and after telling, in response to Mr. Torrey's questions, that he was a division engineer for the Delaware, Lackawanna and Western company for fifteen years, and superintendent of the Delaware and Hudson mine department for seven years, was examined substantially as follows:

By Mr. Torrey:

Q. Prior to 1900, had there been any changes in the wages paid to any class of your employes, except trivial local readjustments, while you were superintendent? A. There was no change materially. Q. Did you hear of any general discontent, among you employes, prior to tions of employment? A. I did not. tions of employment? A I dod not.

Q. What method of payment of contract miners was in vogue when you became superintendent; how did you deal with your contract miners? A They were paid by weight and paid by car. Q. Just discriminate; tell us where? A. From Jermyn colliery to the northern end of our coal field they were paid by weight, and from the Jermyn colliery to Providence they were paid by the car; they were paid by weight to Providence—from Providence north, paid by weight, and from Providence south, paid by the car.

Q. What unit of weight was adopted for the miners' ton when you came into the employment of the company? A. From Providence to Jermyn, including Jermyn, paid twenty-eight hundred weight; from Jermyn north, twenty-eight hundred and a half weight. Q. Will you tell us if there were any changes in those weights while you were superintendent, and, if so, explain? A. There was only one change made—at Carbondale, I think; that was twenty-seven hundred and a

half. That was changed because the collieries were consolidated, the collieries all brought in together; previous to that they had been making lump coal, and that was cut off.

Q. Will you tell us whether there was, to your knowledge, before the demand of the United Mine Workers were formulated in 1900, any dissatisfaction among your employes with those methods of payment, or complaint as to the methods of payment, either by the car or weight? A. None that I know of. Q. Whether or not, in your opinion, those methods, and on the rates that were paid by the car or ton, accomplished a substanial uniformity of earning capacity? A. I think they did.

Q. Do you remember the time when the United Mine Workers came into the region, or the beginning of the strike of 1900? A. Yes, sir.

Q. Was it your impression that your employes were very largely members of that organization before the strike? A. I think there were not many of them members before that strike.

Q. What had been the general relationship as to peace and harmony between the officers of the company and its employes prior to that strike, or the years that you were superintendent? A. There was nothing but cordial feeling between the employes, foremen and superintendent.

Q. After the strike of 1900 you understood that your employes generally joined the United Mine Workers, did you not? A. Yes, sir, I think they did. Q. Will you tell us whether there was any change in the pleasent relations which you have spoken of after that? A. Well, after that there seemed to be more or less discontent.

Q. How did it show itself; how about the discipline of the mines? A. We lost a certain amount of discipline, and were not able to control our men and conduct our work as we used to do.

Q. Did you ever hear, during your connections with those two coal companies, of any such thing as a blacklist adopted by the companies? A. No, sir.

Q. Did you ever send the names of any men who had been in your employ to any other company, or companies, in any way, directly or indirectly, as a suggestion that they should not be employed by them? A. Never did anything of the kind.

Q. Did you ever receive any such names yourself from any other company or operators? A. No, sir.

Q. Will you tell us to what extent, if any, you and other employes and operators, so far as you are familiar with their methods, inquired into the prior relations of employes who came to you for employment, with their former employers, as to their having been acceptable or agreeable to their employers; whether you made such inquiries? A. We had very few such cases, but those we had we did not go into any detailed inquiry about any of them. Q. You say you had very few such cases; why was that? A. We generally promoted our own men where we could possibly do it. Q. All cases of skilled employment were filled by promotion? A. Yes.

By the Acting Chairman:

Q. I would like to ask a question. You have testified there was no blacklist; will you please give me your definition of a blacklist? A. I suppose a blacklist means men that are discharged, and the companies who employ like labor are notified to that effect. For instance, an employe is discharged, working for a corporation, and the corporations in the same business are notified of this man's dismissal.

Q. You do not keep any such list as that yourself? A. No, sir.

Commissioner Clark:

Q. Suppose a man was liable to leave the service for any cause, would there be a list kept? A. I am not familiar with anything of that kind whatever; any blacklist I never had anything to do with.

Commissioner Spalding: Have you ever been notified by any other companies that they discharged their men? A. No. sir.

By Mr. Torrey:

Q. Except in the case of ordinary manual labor of the lower grades are your employes of a shifting class; do they move from one place to another? A. Not very much as a rule. Q. How are they, stationary? A. They seem to be wedded to the old place. Q. Does it give you any annoyance sometimes? A. We would like very much, for instance, if we have a breakdown or fire in the mines, or anything of that sort that necessitates the idleness of that mine, we would like to have them go to some other place and work for us, but invariably they will not do it, they simply wait until the place is fixed up. A. How about their children, do they move out of the region very largely? A. Well, I couldn't say positively about that; I think they are inclined to remain there.

By Commissioner Clark:

Q. In connection with that disposition to stick to the old place, if you have a fire in a mine, or breakdown, that temporarily disables that property, throws men out of employment, is it a general thing for them to come back to that property when it is in order to work again? A. Yes. Q. After two, three or four months' idleness? A. I think it is, sir.

Mr. Torrey: I think what the witness says is, for two, or three, or four months they generally sit still and wait for it.

Commissioner Clark: Whether they sit still, or receive temporary work elsewhere, they come back?

Mr. Torrey: Yes, sir.

By Mr. Torrey:

Q. Did the company ever have a company store to your knowledge? A. No, sir. Q. Employ any company doctor? A. No, sir. Q. How do they pay their men, in what sort of currency? A. They pay them in the usual way, in cash. Q. Very regularly? A. Very regularly. Q. It begins on the first day of the month to pay for the preceding two weeks, and on the 16th for the preceding two weeks, and keeps from one mine to the other until he pays all? A. I think that is about the way it is done; he is paying all the time.

Q. Do you think it would be a benefit to the miners to have a weekly pay? A. I think it is not a benefit. Q. Why? A. Simply lose more time. Q. Has there been an increase in the loss of time by reason of the adoption of the semi-monthly pay? A. I think there is .Q. To what extent would you say? A. They lost just about twice as much time as they did when they had the monthly pay. Q. About how long is the breaker able to work on pay days, as a rule? A. Not over half a day; about half a day. Q. So that they lose two half days a month instead of one? A. Yes, sir.

Q. Do you make any deductions from the pay of your men, except for the mine supplies, powder and that sort of thing and rents where you rent to them? A. We do not. Q. Everything else is paid for in cash? A. Yes, sir.

Q. Was it you who had a little experience with Mr. Rittenhouse, who was a witness here for the miners? A. Mr. Rittenhouse called on me and desired we should collect some bills, grocery bills from our men. Q. What did you tell him? A. I told him we were not in the habit of doing anything of that sort; didn't consider we had any businss to do it.

Q. Mr. Rose, after the conclusion of the late strike you received a letter from the president of the company, did you not? (Presenting letter to the witness) I show you this letter and ask you if that is a letter you received immediately upon the conclusion of the strike? A. Yes, sir; it is.

Mr. Torrey: I would like to read this letter, Mr. Darrow.

Mr. Darrow: All right.

Mr. Torrey (reading);

"Office of the President.

"The Delaware and Hudson Company.

"New York, October 21, 1902.

"C. C. Rose, esq., Superintendent.

"Dear Sir: The 'strike is ended,' so the message reads. Now to sum up:

"First—We are to stand by the men who have stood by us: but caution them against any intemperance of language or threats to others. In other words, if they 'are reviled, revile not again.' It takes two parties to make a fight.

"Second—Make allowances, so far as possible, for men who are coming back and treat them kindly on their return. Give a good welcome. They are not all bad who are misled.

Third—If more men return than can be employed at once a fair selection should be made.

"Fourth—Gross agitators and men who are known to have been guilty of crime cannot be employed.

"Fifth—You should instruct your foreman to act discreetly and by fair dealing try to regain the good will and re-establish kindly feelings towards the men under him.

"Yours very truly,

(Signed) "R. M. Olyphant, President."

Q. Mr. Rose, did you govern yourself in accordance with those instructions? A. I tried to.

The Cross-Examination.

This concluded the direct examination of Mr. Rose. The cross-examination was conducted by Mr. Darrow and was quite exhaustive. President Mitchell and every one of the five commissioners present also questioned Mr. Rose.

By Mr. Darrow:

Q. Now, you say up to the time that the United Mine Workers put in an appearance in that district you never heard of any discontent among the men, is that true? A. That is what I said.

Q. Is it true? A. I don't know how true it is; that is my belief? Q. You know whether you heard of any?

Mr. Torrey: I said general discontent in my question? A. I did not.

By Mr. Darrow:

Q. He says discontent now; but still we will go into it and give him a fair show. When did the United Mine Workers put in an appearance, so far as you know? A. I think about 1900.

Q. Now, to make sure, do you say that up to 1900 you never heard of any com-

plaint from your men or boys as to wages or hours or conditions of work? A. I don't recall any now. Q. Not one? A. There might possibly have been one. Q. Not half a dozen? A. I don't think there was half a dozen. Q. In five years? A. Yes, sir.

Q. Did you ever hear any complaints about docking previous to 1900? Q. I don't recall any now.

Q. Did you ever hear any complaints that wages were too low? A. Not any extended complaints.

Q. Mr. Rose, you think the men are getting too much now, do you not? A. I have not expressed myself that way. Q. Well, what do you think? A. I think they are getting fair wages, as compared with other people.

Q. They are getting ten per cent. more than they did before the United Mine Workers created the distrubance among your employes, are they not? A. Yes, sir. Q. Besides that, they are getting twelve per cent. more work, on account of market conditions, than they were two years ago, are they not? A. Well, I think perhaps they are. Q. And you think they were getting enough two years ago? A. Yes, sir.

Q. So they must be getting some twenty or twenty-two per cent. too much now, according to your reasoning? A. No, sir; I do not think they are.

As to the Firemen.

Questioned about the firemen, Mr. Rose gave it as his opinion that $1.76 per day for twelve hours work, with a twenty-four hour shift every other Sunday, was a fair wage. The job is one of the most generally sought after of any about the mines, he said.

Referring to the 1900 strike again, Mr. Darrow said:

Q. Do you think the ten per cent. raise in 1900 was fair, or do you not? A. Well, I do not know but what it is all right. I did not think so at the time. Q. You did not? After coming to think it over, you may think it is all right? A. Yes, sir.

Q. Do you not think that, on re-reflection, and reconsideration, if we got a raise at this time, you might think it was all right, too, Mr. Rose, to be honest about it? A. I do not think so, under the circumstances.

Q. Do you think you never could be reconciled to it? A. Yes, sir; not under the circumstances.

Payment by Weight.

Regarding payment by weight or by the car, Mr. Rose asserted that there was no complaint against either method until the United Mine Workers came to the region.

Mr. Rose said he believed the miners had a right to organize if they wanted to, but he didn't believe in the United Mine Workers because of the way it has conducted itself.

Mr. Darrow questioned Mr. Rose about President Olyphant's letter.

Q. Mr. Rose, the men who went out on a strike, in your opinion—and, as you understand it, in the opinion of the president—you say were misled? A. I think they were. Q. Yes. They were misled, I take it, by agitators and gross agitators, were they not? A. No doubt of it.

Q. Those men you were authorized by your president not to re-employ, were you not? A. The gross agitators and criminals. Q. So neither class was to be re-employed? A. So the letter states. Q. Well, did you follow it out? A. I took back some that I considered ought to be kept out. Q. Because they were gross agitators? A. Yes, sir. Q. And you left out others who were gross agitators. A. Yes, sir; but not on that account.

Q. Did you leave out any person, sir, who was not prosecuted and convicted of crime? A. I think some of them were left out. Q. Yes; can you give the names? A. No, sir. Q. You left them out because they were hostile to the company, did you not? A. No, sir. Q. For what, then? A. I did not need their services, or else their places were filled.

Q. You do not mean to swear to this commission that you did not leave out any of these men because they were gross agitators, do you—any of them? A. We left out some because their places were filled. We left out others because we had more men than we wanted. Some of them have been reinstated. Q. Did you leave out any one man because he was a gross agitator, in obedience to the letter of the president. A. I could not say positively whether I did or not—whether they are out or not.

President Mitchell Asks Questions.

President Mitchell at this juncture took up the cross-examination of Mr. Rose on some technical matters and general conditions.

Q. Mr. Rose, I would like to ask if your company did not change their method of driving their breasts after the close of the 1900 strike? In other words, did they not change the track or road from the middle of the breast to one side of the rib, or to one side of the breast? A. I could not say as to what time——.

Q. But the roadway was put in along close to one of the ribs instead of in the center of the breast, as was the custom of the district? A. In that red ash vein we did adopt that system. Q. Well, Mr. Rose, was not that equivalent to a reduction in the earning power of the men? A. I think not.

Q. By changing the roadway from the center of the breast to the side of it, it became necessary for the miners to throw all the refuse or rock from one side to the other, did it not? A. Yes, sir. Q. And under the system of having the roadway in the center of the breast, they could gob it on both sides of the track? A. Yes, sir. Q. And it necessarily followed that that required more work on the part of the miners? A. It did in some respects; in others, it did not.

Q. Well, where it did, was there any additional compensation given the miners for it? A. Well, it was so trifling that we paid no attention to it.

Q. Do you not remember that it was so important that the miners threatened to strike in order to have the system changed back to the center of the breast? A. I do not know that they threatened to strike; they talked about it. Q. Do you know that it was the officers of the United Mine Workers of America that prevented them from striking. A. I do not.

Q. There is one more thing I would like to ask you, Mr. Rose. The method of payment, in your company, is to pay the contract miner the earnings of himself and his laborers? A. Yes, sir. Q. Is it not true that the miners petitioned your company to make the division of the pay in the office between the miner and the laborer? A. I think there was one place where that request was made; I think that was last spring.

Q. Do you know, Mr. Rose, that under our present method of payment, it is almost a matter of necessity that the miners go into the saloons to get their money changed, in order to divide it up between the miner and the laborer? A. Well, I could not say where they go; but I have understood that that was the first place they started for, and that they divided up their earnings there—paid their men there.

Q. Now, Mr. Rose, I know this to be true; I know it from officers of your company that it is the desire of the company to improve the moral surroundings of your employes. A. I think we made an effort in that direction. Q. But do you not think that by making the division of this pay in the office, you would do more to improve the moral surroundings of the miners than any other one thing? A. Well, I think it might help out. Q. It would not make it necessary for the miners to go to the saloons to change their money? A. Well, I do not think it is necessary now. Q. But they do it? A. Well, I presume they do.

Q. Now, Mr. Rose, I want to ask you about another method. The system of your company is not to give your breaker boys or door boys a statement of the amount they earn? A. We never have given them any due bills. I presume you refer to due bills? Q. Yes, sir. A. We have never given any except the miner a due bill. Q. When the boys go to get their pay, they simply go to the office and get it? A. Yes, sir. Q. With no statement of the amount they have earned? A. That is right. Q. Do you not think that that system is an incentive for small boys to be dishonest? A. I could not say as to that.

By Commissioner Watkins:

Q. Is there not a statement of any kind furnished them? A. We do not furnish anyone except the miner a due bill. He can go to the office and find out. Q. Is the money handed to them in an envelope? A. I think it invariably is. It is sometimes handed to the boy's father or mother. Q. Do you not put some statement on the envelope? A. Yes, sir.

By Commissioner Parker:

Q. Mr. Rose, in your cashier's office, where the men are paid off, can or cannot the miners get their money changed to divide with their laborers? Cannot the cashier make change for them? A. They have never requested anything of that kind. Q. They could get it if they asked for it, could they not? A. I think we would make arrangemetns if they so desired.

By Mr. Mitchell:

Q. But, Mr. Rose, they have asked the company to make the arrangement for them, and the company has refused. A. Not all of them; only in one place. Q. But it was not granted there, was it? A. No, sir.

Q. Well, I think it is safe to say that they would have been refused at other places. A. Well, I might say, Mr. Mitchell, if you desire me to do so, that I think our men are as moral and as religious as those of any other mining corporation that carries out your views that you are endeavoring to have me approve of. Q. Well, I do not question that, Mr. Rose; but your company has said repeatedly, and I believe it to be true ,and I say it earnestly to you) that you want to improve the moral condition of your employes. A. Yes, sir.

Q. You have a system at your mines

that encourages men at least to enter the saloons, to get their money changed to make the division between the miners and the laborers. Now, when men go into a saloon to have money changed, the chances are that they are going to spend part of it, because the saloon-keeper is not going to make change for them unless he expects them to leave part of it there.

Marketable Coal.

In response to questions by Commissioner Watkins, the witness said the company does not get 2,240 pounds of marketable coal out of the 3,136 pounds of material the miner is required to furnish as a ton. His recollection was that the company gets only 8-10 of a ton of prepared sizes out of the 3,136 pounds, and barely 2,240 pounds of fuel, including buckwheat and pea coal. The original agreement was, he said, that the company should get 2,240 pounds of coal above the size of pea.

President Mitchell secured an admission later that pea coal is now quite as marketable as any size, which was not the case when the agreement was made a quarter of a century ago.

Mr. Rose, answering Commissioner Watkins, gave it as his opinion that payment by the cubic or lineal yard, as is done in the Schuylkill region, could not be practiced in the northern coal fields. Commissioner Watkins brought out the fact that the company makes no deductions for idle spells if the men are kept at the colliery.

Commissioner Watkins asked:

Q. In your opinion could your company in 1900 have afforded to pay a higher rate of wages than they were then paying, without receiving a higher price for coal in the market? A. Well, as to that I do not know as they could afford to pay any more wages. But about that time we entered on an era of prosperity that changed things materially.

Q. Was your opinion as to the rate of wages influenced somewhat by the price obtained for your product? A. Why, most certainly.

Q. So that if it was possible to receive a higher price for your coal, you might have thought it advisable to raise the rate of wages? A. Yes, sir, that is the way I meant.

Q. Have you had plenty of labor during the last two or three years to work your collieries to the full capacity? A. I might say in some cases we have not; in other cases we have not been able to influence our men that we had to work longer hours, put in more time, earn more money. They seemed to be inclined, after they had worked a certain length of time, they did not care for any more hours, did not care for any more earnings.

Adjusting Grievances.

Commissioner Watkins asked about the system of adjusting grievances. Mr. Rose said there were practically no grievances to adjust prior to 1900. Since that time there have been some. The company directed the men to take up their differences with the local superintendent and if they failed to agree, then the matter was to be taken to the general superintendent.

A statement by Mr. Rose that he had talked with District President Nicholls about settling some local strikes, brought from Commissioner Clark the remark: "You talked it over with him after the strike occurred, but would not talk it over with him before the strike occurred."

Questions by Commissioner Wright brought a statement from Mr. Rose that the company does not unnecessarily restrict the miners' capacity. It is to the company's advantage, he said, to supply the miner with all the cars he will take. Sometimes this cannot be done regularly on account of accidents. An assertion by Mr. Rose that the miners' union restricts the output by limiting the number of cars a miner may send out, brought Mr. Mitchell to his feet.

By Mr. Mitchell:

Q. What mine is there under your company in which the union has changed the restrictions on the number of cars the miner is allowed to send out? A. I think a majority of them. Q. Will you tell us one of them? A. In the Lancaster mine a miner used to mine seven, eight and nine cars a day and now it is down to six. Q. Are there any others? A. I cannot recall any others now. I remember that one because the advantage was so plain to the man that it was very noticeable.

Q: I would like to ask you whether with the change in the cars the removal of the small cars and the introduction of the larger ones hase been going on gradually in all the mines, it does not follow that the miners are loading more coal now than before the advent of the union? A. The cars have not been enlarged; they are same size as they were bfore. Q. You hav said yourself about increasing the price because of the larger car being introduced? A. No, I said there hadn't been any of the cars enlarged. I might modify that and say that no cars have been enlarged where they paid by the car. There have been some enlarged where they paid by the ton. Q. That would not make any difference, that would mean more coal— A. They simply load less cars where the cars are larger; where they used to load six cars, they now load only four cars of the larger size.

Company Does Not Employ Laborer.

Mr. Torrey adduced the explanation that the company does not pay the miner's laborer because it wishes to avoid liability for accidents that may befall him, as a result of the miner leaving him alone after the miner gets through his blasting. The laborer is the employe of the miner and not of the company, it was explained.

The matter of the company providing means for the miner paying his laborer without going to the saloon, provoked questioning by Bishop Spalding.

By Commissioner Spalding:

Q. Do you not think you ought to do that? A. If they ask it, we will.

Q. Even if they do not ask it, to save them the pretext for going into a saloon?

A. Yes, that would stop it.

Q. Even if it stopped a few it would be a good thing?

A. Yes, sir; I am willing to do anything possible to keep them out of the saloons.

When Mr. Rose was excused, Mr. Darrow asked leave to call Richard J. Beamish, of the North American, to contradict General Gobin's testimony of the day before regarding the interview anent the "shoot to kill" order and the alleged forgery of Colonel Clements' name to a telegram stopping a troop train that the reporter might board it, but as the non-union men's attorneys, who had called General Gobin, had gone home, General Wilson ruled that Mr. Beamish's testimony would have to be heard later, when they return.

Comptroller Culver's Testimony.

Comptroller Culver, of the Delaware and Hudson company, next went on the stand and began the presentation of the company's detailed statistics.

The distribution of wages between miners and laborers had been arrived at, he explained, by inquiry among the bosses as to how many, if any, laborers the miner employed and tnen figuring on the basis that the laborer gets one-third of the gross earnings. He presented six illustrations of how the matter was worked out.

The most important of the many tables presented was one compiled in a form suggested by the commission. Instead of only averaging wages, it classifies and averages. It includes the earnings of every contract miner for the year 1901 from the man who got eight cents (an actual case) to the one whose earnings ran up to nearly $2,000. The table is appended:

Classified Miners' Net Earnings for December, 1902.

Class	Number of Miners	Range of Class	Average Earnings of Miners in 1901	AVERAGE	Number of Miners	Earnings of Miners in 1901
1	230	$1,000 & over	$1,471.54			
2	113	900-1000	943.53	1 & 2 Class	343	$1,297.60
3	245	800- 900	845.48	1, 2 & 3 Class	588	1,109.21
4	282	700- 800	747.92	1, 2, 3 & 4 Class	870	992.10
5	566	600- 700	644.89	1, 2, 3, 4 & 5 Class	1,436	855,25
6	542	500- 600	551.24	1, 2, 3, 4, 5 & 6 Class	1,978	771.85
7	433	400- 500	451.07	1, 2, 3, 4, 5, 6 & 7 Class	2,411	714.32
8	374	300- 400	352.30	1, 2, 3, 4, 5, 6, 7 & 8 Class	2,785	665.70
9	391	200- 300	249.81	1, 2, 3, 4, 5, 6, 7, 8 & 9 Class	3,176	614,50
10	1,117	Less than 200	79.87	1, 2, 3, 4, 5, 6, 7, 8, 9 & 10 Class	4,293	475.39

The average was diminished, Mr. Culver explained, by reason of the fact that names of employes were duplicated and triplicated because of their having worked in different positions or at different collieries.

The difference between the average of

$622.68 first presented and the average of $475.39, as shown in the above table, was accounted for by Mr. Culver by reason of the fact that in the first table he excluded—as mentioned in a footnote—517 men who averaged less than $40 a year, and some 260 duplications. In the second table every miner who earned a penny was included and every duplication was counted as a separate man.

Among the other tables presented and explained by Mr. Culver was one showing idle days and the reasons therefore. Summarized it was as follows:

Total days lost at twenty-six collieries, for which the men were not responsible	807
For which men were responsible	346
Repairs, breakdowns, etc	248
Fire, flood, gas, etc	370
No railroad cars	73
Picnics and holidays other than legal holidays	115
Mitchell day and other union holidays	59
Strikes and suspensions	194
Grand total	1,229

The companies' wage tables were summarized in The Tribune previously. A few of the most salient features are repeated:

Total amount paid to miners after deducting supplies in 1901	$3,268,405 84
Average amount paid each miner in 1901 (exclusive of supplies)	1,072 15
Approximate daily earnings of miners on the basis of breaker days	3 20
Approximate daily earnings of laborers on the basis of breaker days	2 23
Approximate average earnings in 1901 for miner	622 68
Approximate average earnings in 1901 for laborer	449 47
Men employed by the day or month during 1901 earned in the aggregate	2,076,353 00
Boys employed by the day or month during 1901 earned in the aggregate	425,636 13
Average number of days breakers operated in 1901	191¾
Lost time in 1901 by strikes and holidays other than legal holidays an average at each colliery of	14.7 days
Lost time in 1901 by miners per colliery between breaker starts and miner starts an average for each miner of	15.75 days
Total average time lost per colliery adding the two above together or average loss of earning capacity of 16 2-3%.	30.45 days
The company has no company store or company doctor.	
Average hours worked per day of ten hours by miners	5¾
Average hours worked per day of ten hours by laborers	8½
Average wages of company hands	$518 95
Average wages of boys	196 93
Average dockage	3.04%
Average earnings of fathers who have boys working in and about the mines	$539 49
Per cent. of employes owning real estate	29%

Culver Cross-Examined.

Mr. Culver, on cross-examination, challenged the accuracy of the comparisons made by Mr. Mitchell between soft coal workers and employes of the Delaware and Hudson company. Mr. Mitchell, he said, had depressed the Delaware and Hudson figures, and the company could find no such figures in the bituminous regions as Mr. Mitchell's table contained. The matter was not threshed out, as the Mitchell table was not at hand.

Dr. Weyl, one of the miners' statisticians, was entering upon a cross-examination of Mr. Culver when it was discovered that a table on which he wanted to examine was not in shape, and adjournment was had until Monday morning.

Former Chief Justice Paxson was a visitor at yesterday afternoon's session. He came alone and happened to take a seat near your correspondent. He was hardly settled in his chair when he leaned over and asked to have Mr. Mitchell pointed out. For nearly half an hour the aged jurist watched the young leader intently. An offer was made to point out the different commissioners to him, but he shook his head, as if to say he didn't come to see ordinary people like Bishop Spalding, General Wilson and the others. He was there to "have a look" at Mitchell.

Commissioner Parker was also absent yesterday, leaving only five commissioners. He was called to his home in Washington by a telegram from Mrs. Parker announcing that it was impossible to get any coal and the family would have to go to a hotel if coal was not procured before nightfall. The commissioner hurried to Washington to scour the coal yards for fuel for his perishing household.

President Mitchell came within an ace of experiencing what a coal famine really means. The hotel at which he is stopping ran out of fuel and the last shovelful was in the furnace when some soft coal was procured by the proprietor.

Proceedings of Monday, Jan. 12.

[From The Scranton Tribune, Jan. 13.]

Philadelphia, Jan. 12.—Practically all of today before the mine strike commission was consumed by the Delaware and Hudson company in presenting evidence tending to show diminution of discipline and efficiency and restriction of output consequent upon the advent of the miners' union.

Unreasonable strikes, and idleness, and the refusal of men to work what the company considers a fair day, formed the burden of the matters testified about. In several instances it was shown that the union restricted the amount of work the men might do. Superintendent Thomas, of the Jermyn colliery, presented a resolution passed by the local threatening to expel "heading men" who filled more than their share of cars.

Chief Clerk Anderson presented tabulations showing the loss of time since the close of the strike—while the coal famine was on—which loss was attributable to the union. He also showed that the average wage of men who have minor sons at work in and about the collieries is $549 a year.

General Superintendent Rose and Comptroller Culver were also on the stand for brief periods.

Judge Gray, chairman of the commission, is seriously ill with the grip and not expected to be about for a week.

THE MORNING SESSION.

Acting Chairman Wilson Rejects as Evidence the Opinion of Judge Heydt.

Acting Chairman Wilson opened the morning session by announcing that the commission had decided not to accept as evidence the opinion of Judge Heydt, in the Carbon county change of venue case, offered by Attorneys O'Brien and Lenahan, in which the judge declared it was true that a partial reign of terror at least existed in the coal regions during the strike.

General Wilson then took occasion to compliment the Delaware and Hudson on the eminent fairness, accuracy and completeness of its statistics. He added that he hoped the other companies' statistics would be equally as commendable.

The general also announced a ruling by the commission that hereafter when an attorney absents himself he would be expected to leave with some colleague authority to represent him. The commission, he said, did not propose to suffer any more delays to the proceedings through the absence of attorneys.

This ruling was the result of a delay occasioned Saturday by the absence of the counsel for the non-union men. Two witnesses whom the miners wanted to put on to make answer to attacks made on their reputations by non-union witnesses could not be heard because of the absence of Messrs. O'Brien and Lenahan.

Comptroller Culver, of the Delaware and Hudson company, who was on the stand at adjourning time Saturday, was then further cross-examined by Mr. Darrow. He was questioned about present prices of coal. Mr. Culver declared that the company does not benefit by the prevailing speculative prices, but could not tell particularly who was. Generally speaking, he said, it was the middlemen, sales agents and the like. All he knew about the high prices was what he gleaned from the newspapers. The company maintained a $5 rate at tidewater for prepared sizes, and received no share of anything in excess of this that coal may be bringing.

Mr. Darrow asked if it was not true that the company had raised the price of coal to local trade at Carbondale to $6.50 a ton. Mr. Culver said the price had been raised to $6, he thought, and explained that it was for the purpose of shutting off the speculators. These are men who buy coal at the breaker in small quantities at a time until they accumulate a car load and then send it to New York or elsewhere on some other road to be sold at the exhorbitant prices which can be secured by taking advantage of the coal famine. As far as the company is concerned, he said, it had no desire to sell coal at all at Carbondale. The price to employes has not been increased and they can have any reasonable supply for which they make requisition.

Commissioner Watkins suggested that Mr. Culver could not very well know much about sales and advised that some official from the sales department be called to give testimony in this matter. Attorney Torrey said he would telegraph for the company's sales agent.

Mr. Rose Re-called.

Superintendent C. C. Rose was recalled for further direct examination by Mr. Torrey. He was asked concerning the probable result of a cessollieries. Mr. Rose replied that every one of the mines except two would be flooded if the pumping ceased, and once they were flooded above the pumps, it would take months and in some cases years to get the water out. In some instances, he declared, it would require fifty years.

Mr. Darrow asked if the company would prefer to have its property destroyed than grant an eight hour day to steam men who were working twelve hours a day and twenty-four hours every other Sunday. Mr. Rose replied that it was preferable to let the properties be destroyed than to turn over their control to the men. It was not the reduction in hours, he said, that the company objected to so much as to accepting dictation. If the men were allowed to dictate that they would only work eight hours this week, they would be around next week dictating they would work only four hours.

"If it was a matter of principle," said Mr. Rose. "We didn't propose to be imposed upon. Sooner than let the employes run the property, I, personally, would let the property be destroyed."

"Have not your employes as much right to say they will work eight hours as you have to say they must work twelve?" asked Mr. Darrow.

"They have no right to persecute other men who are willing to work twelve hours," replied the witness.

Referring to Mr. Rose's statement that he was opposed to a weekly pay day because it meant a loss of time, as much time as is now lost by a semi-monthly pay day, Mr. Darrow tried to have the witness say it was because the men would get drunk twice a month. The witness would neither affirm nor deny that this entered into the case. He explained that the men lose time on pay day by coming out earlier than is necessary, going home to wash up and then not returning.

Chief Anderson's Testimony.

George Anderson, chief clerk in the coal department of the Delaware and Hudson company, was next called. He prepared a statement showing the length of service of 2,388 employes of the company. It showed only those who worked over ten years. It ranged from ten years to sixty years. The total number of employes is between 12,000 and 13,000.

Mr. Anderson explained the workings of the relief fund conducted mutually by the company and the men. The men contribute one day's pay a year, and the company puts in an amount equal to the combined contributions of the employes. The company does the collecting and distributing, and all the bookkeeping free of charge. At each colliery, a committee of two bosses and three workmen pass upon the matter of granting relief.

In case of accident to a man earning over $1.20 a day, he receives $6 a week for three months. In case of death, an allowance of $50 is made for funeral expenses; $3 a week for one year to the widow, and $1 a week for one year to each dependent under twelve years of age. The benefits are one-half of these amounts in the case of a man earning less than $1.20 a day. A contract miner's wage for the purposes of the relief association is fixed arbitrarily at $2.18 a day. All membership is voluntary. Out of the 12,000 or 13,000 employes, 5,581 belong to the association. The total amount contributed in 1901 was $20,000, and the amount paid out was $16,340.

Men Not Anxious to Work.

The next matter presented by Mr. Anderson was the loss of time chargeable to the men. On Thanksgiving day the company sent notice to the men that it would start the collieries if the men wanted to work. The company sent notice that it desired to work on New Year's day. On neither day did any considerable number of men report. In no case were there enough men at any colliery to permit of it being worked.

Mr. Darrow remarked that these are legal holidays; that the law allows the men a day off, and that it would be illegal to attempt to compel them to work. No one questioned his declaration.

Mr. Anderson presented a table showing the number of days lost through the fault of the men from the close of the 1902 strike until January 2, 1903. The total was 110 days for 28 working places, and the loss in output he figured was 92,561 tons, or nearly the gross output of all collieries for four full days.

He also presented a table showing that the employes who have minor sons working in and about the collieries earned in 1901 an average of $550. This was to combat the claim of the miners that children are forced into the mines at an early age because of the small wages paid their fathers.

Mr. Darrow, prompted by Mr. Murphy, conducted the cross-examination. The total capacity of the companies' collieries, including washeries, it was brought out, is 27,000 tons. The full capacity is never obtained, because all collieries do not work full time every day. Breakdowns and other causes are constantly reducing the output.

"Did you charge Mitchell Day against the miners when distributing the responsibility for lost time since the close of the 1900 strike?" asked Mr. Darrow.

Mitchell Day.

"Well, Mitchell Day is hardly a legal holiday," replied the witness.

"It's more than a legal holiday, we think," rejoined Mr. Darrow.

Mr. Darrow secured an admission from the witness that some men reported for work the day following Christmas; that it was possible to let some of these men, at least, work, and that the company did not make a start everywhere that one reported. The witness could not tell how many reported, but he was sure it was less than half the force, and far from enough to operate.

Thanksgiving Day, All Souls' Day, Mitchell Day, Christmas, the day after Christmas and New Year's Day were the days, the witness explained, on which the collieries could not be operated. The men were charged with being accountable for the idleness on All Souls' Day, the day following Christmas and New Year's Day.

Thomas R. Thomas, inside foreman of the Jermyn colliery of the Delaware and Hudson company, told of trouble the company had at that colliery in combatting an effort by the union to regulate the work of the heading men.

Union Prevents Work.

The company was desirous of pushing the "heading" work to open up a large new territory. The heading men also were willing and anxious to push the work. The union sought to pre-

vent them from doing any more than was being done by the "chamber men" and took various means of enforcing its ideas.

First the boys refused to give the heading men more than "their share" of cars; that is, more than the chamber men were allowed. Dec. 13, 1901, the company discharged two drivers who refused to give the heading men cars that were sent to them. Other boys, who refused to take the places of those discharged, were also discharged. The whole force went on strike, but after a few days agreed to come back if the boys were all reinstated. The company agreed to reinstate them, if they would do as they were directed.

The local instructed the boys to obey orders and work was resumed. At the same meeting, it was afterwards learned, a resolution was passed, reading as follows:

Jermyn, Pa., Nov. 4, 1901.
Local 1025, U. M. W. of A.

Unless all heading men cease loading more than their share of cars you will be expelled from the union.
(Seal of Local 1025).

The resolution was directed to the heading men and copies of it sent to them.

Tools Destroyed.

On the Saturday night following the meeting, some party or parties entered the mine and destroyed tools belonging to three of the "heading men," Michael McHale, Harry Gelbert and Henry Richards, who had disregarded the notice.

It later developed that while the driver boys were not refusing to haul cars to the "heading men," the laborers were refusing to load their coal. The company became satisfied that the union was coercing the laborers, and on December 31 closed down the colliery, as a disciplinary measure. After two weeks, a committee waited on the superintendent and gave assurance that if the mine was opened up, there would be no further molestation of the "heading men." The mine was reopened and continued to work until the big strike came. Joseph Sobey was one of the "heading men" who disregarded the notice from the union. His house was dynamited.

Foreman Thomas' direct testimony closed with a statement that the contract miners at the Jermyn colliery work on an average only four hours a day.

On cross-examination, Mr. Thomas said he had no objection to the miners being members of the union, but he would not say he approved of their being members of the United Mine Workers of America, because of the experiences he had had with this particular organization.

"You would not meet Mr. Mitchell or Mr. Nicholls, as representatives of your employes?" Mr. Darrow asked.

"No, sir," replied the witness.

"Isn't it possible that your men might think they were not capable of meeting and coping with one of your long experience and ability and want to select some one to represent them who would be of equal ability with you?"

"There is no necessity for any outsider interfering between me and my men. There are any number of men at my place who are as intelligent and experienced as I am."

"You want to meet only such men as are subject to discharge by you?" remarked Mr. Darrow.

Further questioning by Mr. Darrow sought to bring an admission that the local was objecting to the number of cars the "heading men" were allowed because it decreased the number of cars the chamber men would get. The witness said this was not the case.

Mine Force too Large.

Mr. Torrey adduced the statement that the reason chamber men do not get more cars than at present are allowed them is that the force at the mine is too great for the available places. It is a very desirable mine to work in, and because for years fathers have been taking their sons into partnership in a chamber the force has grown too large. The company has for some time been endeavoring to reduce the force.

Commissioner Watkins asked if all the 500 men at the Jermyn had joined the union willingly. The witness said no; that he could name a dozen who did not want to belong to it. Mr. Darrow tried to get the names of these dozen. The witness would not give them, as they had spoken to him confidentially. He admitted that half of the twelve were these "heading men."

Mr. Darrow emphasized the fact that only twelve at the most, out of 500 men, had not willingly joined the union, and tried to make it appear that these twelve had told the foremen they did not want to belong to the union, solely for the purpose of "jollying" him into giving them "headings."

Michael McHale, a miner at Jermyn, where he had been employed for seven years, testified that in September, 1901, when he had a contract for enlarging a heading so that a locomotive could pass under the roof he was notified by the local to which he belonged that he was loading too many cars and that if he did not stop he would be expelled from the union. Thereupon he went to see Henry Collins, the district organizer, who told him to write to President Nicholls, of the district. Nicholls replied that the work was apparently necessary for the development of the mine and should go on. So McHale was permitted to continue for a time. But in November the complaint was renewed. McHale attended a meeting of his local and explained the terms and conditions of his contract. In spite of this the local decided that he could not load any more cars than the men who were working in breasts and chambers got. Again the matter went to Nicholls, who, this time, said he could do nothing for McHale, the local must handle it. The local then decided that McHale must lay off two of the nine laborers working for him, and he finally did so. Soon afterward some one smashed $10 worth of his tools one night. He is still a member of the union.

Commissioner Watkins: "Is it not necessary for the company to work this gangway steadily and rapidly in order to develop the property? A. Yes, sir; it was.

Commissioner Parker: "There was good reason then for your having more cars than went to the chambers? A. Yes, sir; it brought the coal down to the shaft.

Commissioner Watkins: "Is it not customary to give gangway men a more steady supply of cars"? A. "It is necessary in order to clean a way to the chambers."

Harry Gilbert's Testimony.

Harry Gilbert also worked in headings at Jermyn, on day and night shifts. He was a member of the local. In the day time he loaded just the same number of cars as the men in the chambers, but at night, he usually got nine cars. In October, 1901, the drivers and runners told him that the local had ordered them not to give him cars at night unless Gilbert would agree not to load more cars than day men did. The company wanted the place completed quickly. The trouble was not settled and in December Gilbert was suspended by the local "until such time as he will live up to the rules." Under cross-examination by Dan McCarthy, Gilbert said:

"You don't seem to know what those runners wanted me to do. Suppose there would be a break anywhere, as often happens, and those men got only two cars, the miners wanted me to load only two cars at night, although seven was the shift, and although the drivers and runners would get their full shift for those two cars."

Commissioner Watkins: "Did the men complain to you"? A. "We talked it over."

Q. "Did you discuss it in meetings of your local"? A. "It was not much use. There were only a few night shift men and the day men outvoted us."

The testimony of both McHale and Gilbert showed that no matter what the necessity might be for having work done rapidly, it could not be done, except with difficulty and trouble, unless the union was satisfied as to the conditions.

Dettry's Defense.

William H. Dettry, the new president of District No. 7, United Mine Workers of America, added some variety to the violence testimony. He was called to the stand to defend against charges made by a witness for the non-union

men last week, that he said in a speech during the strike ought to have his caught should be given a good thumping, and that he told a man, after the strike, that every man who worked during the strike ought to have his nose cut off.

After denying the charges, Mr. Dettry went on to make the startling declaration that his house was stoned frequently during the strike. Two windows in the front and one in the rear were smashed. One day half-a-dozen coal and iron police came to his house and surrounded it. When they found he was not at home they went away. This was the first instance of a union man complaining of being the victim of strike violence.

On cross-examination, Mr. Lenahan tried to have President Dettry tell that he knew that his predecessor, ex-President Thomas Duffy, is not a citizen of the United States, and that he went to Pottsville only last week to be naturalized. The witness could not tell anything about it.

Mr. Lenahan then brought out that President Dettry was a member of the Junior Order United American Mechanics and Patroitic Order Sons of America, and tried to get the witness to admit that he had been expelled from one of these organizations for embezzlement. The witness emphatically denied the allegation. The witness admitted, however, in answer to further questions, that he said to John Sherman, a non-union man, after the strike, that he would have to get out.

Beamish on the Stand.

Several witnesses corroborated President Dettry's denials, and then Richard J. Beamish, of the North American, took the stand to deny General Gobin's charge that he forged Colonel Clements' name to an order to stop a troop train. Mr. Beamish presented the order in Colonel Clements' handwriting, on which the train was stopped, and further testified that when the order was exhibited to General Gobin several days later, he admitted it was Colonel Clements' writing. Mr. Beamish is to be recalled to testify to the authenticity of the interview regarding the "shoot to kill" order.

The hearing of the Delaware and Hudson witnesses was then resumed.

Edward Cavanaugh, a boy from the Von Storch, told that he was injured, as the result of the gross carelessness of a runner named Clarke; that Clarke was discharged as a result of an investigation set afoot by the superintendent at the instance of the witness' father, and that the men went on strike for the reinstatement of Clarke and the discharge of the elder Cavanaugh.

On cross-examination, it was adduced that the men were induced to return to work by the officers of the United Mine Workers without securing their demands.

Anthony Burback, foreman at the Von Storch, gave testimony to show how discipline had been decreased since the advent of the union. In August, 1901, the driver boys made a demand for increased wages in the morning and quit in the afternoon, when the foreman would not tell them they could have it. They were on a strike six weeks. In the meantime, company men were paid to do the driving. There were no such experiences as that before 1900, the witness declared.

The Output Restricted.

The men restricted the output, the witness asserted, by refusing to load coal and rock the same day, as formerly.

David Davis, mine foreman at the Langcliffe colliery at Avoca, told that eight cars was a shift before 1900, but as a result of action of the local, no miner will now load more than six cars. Some of the miners are very willing to load eight cars, but the drivers will not deliver them more than six.

H. T. Hughes, inside foreman at Plymouth No. 5, testified that all the men in the Red Ash vein struck for more pay on February 15, 1901, and remained out until November 26, 1902. A miner who went in to work in the vein came out immediately and said he could not work the chamber assigned him, because it was "marked." On examination it was found that all the places in the vein bore the union's boycott mark, a circle with a cross in it, cut in the roof with a pick and then chalked. James Kimmick, who had a contract to drive a plane and airway in this vein, could not complete his contract because no one would work with him.

The cause of the trouble, Attorney James L. Lenahan showed on cross-examination, was that the company refused to pay the men for standing props, as was done in the same vein in the adjoining No. 4 colliery.

Frederick Badman, foreman of Plymouth No. 3, told that in May, 1901, the gangway laborers demanded that the shift be cut from six to five cars and that they should receive the same pay for five as for six cars. The miners said they could not afford this, and the laborers struck. Twenty chambers were thrown idle.

James P. Dickson a Witness.

James P. Dickson, general freight agent of the Delaware and Hudson company, was on the stand at adjourning time. He was called to contradict the allegation of the miners that the cost of the necessaries of life had increased from 20 to 30 per cent. in the last two years. He explained that he was commissary for his company during the strike and thereby gained a general knowledge of the cost of groceries and the like. Since the strike he secured and compared prices for three years, 1900, 1901 and 1902, from grocers, butchers, wholesalers and the like, and the result of his inquiry was that there had been no appreciable increase.

He was about to enter upon testimony as to the number of saloons and amount of drink consumed in the coal regions, when the hour of adjournment arrived.

Proceedings of Tuesday, Jan. 13.

[From The Scranton Tribune, Jan. 14.]

Philadelphia, Jan. 13.—The Delaware and Hudson company closed its case today, and the Erie started in to present testimony.

At the opening of the morning session some interesting discussion resulted from an attempt on the part of Mr. Darrow to get an inkling of what freight rates on anthracite are, by having General Sales Agent Torrey, of the Delaware and Hudson company, tell what proportion of the 35 per cent. for freight the Delaware and Hudson company gets for hauling its coal to the points where it delivers it to the companies taking it to tidewater. The commission declined to take the testimony, having previously ruled that it did not feel called upon to concern itself about freight rates.

The closing testimony for the Delaware and Hudson was given by W. L. Lawrence, general real estate agent, who dealt with the miners owning real estate, and Dr. W. G. Fulton and Dr. W. E. Keller, who gave testimony to contradict the assertion that mining is an extra-hazardous and very unhealthy occupation.

In opening the case for the Erie, Major Warren declared that if not restrained by the union, the miners, with a reasonable day's labor, could increase their wages up to and beyond the figure to which they are asking the commission to advance them.

There is a sharp difference between the manner in which the hearings proceeded in Scranton and the way they go here. There, when the miners were putting in their case, the lawyers for the operators made very few objections and never, or seldom, fought hard for their points. Now, that it is the operators' turn, the miners fight every step with vigor. Mr. Darrow is constantly objecting to this or that bit of evidence, as incompetent or improper, although his side presented a practically similar kind of evidence in Scranton.

For instance, this morning he ob-

jected to the testimony of James P. Dickson on cost of provisions, as being incompetent. Mr. Dickson testified he secured the evidence from grocers and the like. In Scranton the miners' witnesses on this point testified they secured their evidence in identically the same manner. The objection to the testimony of E. W. Porter, on wages in the bituminous fields, was another incident of this.

MORNING SESSION.

Thos. F. Torrey Summoned to Give Knowledge of Prices.

At yesterday's session, Mr. Darrow was entering upon an examination of Comptroller Culver, of the Delaware and Hudson company, regarding coal prices, when Commissioner Watkins, seeing the witness was not versed in the matter being discussed, suggested that some one be brought from the sales department.

Attorney Torrey said he would bring the head of the sales department, his namesake, General Sales Agent T. F. Torrey. The latter was telegraphed for at once and was present at the opening of this morning's session.

When he was put on the stand the commissioners assembled about Acting Chairman Wilson and had an informal conference. At its conclusion, General Wilson announced that in accordance with the ruling of Chairman Gray the commission would not hear any testimony bearing on the question of freight rates.

The witness having been invited at the suggestion of the commission, one of the commissioners, Mr. Watkins, conducted his examination.

In response to questions by Commissioner Watkins, the witness said the company has no control over retail prices in New York, and then went on to explain how the Delaware and Hudson disposes of its coal.

The company sells its coal to the Hillside Coal and Iron company, a subsidiary company of the Erie Railroad company. The coal is sold on the 65-35 contract, the same as the independents sell, or rather formerly did sell to carriers. This arrangement was made last spring.

The Delaware and Hudson company, the witness said, has nothing to do with distribution in New York. The Hillside Coal and Iron company takes the coal at either Carbondale or Honesdale. Only about 40 per cent. of its product pays 65 per cent. This 40 per cent. represents the domestic sizes. On pea coal the percentage is 50, and on buckwheat the seller gets only 40 per cent.

The circular price at New York, at present, the witness said, is $5 a ton. In 1901, it was, he thought, $4.

The witness does not come in direct contact with the retailer, now and could not testify as to retail prices except from hearsay.

Commissioner Clark brought out the fact that the coal sold by the Delaware and Hudson company to the Hillside company is handled in New York exclusively by Ward & Olyphant, who were sales agents for the Delaware and Hudson before it made the deal with the Hillside company. Mr. Darrow later brought out the fact that Mr. Olyphant, of the firm of Ward & Olyphant, is the son of President Olyphant, of the Delaware and Hudson company.

Mr. Darrow also adduced the admission that the Delaware and Hudson company receives an extra allowance for hauling of its coal from its collieries to the points where it is delivered to the company taking it to tidewater, and sought persistently to find out what this allowance is. The objection was raised that this was going into the question of freight rates and the commission refused to take the testimony.

It was brought out by Mr. Darrow that the Delaware and Hudson company's line is forty miles long and the Erie's line 120 miles. If the Delaware and Hudson company's allowance of the 35 per cent. representing haulage, commercial risk and cost of selling was known, it would be a very simple matter to figure out the freight tariffs. Because of this simplicity, he thought, the commission ought to take the testimony.

Mr. Torrey maintained that it was a private contract between two corporations and at the best could not be taken as a criterion of freight rates. Besides, the commission had ruled that the freight rate question was of no concern to it, and was not to be inquired

Ruling by Judge Gray.

Acting Chairman Wilson reiterated his former ruling that the commission, through Chairman Gray, had announced a ruling that it would not go into the question of freight rates and even if so disposed now, the commissioners present would not take up the matter while Judge Gray was absent.

Mr. Darrow served notice that on Judge Gray's return he would renew his question.

Commissioner Parker, who has had the scarcity of coal brought home to him, inquired of the witness how it is that the independent operators can get all the cars they want, while the carriers themselves complain of a shortage. The witness did not know that this was true.

On further cross-examination by Mr. Darrow, the witness told that his company sells coal direct to some dealers in Albany, Troy, Worcester, Mass., Rutland, Vt., and other places in Northern New York and New England.

When asked what prices were obtained from these dealers, the witness said he could not answer. There is such a multitude of prices obtaining just now, he said, that he could not carry them in his head. He further explained that he was summoned here, unexpectedly, by telegraph, yesterday afternoon, and came on immediately without booking up for an examination.

Mr. Darrow expressed surprise that the general sales agent could not give any information about prices, and asked: "If you can't give these prices, tell us, please, who can."

Commissioner Watkins suggested that allowances should be made in the case of this witness, as he was suddenly summoned and had no time to anticipate the questions that might be put to him.

Mr. Darrow's Impertinence Resented.

Mr. Darrow interrupted the commissioner with a remark to the effect that a general sales agent should know something at least about what his company gets for coal.

"Just wait a minute, Mr. Darrow," said Commissioner Watkins, bringing his fist down on the table with a resounding thump. Mr. Darrow ceased abruptly. There was no attempt on the part of Commissioner Watkins to disguise the fact that he did not take kindly to Mr. Darrow's attempt to discount his explanation.

After a moment's pause, during which he eyed Mr. Darrow reproachfully, Commissioner Watkins suggested that the witness take note of the matters the commission wished to be enlightened upon and furnish the desired information. The witness agreed to do this. Mr. Darrow said his clients would not be satisfied unless the witness, after furnishing the information the commission wanted, went upon the stand for cross-examination. Attorney Torrey said the witness would go on the stand again, if the commission desired it. General Wilson said the matter could be decided when the information was furnished.

Mr. Darrow next developed the fact that the Delaware and Hudson sells some coal to the Pennsylvania railroad and that it gets 65 per cent. plus a share of the 35 per cent. for hauling from the mines to the point of delivery.

In answer to questions by Commissioner Watkins, the witness said his company has no control of Ward & Olyphant, the firm selling the Delaware and Hudson coal for the Hillside company. "It is their property," the witness asserted, "and we can not dictate how they shall sell it."

To emphasize the claim that the Delaware and Hudson company is not profiting from the big prices obtained from consumers, at this time, Attorney Torrey asked the witness direct: "Does the Delaware and Hudson company reap any benefit from higher prices than contained in the circular?" The witnessed answered, "No."

"How about Carbondale?" asked Mr. Darrow.

The witness explained that $6 is charged for coal in Carbondale to circumvent farmers, peddlers and others who have been buying coal by the wagonload at the breakers, accumulating it in carloads, and shipping it on the Erie and Ontario and Western

to New York and New England, to be sold at exorbitant prices. The raise in the price at Carbondale has tended to do away with this practice.

Mr. Darrow further pursued his questioning as to prices obtained by the Delaware and Hudson for coal sold direct to retailers, and adduced the admission that in Vermont some coal has been sold for $6. The witness explained that this was the circular price for Vermont.

James P. Dickson, who was on the stand at adjourning time yesterday, was recalled to tell about the amount of drink consumed in the coal regions, and particularly about the number of saloons in the neighborhood of coal mines.

Testimony Excluded.

Mr. Darrow made an extended inquiry into the competency of the testimony and when it was shown that the witness had not made any calculation as to how much of this drink had been consumed by miners and how much "by operators, lawyers, merchants, ministers and others," as Mr. Darrow put it, the commission decided to exclude his testimony.

"Unless you can give us the amount consumed by the miners per capita, the tables you have prepared will be of no use to us," declared General Wilson.

The acting chairman had previously accepted the tables "for what they are worth." After Mr. Darrow's questioning of the witness had shown their incompetency, Bishop Spalding and General Wilson had a brief conference and then the other commissioners were consulted.

"The papers are excluded," said the general. "The commission has overruled the acting chairman." The other commissioners laughed heartily at General Wilson's way of putting the matter.

E. W. Porter, station auditor for the Delaware and Hudson company, who was sent into the soft coal regions to get figures on hours and wages, was put on the stand to contradict the claim of the miners that the soft coal men were better paid than the anthracite men.

He told that he made investigations at the workings of three companies, the Victoria Coal and Coke company of West Virginia, the Buffalo, Rochester and Pittsburg company of Western Pennsylvania, and a Brockwayville company in the Clearfield region.

He took the yearly figures for 1901 of the West Virginia and Clearfield companies. In the case of the Buffalo, Rochester and Pittsburg company, he selected the month of March as a fair criterion. Because of the size of the last named company he could not in the limited time allowed him, go over its books for a year. He admitted that in the month of March wages were a little below the average.

Mr. Darrow objected to the testimony on the ground that it was not competent, the inquiry being too limited.

Mr. Torrey remarked that it surely was more competent than the testimony the miners had been permitted to give, which in substance was a bold, unsupported statement on the part of Mr. Mitchell that miners in the bituminous field were better paid than those in the anthracite field.

Contracts Submitted.

Mr. Darrow called attention to the fact that the signed contracts between the operators and employes in the Illinois region had been submitted by the miners' side. Mr. Torrey declared that these contracts contained no information as to wages and hours, except that the miners were to get the Columbus scale with an advance of ten per cent.

General Wilson ruled that the tables prepared by the witness would be examined by the commission. A decision on their competency would be made later.

The West Virginia and Clearfield mines, examined into by the witness, were non-union workings. The witness asserted that these non-union mines paid five per cent. higher wages than adjacent mines that were unionized.

"Seems you people ought to want the union then," remarked Mr. Darrow.

The witness admitted that his information regarding this latter matter was "hearsay." He could not tell who told him.

W. L. Lawrence, general real estate agent for the Delaware and Hudson, presented tables showing that 29 per cent. or 1,039 of the company's contract and company miners, own real estate, valued at $1,322,161.

In reply to a question of Bishop Spalding, the witness said he had no personal knowledge as to mortgages on this property.

On cross examination, Mr. Darrow drew attention to the fact that these properties might be mortgaged or otherwise encumbered. The witness said it was impossible, in the time allowed, to make a search of the mortgage books of the three counties in which the company's employes reside.

Dr. W. G Fulton, of Scranton, one of the visiting surgeons on the Lackawanna hospital staff, was the last witness of the morning session. He first told of the Delaware and Hudson company giving him carte blanche to carry out the provisions of the law requiring the establishment of emergency hospitals at the collieries. Dr. Fulton explained in detail how these hospitals were fitted up and how the company, at his suggestion, refused to adopt any of the "first aid to injured" boxes of supplies, and got up one of its own, which was bigger, better and more costly.

The witness then proceeded to give statistics regarding the hazard and healthfulness of the miners' occupation. Lewis' statistics, an English publication, was quoted from to show these conditions in Great Britain.

The whole mortality in Great Britain was, in 1901, 18.74 to the thousand. Of this, .87 was due to accident. Deaths from natural causes represented, therefore 17.87 to the thousand. The total mortality among miners was 12.33 from all causes and 2 from accident, leaving 10.33 per thousand attributable to natural causes.

Bishop Spalding criticised the comparison between the total and the miners, because, in the total, the very old and the very young, among whom the mortality rate is the highest, were not excluded.

The witness said the occupation of mining is decidedly healthy. As to the hazard of the occupation, he quoted from the last census figures, showing that the mortality among railroad men was 39 per cent., as against 34 per cent. among miners. Less than one-tenth of the miners die from consumption, he said, while among factory workers, the ratio is one-seventh.

"Miners' asthma," the doctor declared, was a misnomer. The disease is common to all "dusty" occupations. The miners have the least mortality of any from asthma. The miner, he said, is exempt from heart disease and suffers little from rheumatism. There is no special disease to which the miner is subject, the witness said, but he is liable to pulmonary trouble. A miner has a more healthful occupation, he declared, than a stone-mason.

On cross-examination, the witness admitted that he had dissected the bodies of miners and found the lungs blackened by the inhaling of coal dust.

The first witness of the afternoon, Dr. W. E. Keller, of Scranton, surgeon-major of the Thirteenth regiment, gave statistics regarding the health of miners, gleaned from examinations made for insurance companies. He made 3,973 examinations of persons over 13 years of age. He estimated that 20 per cent. of these were mine workers. Out of the whole number of miners examined, only thirty-seven were rejected. The proportion of rejections of miners was 4.66 per cent. and of the total, 5.76 per cent. Generally speaking, the doctor said, the health of miners compares favorably with men of other occupations.

Examinations He Conducted.

On cross-examination Mr. Darrow brought it out that most of the examinations he conducted were for industrial insurance companies, and that these companies do not ask as many or as specific questions as the old line companies.

The witness never examined a miner for old line insurance. He could not say whether old line companies would accept miners. He admitted that naturally work underground was less healthy than work overground.

"It is more natural," remarked Mr.

Darrow, "to live on the earth than in it."

Dr. Keller admitted in response to leading questions from Mr. Darrow, that he is related to the Pardees, coal operators of the Hazleton region, and that his family receives royalties from coal lands in the Wilkes-Barre region. The witness averred that he was not getting more than one-fourth what he ought to get from his interests in coal lands. This he blamed on the operators, not on the miners.

Thomas Parsons was the last witness for the Delaware and Hudson company. He identified about 100 photographs of miners' homes, owned by the occupants. He said he was instructed by the company to take the pictures of "average" houses. It was 3.35 p. m., when Mr. Torrey announced that the Delaware and Hudson company rested.

Immediately on the conclusion of the Delaware and Hudson case, Major Warren made the opening address for the second of the big companies to be heard—the Erie, which controls the Hillside Coal and Iron company and the Pennsylvania Coal company. Former Attorney General Wayne MacVeagh, who is associated with Mr. Warren, was present, but took only an incidental part in the proceedings. In opening the Erie case, Major Warren spoke as follows:

Major Warren's Address.

May It Please the Commission—

The Hillside Coal and Iron company and the Pennsylvania Coal company are under one management, and their cases, therefore, will be presented together.

It has been thought desirable by those intrusted with the interests of these companies that a brief statement should be presented to the commission, outlining the general features of the evidence we intend to offer, in the belief that it will aid you in its consideration. Under ordinary circumstances, we could safely rely upon the lack of proof of the propriety of the Mine Workers' demands and rest our case there. Mr. Mitchell, in his opening address, made large promises as to these proofs, which he absolutely failed to fulfill. It is passing strange if the demands as filed by the Mine Workers are well founded, that we have no evidence here to sustain them. Aside from the opinions of an ex-bituminous mine worker of Illinois, who frankly admits that he has little, if any, personal knowledge of conditions in the anthracite field, (and he promised us, I may add, witnesses who would claim to know the facts from personal experience in the region), I cannot recall a single witness who has supported, in any fair way, the demands constituting the complainants' case.

While this is true, we realize that it is incumbent upon us to place before the commission the actual facts within our knowledge, the conditions, the experiences and the surroundings of our companies and their employes, as well as the course of dealing with them in the past. And we shall attempt to frankly and truthfully present these facts. You must not expect us to cover the whole field. We cannot crowd Olympus into a nut.

First, then the matter of wages.

Our statements and figures, already submitted and certified to by the other side, will be explained in detail by the auditor. He will tell you how they are made up and give you the sources of his information. The work has been enormous and is entitled to, and, I have no doubt, will receive your commendation. These statements will utterly refute the charges that our employes are underpaid, and they will disclose, when supplemented, as they will be, by oral testimony, that the earning capacity of the employes is self-limited, and that the men have it in their power, if the union did not interfere and hold them back, to earn much larger amounts; fully as large as, if not in excess of, the demands before the commission. No schedule of wages can be drafted to cover the whole of this northern field, which will be just to all employes. "Distribute justice," as Dr. Roberts calls it, can be secured and is secured by the mine workers of our companies to their satisfaction, for not one is here, in person, complaining, by adjustments, yardage and other allowances.

We shall show that the trade life is not short, the conditions not unhealthy, and the dangers vastly less than represented, and they, largely, not incident to the place of employment but due to the gross carelessness of the men themselves. And it is a significant fact, in view of all the testimony as to the dangers of the employment, that the reports of the mine inspector for the year 1901 disclose that out of the 9,037 employes of our companies, there were only 25 fatal accidents and 60 non-fatal. That is to say the fatal accidents are a trifle more than one-fourth of one per cent. of the total number of employes, and the non-fatal accidents a trifle over two-thirds of one per cent. Several other figures, statements and facts will be presented, showing the condition of our men and their environment.

Second—The demand for a reduction in hours of employment, if granted, we shall show would be prejudicial alike to employer and employes. The nominal ten hour day does not result in securing an average of even an eight hour day in this region, and never has. It will appear that this demand is most unreasonable and, aside from crippling the companies, will restrict the earning capacity of the employe. You cannot graft such a system upon the anthracite region, the breakers not averaging full time, without serious loss and damage to everybody.

Third—The third demand, if I can grasp its interpretation by Mr. Mitchell, and he stands alone in the attempt, involves not merely the question of payment by weight, but payment for each ton of 2240 pounds as it comes from the mine. This is impracticable, as we shall show, and manifestly unfair. "Miners' ton" is a misnomer and is confusing. "Miners' weight," and at all our collieries payment is by t his method, has a definite and fixed meaning in law and practice. It has been interpreted by the highest court of this commonwealth. Whatever quantity of material, coal, bone, slate, refuse, etc., coming from the mine, is required and necessary to yield, when prepared through the breaker, a ton of 2240 pounds is the miners' weight. This quantity, as you can readily see, varies with the seams and veins and their character. It contemplates prepared sizes, and always has. The mine workers do not ask pay for anything but coal, they say. That is just what we shall prove they have been paid for by our companies, and more. The mine worker has the advantage now-a-days of sending out hundreds of pounds of material more than in past years, for which he is credited by weight, owing to the utilization of the smaller sizes below prepared. This more than offsets the larger quantity required to yield a ton for the market, owing to the streaky and laminated veins now being worked. I think we shall be able to satisfy the commission that the present method of payment by miners' weight is eminently fair to all concerned.

Fourth—The fourth demand has no place here, and it requires considerable patience to enter upon its discussion. As evidence has been received to support it, we shall answer it, reserving our undoubted right to argue against its consideration by the commission. The attitude of our companies appears in the letters of Mr. Thomas, chairman of the board of directors, incorporated in the report of Commissioner Wright, and now in evidence. There is no objection to labor organizing, no objection to our employes acting together, no denial of their right to be heard by committees and no discrimination against the persons composing them. We have no blacklist and never heard of one. This particular organization is an anomaly. It seeks to put every miner on an equality with his neighbor. You cannot do this. Given equal opportunities, the results are unequal. Two factors have heretofore entered into the whole matter of wages—the ability and disposition of the worker is the greatest factor, the place and surroundings the other. The United Mine Workers tend to destroy the first. It is "labor's war on labor." We shall give you an inkling of how they act—the locals, I mean—of how they destroy individual effort, curb ambition, restrict earning capacity, encourage idleness and discontent, breed lack of respect of authority and destroy discipline. We are not attacking Mr. Mitchell or Mr. Nicholls, or anybody else. We did not take the initiative in this matter. We are defending ourselves against the aggressions of the understrappers they either do not or cannot control, and we respectfully ask and demand relief.

That American standard of living to which our friends on the other side refer, covers something besides wages. It embraces the right to sell one's labor without let or hindrance or intimidation or abuse. It also involves respect for property rights.

Under the American flag there is no place for the boycott.

Major Warren next presented in evidence the state report of the case of Drake et al. against Lacoe et al., to prove that the term "miners' weight" is not a fiction but a legal term, made so by the Supreme court. He also offered in evidence copies of the various charters under which the two companies are working.

Captain May Called.

W. A. May, of Scranton, general manager of the Erie's coal properties, was the first witness called by Major Warren. He told that he had had experience in coal mines in Western Pennsylvania, Indiana, Illinois, Colorado, Kentucky and Tennessee; that he began his experience as a coal man on

the engineer corps of the Hillside Coal and Iron company, and in 1883 became its superintendent, and that in 1901 he became general manager of the Pennsylvania Coal company and the Hillside company.

After recounting the improvements made in mining operations during the past twenty years, the witness proceeded to tell about conditions in the territory in which his companies operate.

In Forest City, the Hillside company encouraged the men to own their own homes by giving them easy terms on land and furnishing lumber at cost.

The companies never place any limitation on the miners' earning capacity, he went on to say. Miners limit their own earning capacity. They leave the mine as early as 8.30 o'clock in the morning. The average day of a contract miner is six hours.

A pump-runner works twelve hours a day, but he has nothing to do except watch the machine and oil it when necessary. Hoisting engineers work twelve hours and some of them have hard tasks. Many of them, however, do not work anything like twelve hours. The night-shift engineers have considerable leisure. Engineers, generally speaking, work the time the breaker works.

Asked if in his opinion miners are forced to send their boys to work at an early age because of low wages, Mr. May said: "I don't see why any man can not earn enough, if he is industrious, to properly take care of his family."

He frequently heard of instances of parents sending their boys to work, at an early age, because they would not go to school. Instances were cited of foremen doing this.

"If I had my way about it," said the witness, "I would not have a boy around the mines at all."

His companies, he said, were agreeable to raising the age limit. Fourteen years for outside work and sixteen for inside work were, in his opinion, reasonable limitations.

Dockage at the Hillside Coal and Iron company's collieries amounted in 1901 to 3½ per cent. At the Pennsylvania collieries it was 1 5-100 per cent.

Work of Docking Boss.

The witness was agreeable to having check-weighman, but emphatically opposed to check docking bosses. The work of the docking boss, he explained, was directed wholly by judgment. Constant bickerings would result from having two docking bosses.

Mr. Darrow asked if Mr. May would be willing to take one of the union miners as a docking boss. Mr. May answered: "Most certainly, if he is a good man."

"You wouldn't let us pick the docking boss, would you?" asked Mr. Darrow.

"Not just yet awhile," interrupted Major Warren. "We have not reached the stage where you will pick out our employes."

Falls of roof, the witness went on to say, are the most frequent causes of accident, and carelessness on the part of the miner contributes largely to this cause. Frequent cautions are given, but the men continue to be careless. The company furnishes a book of precautionary suggestions. Boys have been discharged for riding on the front bumpers of cars, but it is one of the most common of practices still. The anxiety of the miner to get out early, and the contempt he gets for dangers through familiarity are immediate causes of carelessness. If the miner would stay in the mine a reasonable length of time to protect his laborer, the number of accidents would be materially lessened.

The percentage of waste of coal in the breaker is from ten to thirty, the witness said. No matter how careful and conscientious the miner may be, the coal he sends out will be dirty. It is impossible to separate from the coal all the impurities it contains, until the coal goes through the breaker, and, then, it can not all be taken out. There is a large waste in the breaker besides the waste resulting from impurities.

The witness reiterated that the only restrictions on a miner's earning capacity is that which he himself imposes. If he would work a reasonable day he could increase his earnings up to or possibly beyond what he is demanding the commission shall increase them.

As to long hours being worked by the "day wage" men, Mr. May testified that the breaker hours govern the hours of this class of employes, and the breakers do not average eight hours a day.

Prior to the advent of the union, the witness declared, there were few grievances. These were dealt with in conference between the officials and the men. The relations between the company and its employes had always been most pleasant.

At this juncture General Wilson interrupted with the announcement that adjourning time had been reached.

Proceedings of Wednesday, Jan. 14.

[From The Scranton Tribune, Jan. 15.]

Philadelphia, Jan. 14.—Recognition of the union was the subject of a protracted and interesting discussion while General Manager W. A. May, of the Erie's coal department, was a witness before the strike commission today.

Its climax was reached with a series of questions by Commissioner Clark as to how far the company would go in the way of collective bargaining. They brought from Mr. May an expression of his willingness to allow his employes to bring in an outside agent to act for them in adjusting grievances, if the employes themselves and the company officials could not mutually agree.

Commissioner Clark did not press his questioning to the extent of inquiring as to whether this agent would be unacceptable if an officer of the miners' union. Previously, however, Mr. May had said in answer to questions by Mr. Darrow that he would not deal with officers of the union who were not in the companies' employ.

After admitting the right of the workmen to organize, and that from the workman's standpoint organization was desirable, Mr. May declared against an organization of all the anthracite men in one body to act jointly in dealing with all the operators, acting jointly. It would be a dangerous experiment, he said.

Mr. May was on the stand for nearly two hours of the morning session and gave most important testimony. His extreme conscientiousness, as evidenced by his answers, made a very apparent impression. No one has been listened to more attentively.

Gaston-Alphonse-Like.

The colloquy between Mr. May and Mr. Darrow on cross examination became so Gaston-Alphonse-like that there was imminent danger of it leading to a motion by Attorney Wolverton, seconded by President Mitchell and carried unanimously, that the strike controversy be settled amicably then and there and all hands go out and have something. It was so utterly devoid of the first semblance of ascerbity, that the combatative Major Warren was noticeably ill at ease. Once when Mr. Darrow took occasion to remark to Mr. May that they were getting along very nicely, Major Warren broke forth with, "Yes, as long as he keeps on agreeing with you, you will get along nicely."

Major Warren's tones, rather than his words were calculated to provoke a sharp retort, but Mr. Darrow laughingly remarked:

"Any man can get along with me if he will agree with me."

Mr. May's testimony tended to show that efficiency and discipline had been seriously impaired by the coming of the union; that the men employed by his companies are fairly compensated for their labor; that the reduction of the hours of labor would be disadvantageous not only to the company but to the men, because more men would have to be hired and in dull times there would have to be considerable idleness; that the "Miners' weight" is the result of a bargain and eminently fair to the men, and that a docking boss

is a necessity, and two docking bosses an impossibility.

Mr. May was examined in chief by Major Warren and Mr. McVeagh. His cross-examination was conducted by Mr. Darrow, prompted by Mr. Mitchell and Attorney Murphy of Scranton.

Superintendents of the companies and two miners, and a member of the union gave strong testimony in corroboration of the claim that the union attempts to limit a man's earning capacity and restrict the output of the mines. President Mitchel cross-examined the union miner, George Maxey, of Forest City, and by his questions practically admitted that the union, or at least subdivisions of it seek to restrict a man's work.

Judge Gray is expected to resume his seat with the commission tomorrow.

YESTERDAY'S TESTIMONY.

Captain May the Principal Witness. Opinions as to Mining Conditions.

Reading from the opinion of Justice Dean, of the Supreme court, in the case of Drake against Lacoe, regarding the term, "miners' weight," Major Warren quoted the following:

Under all the evidence, the phrase "miners' weight" in 1863, and during the years when the said coal was mined by the Glenwood Coal company, meant such quantity of coal, slate and dirt, as was agreed between the operators and the miners to be sufficient to make a ton of prepared coal. We think this finding of the master correct.

Mr. Darrow: That has always been our contention, as I understand it now.

Mr. Mitchell: That is where they agreed.

Mr. Warren: The contention of the miners here is, they say they only want payment for coal. Mr. Mitchell said on the stand and in the same breath he says he wants the ton to be 2240 pounds, and the contention arises in that he fails to recognize the bituminous miners' distinction and the anthracite miners' distinction. The coal coming from an anthracite mine necessarily has in the car, or rather the material coming from the mine necessarily has in the car a certain percentage of that which is not coal of any size, and that we shall show very clearly, I think, by our evidence, that there is a certain percentage of waste in preparing the coal through the breaker, averaging from about ten to thirty per cent., of absolute waste I mean, not coal at all.

Impure Coal.

Mr. Mitchell: I have listened with considerable interest to what Mr. Warren has assumed I said. I did not say anything of the kind and my testimony will not warrant the deductions he has made. Notwithstanding the fact that I happened to come from Illinois and am a bituminous miner—

Mr. Warren: Will you stand by the record if I show you where you said you did not ask for anything except pay for coal?

Mr. Mitchell: Certainly, but not prepared sizes. I said we wanted pay for all coal we mined and we offered to reduce the price of mining so as to compensate the companies for impurities. I never asked that we should have pay for impurities.

Mr. Warren: I have not said you said you wanted pay for impurities. My point was, your scheme is absolutely impracticable to engraft upon the anthracite region, because you can never get a run of mine coal without a certain per centage of impurities in it. The miners will put a certain portion of impurities in the cars that come to the surface.

Mr. Mitchell: Let me ask you a question. What difference can there be of paying a certain price for 2800 pounds of matter that comes from the mine, or paying a certain price for 2240 pounds of the same matter if you make the prices different? It wouldn't make any difference.

Mr. Warren: If you regarded it as material, but you are claiming it is coal.

Mr. Mitchell: I never did.

Mr. Warren: I would like to meet you outside and show you. I want to show you the record where you say it.

Mr. Darrow: All we claim here is that the coal shall be weighed.

Mr. Warren: Oh, no.

Mr. Darrow: Of course the docking boss is there to take care of impurities and I think he does it pretty well.

Mr. MacVeagh: We want to pay for all the coal that is really mined and sold, and that is what they want us to pay for, so in that respect we are exactly alike.

Mr. Warren: Undoubtedly, but they want to make us pay for 2240 pounds run of mine coal.

Mr. MacVeagh: They want to start with 2240 and go up and we want to start with 2800 and go down. It is a difference betweent tweedle dum and tweedle dee and it does not seem to me it ought to take up any more time.

Mr. May Recalled.

The further testimony of General Manager May was substantially as follows:

By Mr. Warren,

Q. Before taking up the question of the union, Mr. May, I want to ask you what the miners' weight of material yielded, with reference to the ton of 2240 pounds, when prepared for the market; at 2700 gross, did it yield a ton of prepared sizes of coal A. No, sir.

Q. What did you have to take in, plus the prepared sizes, to make it yield a ton of 2240 pounds? A. At some places, pea and buckwheat. It almost invariably even included buckwheat coal.

Q. Now, you said yesterday that you employed miners. You do not employ their laborers, do you? A. No, sir.

Q. They are, therefore, strangers to you, so far as payments are concerned, and anything like that. A. Yes, sir. Q. Therefore you are not able to state positively as to the distribution of the gross earnings that go to the miner, as between him and his laborer or laborers, if there are more than one? A. No, sir.

Q. By the bye, will you please explain to the commission, before we start in with today's work, how the mistake came to be made with reference to the earnings of the fathers of those silk mill workers in Scranton? A. I shall be glad to do it.

Commissioner Spalding: I think that was explained up in Scranton.

Mr. Warren: I think not, bishop. Just state that, please, Mr. May.

The Witness: I will state the way it occurred. When the children testified, I think, or the parents—I have forgotten which—I went to the telephone in the court house and asked for the earnings of those men. The earnings were sent me over the phone by my chief clerk. When he first gave me the information, he did not give me the number of men in the contract. I asked him for that information, and he sent upstairs for it. He sent the boy upstairs for it, and the boy brought down a slip upon which was marked "two, two, one," and the chief clerk telephoned to me that information, "two, two, one." Thinking it was two-handed, two-handed and one-handed, I reported to Major Warren that they were two-handed, two-handed and one-handed places; and, generally speaking, that is our understanding always, that the laborer gets one-third of the earnings, so I told Major Warren to deduct one-third of the earnings and that balance would be what the miners got. I went to my office, and, upon investigation, was very much mortified to find that an error had occurred. It was not intentional at all. I discovered that that was the fact, and that the boy, in taking down the information, had omitted in the first items the word "laborer," where he should have said "two laborers, two laborers and one laborer." That is the way the error occurred. Q. Instead of being two-handed, two-handed and one-handed places, it should have been "two laborers, two laborers and one laborer?" A. Yes, sir.

Relations Amicable.

Q. Now, Mr. May, you told us yesterday that the relations between the men and the company, speaking broadly, prior to 1900, were amicable? A. Yes, sir.

Q. After the strike of 1900 and the resumption of work, what did you do in line with the posted notices, to treat with the men and the committees they might present for grievances and matters of that kind? What attitude did you take and the men under you, so far as you know, as to those matters? A. Whenever the men sent a committee to me, they were met and the questions were discussed, and wherever possible or practicable, where they were in the nature of grievances, they were corrected. I never refused to meet any committee of our men, or any one man. I want to make an explanation there, or my answer may be misunderstood. In saying that, of course, the court understands that there is a method of procedure in this, as in any other organization. The men are expected to go to the foreman first, then to the superintendent, and then they come to me. Sometimes that question is asked them, and they are sent back to those in authority.

By Commissioner Spalding:

Q. Do not your men feel timid about making complaints, not to you, but to the under-bosses, before they get to you? A. Well, it is possible that they may feel timid, but the understanding is, bishop, that our foremen must listen to their men. Q. It must not be counted anything against a man that he makes a complaint? A. No, sir; it must not. Q. It must not be to his disadvantage? A. No, sir.

By Mr. Warren:

Q. Do you know of discriminations against men composing committees who may have presented grievances or conferred with officials of the company. A. No, sir. Q. Did you ever hear of such a thing? A. No, sir.

Q. Before I forget it, have you got any blacklist in your company? A. No, sir. Q. Or have you ever had? A. No, sir.

Commissioner Wright: Have other companies ever informed you of their blacklists? A. No, sir.

Q. Now, what is the effect as you have observed it, upon the work, the earning capacity, the opportunity to labor of your men since the entrance of the union there? A. Why, there is less efficiency and there is a lack of discipline. There is interference with authority and there is tyranny of other workmen.

Q. What effect has it on the ability of the honest worker to earn money? A. Why, it limits him.

Mr. Warren: We offer in evidence the following, which was posted at No. 5 shaft of the Pennsylvania Coal company:

"U. M. W. of A.
"Notice.

"On and after this date (May, 1902), no miner or laborer shall load a car of coal with over 12 inches of topping on, with a penalty of $5 fine for first offense, and $10 fine or expulsion for second offense.

"By order of General Grievance Com."

Mr. Darrow: Do you claim any rule of the company to put on any more than twelve inches?

Mr. Warren: We claim, Mr. May said yesterday, very clearly in certain veins they could load 18 inches. They were credited with all the material in the car and you gentlemen have restricted their earning capacity by fining them and reducing them to 12 inches topping.

By Commissioner Wright:

Q. Did they used to pay by the car A. Not at this colliery, that is, not in my time, not to my knowledge.

By Commissioner Spalding:

Q. Did you formerly pay by the car? A. Yes, we changed it.

Q. Did you find it more satisfactory to pay by weight? A. Yes, sir.

By Commissioner Wright:

Q. What was the cause of making this change? A. The men requested it. Q. What did it cost the company to make the change? A. It didn't cost us as much as it would ordinarily, that is at my own place, because where we made the changes we have what are called side hill breakers. The coal goes in on a level with the head of the breaker and all we needed to do was to put in these scales and make little changes around the head. I would say it did not cost us over between five hundred and a thousand dollars in each case.

By Mr. Warren:

Q. You mean the cost of changing the construction was not more than than? A. No, sir, the entire cost. Q. You do not mean the cost of coal? A. Oh, no, I mean the cost of putting in the scales. Q. Now I ask you, what was that in the way of an additional cost upon the cost of coal, the labor cost of coal, what did it result in; did it result in an additional cost to the company in the output there? A. Yes, sir.

By Mr. Warren:

An Impertinent Employe.

Q. Now, Mr. May, you have outlined certain effects of the influence upon your men. I understand you to say you have spoken of the effect upon the discipline. Will you not please tell us, if you can, a little more clearly in what way it has affected the discipline necessary for the proper organization of your company? A. Well, I will give you—of course, it is very difficult to remember everything—one incident was related to me at Clifford shaft. The driver was doing nothing and the mine foreman asked him to clean the road, wanted to have the road in good shape. The driver told him to go to hell, that that was not his business and he was not going to do it. What the foreman should have done was to discharge the fellow, but because of the feeling he let it go. I would have discharged him.

Commissioner Clark: I would like to learn how you connect this remark of this man with the union?

The Witness: Only the effect that the organization had upon the minds of the men themselves, that is all.

By Commissioner Spalding:

Q. It made them more independent? A. Yes, sir. Q. Do you think that is a bad thing? A. Sometimes it is.

By Mr. Darrow:

Q. You think no such language was used before the union got there? A. I don't know about that. The union made none of us more moral. Q. You mean none of the employes? A. None of us either; it made it rather worse.

Commissioner Clark: Do you not think that the failure of the foreman to properly discipline that man had just as bad an effect upon the discipline of the men as the remark or insubordination of the man himself?

The Witness: It had a bad effect; I will admit that.

By Mr. Warren:

Q. Now, tell me why since the advent of the union an employe guilty of such an act as that would not be discharged, if you know? A. Because of the fear that the mine might have to shut down.

Mr. May here told that coal and iron police were an absolute necessity during the last strike, because the local authorities could not give the company protection. The coal and iron police employed by his company, he said, were recruited from among students, college men, tradesmen and the like, and all of them from Scranton and vicinity. None were employed who were not known to be reliable. They were under command of Captain Foote, an auditor of the company who has had thirteen years experience in the national guard. They were sober, well-behaved intelligent men, the witness declared.

Major Warren presented the statutes authorizing the employment of coal and iron police, and specifying their duties and powers.

A Week of Terror.

By Mr. Warren:

Q. Now, I want to ask you one or two questions about your efforts to get the collieries at work mining and shipping coal. I want to ask you this. You were there, of course, and saw more or less of the disturbances through the region? A. Yes, sir.

Q. In you opinion, had the men been let alone by the strikers and those in sympathy with them, and had the region been freed of this terrorism and intimidation and abuse, and scab business, could you have mined coal and could you have gotten men there to work? A. I believe we could. We were making progress with our men until the wild week of September 22, when it appeared that violence was taking place from Forest City to Nanticoke. It was a week of trial to all of us. There was dynamiting at one place and rioting at another. It was the week that the militia was called out. At that time it looked probable that we could get our collieries started, but after that we could not do anything—the men seemed to be afraid and we could do very little.

Q. After the work resumed, in the latter part of October, as I understand it, did you get instructions from the president of the company to let by-gones be by-gones and take the men back, speaking generally now? A. Yes, sir. Q. And did you do that, speaking generally. A. Yes, sir.

In answer to questions by Bishop Spalding the witness said there were 1,500 names on the pay roll, when the "wild week" of Sept. 22-29 came; that about fifty were cutting coal and that the others were employed at washeries, and as guards. Between 4,000 and 5,000 tons of coal a day were produced, inclusive of the output of the washeries.

By Mr. Warren:

Q. Mr. May, let me ask you, assuming now the commission were to grant the demands of the mine workers and reduce the working hours at the breaker—any reduction over the present working hours—what effect would that have, if any, upon the earning capacity of the men themselves, under the conditions prevalent, and necessarily prevalent, in the anthracite region? A. It would reduce their earning capacity.

Commissioner Watkins: Do you mean the contract miners?

The Witness: No; the day men.

Mr. Warren: It does not affect the contract miner, the demand is not with him, the demand is as to company men.

Commissioner Clark: Explain why.

The Witness: Because they would not have the opportunity of working ten hours. Of course, if the wage remained the same, it would not affect their earning in that respect.

Commissioner Clark: Well, their request is for an eight-hour day, with the present ten hour's pay, is it not?

The Witness: Yes, sir.

Commissioner Clark: Well, if that were granted, do you presume that it would reduce their earning capacity?

The Witness: It would increase the number of men required to do the work, and in dull times there would be less work for the number.

Commissioner Clark: Do your breakers run an average of ten hours a day?

The witness: No, sir.

Commissioner Clark: Do they run an average of eight hours a day?

The Witness: I do not believe they do.

Examination Concluded.

Mr. Warren concluded his examination by having the witness identify and present a copy of the printed instructions given to the companies' coal and iron police. Former Attorney General MacVeagh then took up the examination of Mr. May.

By Mr. MacVeagh:

Q. Now, Mr. May, yesterday I am not sure that I made myself clear, and I wanted to be clear upon both points. Mr. Mitchell seemed to think there was some advantage to the miners in having a smaller unit of weight as the arbitrary unit, rather than your arbitrary unit of 2800 pounds. If, as a matter of fact, you want to pay the miners for all the coal you secure out of the materials they send up, can it make any difference to them to have a smaller unit for the arbitrary unit in the first instance? A. No, sir.

Q. Nor can it make any disadvantage

to them to have your larger unit? A. No, sir. Q. Well, now, if as a matter of fact you wish to pay for all the coal, and Mr. Mitchell and our friends on the other side only wish pay for all the coal secured out of the material from the mine, if you agree that that is what is desired, what is the necessity of a docking boss at all? He says he wants two, so that he can appoint one. You say you only want one, and you prefer to appoint him. If, however, as a matter of fact, sooner or later you get at the actual amount of coal and pay for that, what is the advantage of a docking boss? In other words, suppose your docking boss had been celebrating John Mitchell Day, and for a week afterwards he was not fit for duty——

Mr. Darrow: That he was still celebrating. (Laughter).

By Mr. MacVeagh:

Q. —— that he was still celebrating Mitchell Day, and that you had to do without a docking boss for a week, and the cars which came up loaded with material instead of being estimated or docked, or anything done in the absence of this gentleman, were turned over the tipple into the car below, and you found at the end of the day that the miners at that breast sent up to you fourteen thousand pounds of material, as to which you thought there were probably ten thousand pounds of coal (assuming 2800 would make a ton) and you went on and gave him credit for ten thousand pounds of coal. Then, at the end of the month, if you found you had sold less coal than you had paid for, could you not pro-rate that deficiency over the miners, and if you had sold more coal than you had paid for, could you not pro-rate that excess over the miners, so as to pay each man, or to pay the whole of them what they actually furished you in coal? What is the difficulty in that practically? A. Mr. MacVeagh, I think there are two questions in one. In the first place, docking is not generally for the purpose of getting an increased quantity out of the men.

Q. Certainly not.

Done for Discipline.

A. It is done for the purpose of discipline. That is, because there are men who will not send out clean coal, and who will many times send out as much as fifteen hundred of rock and material of that kind, docking is necessary, and it is these fellows that we must watch. It is for that reason that we have a docking boss, not that we want to get any material out of them; not that we want to get any coal out of them. That is the reason that we must have a docking boss.

Q. I understand perfectly why that was desirable when the other system prevailed of not sending up all the material, but you testified yesterday that substantially all the material came up.

Mr. Warren: Oh, no.

Mr. MacVeagh: Substantially, and that a great deal of it was mixed up—

Mr. Warren: You must not misquote my witness.

By Mr. MacVeagh: Q. Oh: that is not so? You do not get all that comes out of the mines? A. Oh, no. You misunderstood me, Mr. MacVeagh. What I meant yesterday was that the coal came out, but in addition to that there is rock, slate and bone. Q. Oh, yes. A. That comes out, and for which the men are docked.

Q. But now let us go a step further. Suppose they do send it up, you would not pay for more than the coal you got, would you, and your company would not suffer? If it pays for the actual coal it gets, it would not pay more than what it got, would it?

By Commissioner Clark:

Q. If Mr. MacVeagh's suggestion was adopted, would the effect be to penalize the good miner who sent up clean coal for the neglect of the careless miner, who sent up the bone and rock? A. It could do that, yes, sir.

By Mr. MacVeagh: It could have the effect of doing that.

Commissioner Clark: It must have that effect.

Mr. MacVeagh: But it would not hurt the company in any way, so that it is not for the advantage of the company especially, that this docking boss is there: it is not to give the company any advantage? A. No, sir.

By Mr. MacVeagh:

Q. It cannot give the company any advantage, can it, if you pay for all the coal you get? A. No, sir. Q. That is what I say. So that your docking boss is not really in the interest of the company —that is what I was coming to, Mr. Commissioner; it is in the interest of fair play between the miners themselves? A. Yes, sir.

Q. And therefore there can be no reason for two docking bosses?

A. No, sir. I want——.

Q. I wanted to see just how that was.

A. No; I must withdraw that answer. The sole idea in having that docking boss is to make the coal fit for market; that is, so that the market will take it, and there are men who will send out so much waste material that it is not possible for us to clean it in the breaker. For that reason, we have the docking boss to keep that down.

Q. That is where the interest of the company comes; but then, also that of the men, for the interest in having a docking boss. That is, it is for the benefit of the miner who sends out good coal, is it not?

A. Not under our present system. I cannot say that it is.

Q. Mr. Clark's question would not——.

Mr. Darrow: That would be under your system that you suggest, I take it. Under the other system, where you would be paid for each pound of coal, then Mr. Calrk's suggestion would come in; but under the present system the miner sells it direct to the company, and then I think Captain May is right, that it does not affect the miner. Mr. Clark's question was directed to your ideal system, as I understand it.

Mr. MacVeagh: No; the real system we are both after, which is that the company shall pay him for all the coal it gets. That is what we have always been doing and what we want to do. My proposition was that this docking boss, in the first place, prevented a miner who was not honest from sending up a whole lot of refuse material at the expense of his brother miner. In the first instance, it would do that, and then also add to the expense of the company, because it would compel it to accept a lot of stuff which was not coal. Do you think it is wholly for the benefit of the company to have a docking boss?

The Witness. As the general system is now; yes.

Q. It is?

A. Yes.

Q. I thought it was for the benefit of the miner also.

The Acting Chairman: Have you finished, Mr. MacVeagh?

Mr. MacVeagh: Yes.

Commissioner Wright: Did you give a full reply and explanation in answer to the second part of Mr. MacVeagh's question?

The Witness: No, sir; I did not.

Mr. Warren: Why not make it now, if you desire to make a full reply.

The Witness: No, I do not.

Mr. Warren: It is immaterial.

Cross-Examination.

By Mr. Darrow:

Q. Let us see whether I understand this right. I think I understand it the way you do, Major, but let me see, first. Under the present system you pay so much per ton or per pound, as the case may be. A Per miner's weight.

Q. And when the car of coal comes up and is docked, of course it saves the company paying for that much, whatever it is, under the present system? A. Yes, sir. Q. Of course, I am not saying you are docking unjustly. That is another question. A. I understand.

Q. If some system was adopted, such as Mr. MacVeagh suggests, where every pound of material that came up out of the earth was paid for, then if you do not dock, why it would fine the miners who sent up good coal. A I think you mean if they were paid for every pound of coal, not every pound of material.

Q. Every pound of coal, then. A. Yes.

Q. Then if you did not dock, it would not make any difference with the company, but it would fine those miners who sent up good coal; that is what I meant? A. Yes, sir; it would. It would be against the good miner, in a sense.

Mr. MacVeagh: That is what I meant.

By Mr. Darrow:

Q. That seems to me to be the case, unless the commission looks at it differently. A. But, Mr. Darrow, we have at two of our collieries, and I will speak of that, a system by which, at the end of each month, whatever excess is found to exist is returned to the miners; and if there is a deficiency, the theory is that they would make it up, but we have never insisted that they should make up the deficiency. Now, in that case, the miner gets the benefit of it, and while it does penalize, as Mr. Clark says, the good miner, yet it is an advantage to him in that the general result is better; that is, the percentage given back is that much better, you understand; that is, the excess will be better, and, in that sense, he will be benefitted.

Commissioner Wright: It puts a premium on good work?

The Witness: Yes, sir.

The Acting Chairman: Is that amount of excess distributed equally pro rata?

The Witness: Pro rata. That is a proportion, yes, sir.

By Mr. Darrow:

Q. You can not think of any way, either the present way or any ideal way, where you would not need a docking boss, can you? A. No, sir.

Mr. Darrow I am free to say to the commission that I can not think of any. Perhaps there is one. From what I have heard in this case so far, however, it seems to me that a docking man is necessary in some way.

Commissioner Spalding: Do you think two are necessary?

Mr. Darrow: Most assuredly. I would hate to have a man dock me, away down under the earth, without knowing any-

thing about it, and I think any man would.

Standard of Comfort.

By Mr. Darrow:

Q. You said something about your companies paying wages enough to support a man and his family in comfort—I think you said according to the American standard, whatever that is—something we talk about; I do not know what it is, without sending their children to work. How much money do you think that is? A. Well, it depends entirely on the make-up of the man and his family. If you will allow me to be personal, my father did not get over $400 a year, or $600 a year on the outside, and we boys were educated.

Q. I take it that you get more than that, Captain? A. Yes—a little more. (Laughter).

Q. Now, I assume, when you say that your company pays enough so that a man with a family can reasonably take care of his family without sending his children to work, that you did not say that without having thought about it? A. I thought about it.

Q. If you have not thought about it, we ought to withdraw it. Then I think you ought to tell us what is a reasonable amount, in your opinion, for a year's wages for a man and his family, for their comfortable support according to what you conceive to be the American standard of living? A. That is a very difficult question to answer, Mr. Darrow.

Q. How could you answer Major Warren's question that you paid enough, unless you had some such thing in view? A. I admit that there is ground for that criticism, Mr. Darrow.

Q. Yes? A. But the amount depends much, as you know, upon the man himself and upon his family. I know miners that on $500—no, I cannot say that, because I do not know how much they earn—but upon what we consider ordinary wages have taken care of their families, and they have become educated. I do not mean to say that the miners educated them, but that is the fact. They were educated in the public schools. They received an education.

Q. To what age do you think the children of working people ought to be able to attend public school, or any school? A. You mean when should they stop?

Q. Yes. A. Why, fourteen years is a good age; that is——

Q. Do you think that if the children of working people are able to go to school until they are fourteen that that is about the most that ought to be required? A. Oh, when a man stops going to school it does not necessarily follow that he can not educate himself after that.

Q. No; but I am figuring on what you think it is a proper masure as to what is required by a man with a family for fair, decent support? A. Yes.

The Educational Age Limit.

Q. Do you think it should contemplate that he should be able to send his children to school until they are fourteen or beyond that? A. Well, I do not believe that it is necessary for a boy to go to school much after fourteen years of age to be well educated. Q. What about a girl? A. Girls don't work in the mines. Pardon me— Q. You catch my point? A. Yes. Of course it depends on what she expects to become.

Q. Captain, you had not thought of this very closely, had you? A. I thought I had, Mr. Darrow.

Q. You thought you had, but do you think so now? A. No; I do not think I thought of it as closely as I thought I had.

Q. Would you not prefer that you and I should not have any controversy over it, but should leave it to the commission, as to what is a reasonable amount? A. I should be perfectly satisfied to do that.

Q. I think that is the best way, and it will save time.

Q. Running back over a period of five or six years, the production of coal has varied, has it not? A. Yes, sir.

Q. We can say generally that it has been due to market conditions? A. To market conditions; yes, sir.

Q. When has the production of coal been the greatest, per man producing, say in the last five or six years? A. As I remember it, the production in 1900 per man inside was four tons per day, and in 1901 it was three and a quarter. Of course, that applies only to the Hillside Coal and Iron company.

Q. Do you know what it was previous to 1900? A. I do not remember. If we filed the figures, we have them.

Coal Production Increasing.

Q. The production of coal was greater in 1901 than in any previous year, was it not? A. Yes, sir.

Q. And it was greater in 1900 than it was a year or two previous to that, or two or three years previous? A. As nearly as I remember it. Q. It has been increasing, and increasing materially? A. Yes, sir; it has been increasing.

Q. You were through the strike of 1900?

A. Yes, sir.

Q. Were you for the men or against them in their demands for an increase?

A. I was against them.

Q. You thought they did not deserve an increase?

A. That was my opinion.

Q. Have you changed your mind, on mature consideration, since, Captain.

A. Yes. (Laughter).

Q. You rather think now, that it was all right to give them that ten per cent?

A. Yes, sir.

Q. To quote my esteemed friend, General MacVeagh, would you be surprised, in a year or two, to find out that your mind underwent a similar change in relation to the recent demand?

A. Emerson says it is a very weak man who is afraid to be inconsistent. (Laughter).

Q. We will adopt Emerson's position on that.

Q. Captain, you never belonged to a trade union, I take it? A. No, sir. Q. You have been thrown in life with a class of people and in an environment that was hostile to trade unionism, have you not, as we all get on one side or the other? A. I have always been that way. Q. Yes. That is, you have always been hostile to trade unionism? A. Yes, sir.

Q. As you are growing a little older, we all mellow down some with age, do you find your opinions modifying on that subject? A. I think they are.

Q. I believe you answered Major Warren that you did believe in trade unionism now? A. Yes.

Q. How long since you have believed in that? A. Oh, I could not tell you, Mr. Darrow, it is a growth; I don't know; you don't know when spring comes.

Q. Captain, you know that men approach questions from opposite standpoints and opposite interests and are not apt to look at it quite the same? A. That is true. You remember the story of the two men looking at the shield.

Q. Yes, one from the one side and the other from the other. A. Yes.

Q. Without saying anybody is to blame for it, the financial interest of the employer is to get as much coal as he can at the cheapest price, and the financial interest of the working man is to get as big a price as he can for the smallest amount of coal, is it not? A. Yes, sir.

Q. Those are the two standpoints from which these bodies of men naturally operate, unless they are broad-minded, and try to get at justice the best they can, is it not? A. Yes, sir.

Q. There is a tendency on each side, by us and by your side, to be governed by our selfish interest in these matters? A. Yes, sir.

Q. You, of course, as general manager of this company, both for the sake of your position and for your duty, like to make a good showing? A. Yes, sir.

Q. The men, on the other hand, the same as you individually, want to get as good living and as easy a one as they reasonably can? A. Yes, sir.

Q. That makes these conflicts that you speak about. Now, with the Pennsylvania company and the Hillside company, there are nine thousand men under one management? A. Yes, sir; about.

Captain May Has Modified Views.

Q. You have grown so far, or modified your views so much, that you do recognize that where your side is organized, so one mine practically controls the production of nine thousand men, it is not unreasonable that the nine thousand men should be organized too, to look after their business? A. That is not unreasonable.

Q. However once you might have felt, strange as you might think it—I used to think the same, trade unions were not justified at all—however you may once have felt on that question, you now feel they are justified. A. I think they are.

Q. Captain, you know that men who have the best chance in the world for education, the best business advantages, the best social advantages, are a little better fitted to cope with the affairs of life than men who are poorer and more ignorant, and have had less experience? A. As a general proposition, yes.

Q. There are men here and there of very limited education and very fair experience, seem to be equal to most anybody, but I am speaking of general propositions. As a general proposition, the owners, the managers and the bosses of these great institutions, such as yours, receive materially higher wages than the ordinary workmen, do they not? A. Yes, sir.

Q. As a general proposition, it is your endeavor to get them from the superior, rather the superior class of men for that business. A. If you mean a superior class, it is not in the sense that I meant when I said as a general proposition, because our effort has been, my effort has been, to recruit our managing force from our employes themselves.

Q. By taking the most competent? A. Taking the most competent Q. That is what I mean. A. Yes.

Q. You think pretty well of some of the members of organized labor, I take it? A. I have no fight with them, I think I am on friendly terms with all of them.

Q. Even some those foreigners who came down into your midst as representatives of organized labor, you have not

any unfriendly feelings towards them? A. No, not at all.

Q. Do you know Mr. Mitchell? A. I have met him. Q. Have your relations been pleasant? A. We have never had any controversy; the controversy was over my head.

Q. That was not his fault, was it? A. Nor mine.

Q. Well, we will not discipline the higher members just now in this way; you have not any objection, or would not have any objection to meeting Mr. Mitchell in any business relating to your men, who saw fit to ask him to represent them, would you? A. Yes, sir.

Q. Is that objection based on Mr. Mitchell, or is it based on something else? A. Oh, no, not on Mr. Mitchell personally.

Q. What is it based on? A. It is based upon the fact that it is bringing an outside element into our business.

Q. Well now, what do you mean by an outside element? A. Why, one who has not the sympathies, that does not fully understand the ground, who has not the interests of the employer and the employed at heart.

Q. Do you mean, Captain May, that that is based on the feeling that he comes from the bituminous region? A. No, sir.

Q. You would have the same objection to meeting Mr. Nichols?

(By Mr. MacVeagh: More).

A. Yes, sir.

Objects to Outside Influence.

Q. What you mean to say to this commission is, that you object, that while you are willing to have a union, you object to meeting anybody in conference who is not working for it? A. That is it.

Q. Must they be working for you at the time? A. Yes, sir.

Q. Suppose there are nine thousand of your own employes organized in a union and they employ somebody to have charge of their affairs, and he is to give up cutting coal to attend to the business of the nine thousand men, do you object to meeting with him? A. Well, possibly as a last resort—I am not prepared to answer that question.

Q. You have not thought of that? A. No, sir.

Q. Now, Captain, see here, we have got along pretty well together so far, do you think—

Mr. Warren: As long as he agrees with you, it is well.

Mr. Darrow: Anybody can get along with me, if they agree with me.

Mr. Warren: Yes.

By Mr. Darrow:

Q. Do you not think it is a good deal of prejudice on the part of you and the other operators, that they will not meet anybody but their own employes, do you not think that is prejudice? A. From my standpoint, no.

Q. You would not be willing to concede, for a minute, that you took that position to gain an advantage of your men, would you? A. Not personally.

Q. Do you think anybody else does? A. I don't know, I can only speak for myself.

Q. What is your idea about it? A.I don't want to give an opinion.

Q. I will not ask you to. You would not concede for a moment, or you do not believe yourself you would take any such position to gain any advantage over your men? A. No, sir.

Q. But you do say, that so far as you feel now, you would not permit your men to choose such agent as they saw fit to represent them, although you would permit them to be organized? A. I told you I was not prepared to answer that question.

Q. You are not prepared to answer it provided the agent came from your own company and then ceased work? A. Yes.

Q. Suppose the agent had formerly been in the employ of the D., L. & W. and you had no personal objection to him, you believed he was a gentleman and a fair-minded man, so far as a man can be when he is interested in a question, would you object to him? A. I am not prepared to answer that question.

Q. Then, Captain, you are not prepared to say that it is unreasonable that your men should choose the man or the committee whom they wished to represent them, just as your company does, are you? A. I think we can arrive at an understanding without such a representative.

Q. That does not answer my question—

Commissioner Clark's Question.

By Commissioner Clark:

Q. Let me ask a question right there. You admit the right of the men to organize?

A. Yes.

Q. I believe you say you are willing to meet committees of your employes?

A. Yes, sir.

Q. Representing your employes?

A. Yes, sir.

Q. We will suppose you have met such committee and that you and the committee find it impossible to agree, do you then think it is unreasonable for them to bring in such agent as they may have selected to represent them, to use further efforts to bring about a pleasant and amicable adjustment of the questions at difference?

A. I think they could bring in another agent.

Q. Do you not think if that policy was adopted and the practice followed for a while, it would probably result in better understandings and better relations? A. It might do that.

By Mr. Darrow:

Q. Now, Captain, a few more matters I want to inquire into. You own men have a local, do they not? A. Yes, sir.

Q. You do not object to meeting them? A. No, sir.

Q. Suppose the president of the local should come up to you tomorrow morning and say "Now, Captain May, we have appointed docking bosses for each one of your collieries. We are down here in the ground mining coal and we want to appoint members of our local, we will get good, honest men and we want them to do the docking. We are prepared to pension your men, or give them a job, or something, so they will not suffer, but we want our men in place of yours," what would you think of that proposition? A. I wouldn't think it a good proposition.

Q. That is, you would not think it was fair to have other men dock your coal? A. No, I don't. Q. That is what you mean by it. Do you think it is any fairer for you to dock their coal? A. Yes, I do.

Q. Why? A. Because the result of operation depends upon the management of the company itself, and they should have the control of such things as that.

Q. Let me ask you this question. I want you to put yourself in our place once. Here is a miner, down under the ground, perhaps a mile or two away. The conditions under which he works are not the pleasantest in the world. He gets out a car of coal and he sends it up there where he cannot see it, and none of his officers or friends can see it, and you dump the coal over i nto a chute, and while it is running down somebody guesses how much there is, and every pound of dockage goes to the company, and every pound he loses, and in that way he gets paid for the coal. Do you thing it is unreasonable, from his standpoint, he should want somebody to see how much he is docked? A. No, I don't think it is, from his standpoint.

Different View Points.

Q. We have to look at this from each other's standpoint. A. True.

Q. Have you ever heard of any difficulty where each side has agreed on a docking boss, or whether there has been a check docking boss? A. I have no knowledge on the subject.

Q. Do you not think, Captain, if you people would approach this organization with a conciliatory spirit, and try to live together and work to each other's benefit, that to organize this vast body of men in the region and to officer it in the right way, to recognize it and deal with it, might work out good to both parties? A. As a mass? You mean all of them?

A. Do you not think that to organize the men, and recognize the organization and meet with it, and try to help each other along, might benefit this whole region? A. You mean all the workers; that is, the entire mine workers? Q. Yes. A. I think it is a dangerous experiment.

Q. You people who are producers, work together, more or less, do you not? A. We do, in a sense. Q. That sense is pretty close, is it not?

Mr. Warren: Just a minute. We object to that. That is not cross examination.

Q. Well, Captain, you and I agree on that question, but that has nothing to do with whether you would think you could better your condition, and maybe better your neighbor's at the same time, by uniting with him and associating with him. A. I do not agree to it at all.

Q. You belong to various organizations, I take it? A. I belong to some; yes, sir.

Q. And you do not think that interferes with your right to do as you please? A. Well, they are in particular directions. That is one thing that I am radical upon. I want to do about as I please.

Q. You have said, however, that you believed the union was a proper thing—or a union? A. I see no objection to it on the part of the men, but I am now speaking personally.

Q. And you rather approve of it, do you not? A. Personally, I do not want it. I mean now, for myself, as to belonging to it.

Commissioner Spalding: Suppose a man wrongs himself, but does not wrong his neighbor? You say he has a right to do what he pleases, provided he does not wrong his neighbor?

The Witness: He must not wrong himself.

Commissioner Spalding: Suppose he violates the law of God?

The Witness: He has no right to do that.

Commissioner Spalding: Then you must limit your answer?

The Witness: I meant, being limited by law, Bishop.

By Commissioner Wright:

Q. Can any man in any walk of life, or

in any business or relation of life, do just as he pleases??

By Mr. Darrow:

Q. You have your coal exchanges and your organizations where you meet together, do you not?

Mr. Warren: We object to this, if the commission please; this is not cross examination at all, nor is it relevant to the inquiry before this body. We insist that it opens the door to the consumption of a great deal of time, and it certainly is not cross examination. That is clear.

Mr. Darrow: I will guarantee to finish in five minutes with this witness.

Mr. Warren: But I object to your going into a question which is not cross examination.

Mr. Darrow: He was asked what he thought of the union, and whether it was desirable, and it is directed, in my opinion, to that point.

The Acting Chairman: The commission would like to have you drop that subject, if you please.

Mr. Darrow: Very well.

By Mr. Darrow:

Q. Suppose you were a coal miner working down in the ground, as a miner has to do, for a corporation that employes nine thousand men, and has only such alliances with other as you mention; do you think you would belong to a union? A. No, sir; I would not.

Q. You think you would not? A. Not as I feel today. Mr. Darrow, I think every man has a right to do as he pleases, provided he does not wrong his neighbor. That is the way I feel about it. But my point it, that so far as I am within the limit of law, and of course, sometimes, of custom—because that becomes law in certain cases—I want to be free to do as I please.

Q. Of course, if a man pleases to join the union, he should join it? A. Yes, sir; if he wishes to do it, he has a right to.

Q. You would respect his opinion the same as you would expect him to respect yours? A. Exactly.

By Mr. Warren:

Q. How about the man who does not "please" to join the union—the non-union worker? A. He has a right not to join the union, and not to be interfered with.

Q. Now, about this dockage question, Just for a moment. Mr. May, if there were a check docking boss, the regular docking boss being there and seeing the coal come out of the car, and by his judgment and experience determining the quantity and allowing whatever is less than five hundred pounds of material to go through without dockage, as near as you can grasp it, if there were a check docking boss, would there not be a continual wrangle in the matter of judgment and opinion, assuming both were honorable men, as to how much material was coming along down there that was not coal, and would it not result in continual friction, and would it not seriously affect the producing power and capacity of the breaker? A. Yes, sir.

Commissioner Clark: It is a good thing that one or both of you are lawyers. (Laughter.)

Commissioner Wright: You say that you do not dock for less than five hundred pounds. Do you mean that if the e are less than five hundred pounds of impurities, you take no account of it?

The Witness: Yes.

By Commissioner Watkins:

Q. Is there not another object of the docking system, in which the men are interested equally with the company? I will state it as I understand it, putting it to you as a question. The breaker capacity and arrangements are such that you expect coal cleaned in a reasonable manner, and if there is an excess quantity of impurities sent out by any miner, through carelessness or through the necessity of his place, your breaker capacity is limited and restricted?

A. It is reduced; yes, sir.

Q. So that if coal is not reasonably prepared, in accordance with the arrangement that you have provided for preparing it, why the restriction would come back on the men in a limited capacity? A. Yes, sir.

Q. And consequently, it is to their interest to get a reasonable proportion of coal cleaned in the mine? A. Yes, sir; that is true.

By Commissioner Wright:

Q. One or two other questions, Captain May. You may have testified on this, but I do not recollect it. In regard to the shifts of firemen and engineers being reduced from twelve to eight hours; what is your view on that. A. Well, in some places which I have in mind I think they ought to be reduced. I will say that frankly.

Q. You could not reduce them in one place without reducing them in all? A. That is the difficulty.

Q. There is another matter about which I wish to ask a question. There has been a great deal this morning and yesterday about the necessary earnings in order to maintain what we call the American standard of living. Have you considered the question of the minimum wage in the mining industry? A. I have not.

Q. Would you consider $600 a year adequate for the maintenance of that standard? A. Oh, I think so.

Q. Is that any too small an amount? A. I do not believe it is too small.

Q. You would be glad to see all your men earn $600? A. Yes, sir.

By Mr. Warren:

Q. When you are speaking of the desirability from your point of view of labor organizations as you frankly said, is it not your idea that it should be the labor of the anthracite mine workers in the employ of the companies your represent? A. Yes.

Q. Without any interference, or the participation if you call it non-interference, of outsiders and outside influences? A. That is the idea.

The average waste in the breaker, the witness further went on to say is twenty-one per cent. Pea and other small marketable sizes are not included in figuring waste. Coal for steam purposes amout the mine is included, no consideration is taken of washery product.

Of the breaker product loaded for market the proportion is as follows: Prepared sizes, 54 per cent.; pea, 16 per cent.; buckwheat, 12 per cent.; smaller sizes, 18 per cent.

Regarding "miners' weight" there was lengthy discusion. Mr. May explained that the unit and price are mutually agreed upon. In the Pennsylvania Coal company's places it is uniformly 27 cwt. and the rate for mining varies according to the veins, from 61 to 68 cents. The highest unit is 29 cwt., or 3248 pounds. For this the price is 74 cents. The agreement between the men and the company regarding this last unit and price was made in 1892.

The agreement, the witness explained contemplated that the company should get a ton of prepared sizes, out of the unit or "miners' weight." The witness admitted that with the minimum of waste at 11 per cent., as in the case of one colliery at Forest City, where the unit is 29 cwt., the company would market nearly 3000 pounds of coal out of each "miners' weight."

"It doesn't make any difference," said the witness, "what we do with the coal. They agreed to give us 29 cwt. of material that would produce a ton of prepared sizes and we agreed to give them 74 cents for it. The employes fully understood that we sell unprepared sizes and fully understood we would when the agreement was made."

Speaking of President Mitchell's propposition to reduce the price per unit proportionate to the reduction of the unit, would be of no advantage to the men, Mr. May declared. There is no difference between 74 cents for 3,248 and a proportion price for 2,240 pounds, he explained.

Dealing with the self-limitation of capacity of miners, Mr. May, asserted that his companies do not restrict the number of cars a miner can get. The breaker often has to shut down because the miners do not cut enough coal. Sometimes, he admitted, there are shut-downs because of scarcity of cars.

Mr. May was asked to give a single instance of a miner coming out early when it was not that he had to come out by reason of accident, lack of cars or something over which he has no control. The witness took out a note book and gave two instances, with names, dates and hours even to the minute.

Mr. Darrow adduced the admission that for twenty years, it was quite generally understood that twelve cars constituted a day's shift for a four-handed chamber.

Alexander Bryden, consulting engineer of the Pennsylvania and Hillside companies, detailed the improvements made in mining in the last twenty years.

Among these were mentioned the following: 1. Improved ventilation, exhaust fans instead of furnace and natural. 2. Improved drainage. 3. Improved haulage. 4. Improved drilling machines. 5. Improved method of putting up powder in cartridges. 6. Use of dynamite in rock work. 7. Use of safety fuse in rock work. 8. Use of battery in shaft and tunnel work. 9. Use of steel in place of wood rail. 10. Use of electric lights about foot, stables, pumps and engine houses. 11. Furnishing props to miners at face. 12. Establishment of rooms and appliances to render first aid to injured. 13. Fresh water taken to inside stables through pipes from surface. 14. Wash-houses, heated, lighted and water introduced in same. 15. Steam heat in breakers, shops, etc. 16.

Coal conveyors to boiler rooms. 17. Ash conveyors from boiler rooms. 18. Ambulances for the injured. 19. Company blacksmith shops, tools sharpened at one-half cent per ton of coal.

He also testified that miners live as long as other men who work hard, and that as a rule they are healthy. As a result of the improved conditions in mining, particularly in ventilation, there is very little asthma nowadays among the miners. The witness knows men who were miners forty years ago, when he was a boy, and who are still working in the mines.

The anxiety of miners to get out of the mines early in the day, the witness said, is responsible for a great many of the accidents. "They should stay in and protect their laborers," he added.

President Mitchell remarked that the reports would show that more miners than laborers are victims of accident.

Mr. Bryden gave a sample calculation of what a miner can make if he takes advantage of his opportunities:

Six cars of 1½ tons at 66c	$5 94
Coal yardage, 2-3 of a yard	33
Rock yardage 2-3 of a yard	50
Total	$6 77
Powder, 1-3 of a keg	50
Joint earnings	$6 27
Laborer	2 52
	$3 75

From this $3.75 might be subtracted 25 cents, the witness said, for oil, cotton, sharpening of tools, etc. This would leave the miner earning $3.50 for six cars.

Samuel J. Jennings, general foreman of the Hillside company at Forest City, told that he was a laborer in the mines in 1888. He knew of no asthma among miners. The miners at the Clifford refused to take down a foot of top coal, alleging it would not pay. They agreed finally to make a test. The work netted $4.56 a day for one of the men working on the test. The witness then gave some instances of impairment of discipline after the 1900 strike.

One of the incidents was that of a boy knocking out the eye of a mule with a sprag. Mr. Darrow wanted to have the testimony stricken out because it had no bearing on the case, it not being fair to charge the union with the loss of the mule's eye.

General Wilson said: "We will allow the testimony to stand. If we expunged from the record all the testimony not having a bearing on the case, the 6,000 pages would be reduced to 3,000."

John F. Gallagher, foreman of the three Mayfield collieries of the Hillside company, told that his steam men informed him that they would not go out on strike and that without as much as a day's notice, went out in a body.

He also told that in 1901 he made a six months' experiment of getting along without a docking boss. Th e men wanted it and agreed that if any one of them sent up 300 pounds of impurities a second time he should be discharged. Coal came clean for a month, then it began to get dirty, and when it continued this way for four more months, despite threats of imposing the penalty, he had to go back to the old plan of docking.

The first miner called by Major Warren was a namesake of President Mitchell. He was Patrick Mitchell, of Pittston, an ex-union man, who quit the organization rather than pay what he considered an unjust fine of $5 imposed on him for working one night, on his regular shift, when the breaker had not worked during the day preceding.

He also told that the drivers would not give him more than six cars, although he could easily load a greater number. When he reported it to the superintendent, the latter said he could do nothing about it, for if he discharged the driver there would be a strike.

Mr. Darrow asked him if the purpose of the union in limiting the number of cars he should receive was not to regulate the distribution of cars equitably. The witness said he knew men who wouldn't fill all the cars allotted to them, while he could not get what cars he wanted to fill.

George Maxey, a member of the Forest City local of the United Mine Workers, who is 46 years of age and has been a miner for fifteen years, gave further evidence of the union restricting a miner's capacity for earning.

The president of the local once complained to him that he was sending out more than his share of cars.

Before the advent of the union he was wont to send out eight or nine cars a day. Lately he has been restricted to six.

President Mitchell cross-examined the witness. He tried to show that the witness worked in a heading and that the restriction was for the purpose of preventing the chamber men from being discriminated against. The witness admitted that he is now doing heading work, but told that the limitations testified to were put on him when he was in a chamber.

"Would it not be an injury to your neighbor, to let you have more cars than he?" asked Mr. Mitchell.

"No, not if he couldn't load as many as I can," the witness replied.

"Do the men not load as much coal as the company will take from them?" Mr. Mitchell asked. "Do they not load all the cars they get?"

"Sometimes they do and sometimes they don't," said the witness.

The arrival of the adjourning hour interrupted the examination.

Proceedings of Thursday, Jan. 15.

[From The Scranton Tribune, Jan. 16.]

Philadelphia, Jan. 15.—The day before the mine strike commissioners was consumed by the Erie companies in giving evidence to sustain the charge against the union that it attempts to regulate production by restricting individual industry. Most of the testimony was given by superintendent and foreman. Each had a story to tell of the union preventing its members from doing more than a certain amount of work agreed upon by the locals, and two of them related incidents of this policy being carried so far as to penalize the men who disregarded it.

A union miner, William Zorn, who came before the commisssion to complain of the union compelling him to give up a contract for robbing pillars, was examined at length by President Mitchell, and the latter, in turn, was examined by Commissioner Watkins. The result was that the commission learned that a union convention had declared for restriction, unequivocally and unreservedly, and that President Mitchell approved of the declaration.

Mr. Mitchell entered into a defense of this policy and showed conclusively that from the miners' standpoint it is a very inviting policy to pursue, if the principal of the thing can be put in the background.

Chief Auditor Blauvelt and General Land Agent Beyea, of the Erie, laid before the commission a big raft of statistics covering a multitude of matters pertinent to the inquiry. The thoroughness of their work was provocative of much commendation.

Chairman Gray Present.

Chairman Gray made his appearance again when the session opened this morning. He did not stay throughout the whole session.

On behalf of the parties before the commission Major Warren congratulated him on his recovery and expressed gratification upon his being back with the commissioners again.

Contrary to expectations, none of the coal presidents has as yet even as much as looked in at the commission. President Baer, of the Reading, passes the federal building four times a day on his way to and from his office, but he succeeds in religiously resisting the temptation to "Have a look."

ERIE WITNESSES HEARD.

Evidence Showing an Effort to Restrict Coal Output.

Major Warren opened the day's proceedings by presenting extracts from state reports to show the amount of

taxes paid by corporations and that the schools in the mining towns are practically supported by the appropriations made to them by the state from these taxes.

Victor L. Peterson, general superintendent for the Hillside company, who was president of the First National bank of Forest City for a number of years, prefaced his testimony by telling that less than twenty years ago he was a laborer in the mine. Then he offered a statement showing the aggregate individual deposits, with a view of having the commission infer that because nine-tenths of the people of the borough are dependent on the Hillside collieries, a goodly proportion of these deposits are the surplus earnings of the Hillside employes.

Mr. Darrow objected to the paper because it failed to set forth definitely that the depositors were not all bosses, storekeepers, and the like. Judge Gray thought the objection was well taken. Mr. Darrow, for the miners, waived all objection to their deposits being made known, whereupon Major Warren said the details of the deposits would be presented later. Judge Gray said the commission would very much like to have the information.

The witness only knew of two men who were suffering from asthma. On the whole, the miners are a very healthy lot, he averred.

Spirit of Insubordination.

Since 1900, he declared, there has been a general spirit of insubordination among the employes, especially the younger element.

To instance restriction of output by the union, the witness told of a man, Richard Holland, who loaded ten cars prior to 1900, and who now can not be induced to load more than six.

"What reason do they give for not loading more cars?" asked Judge Gray.

"They simply say, 'that's enough.'"

"Can they load more?" the chairman asked.

"They have loaded more," the witness replied.

The witness then went on to describe violence in Forest City during the strike, and told of an instance of nine breaker boys going on strike because the boss discharged a boy who would not leave a chestnut chute and pick slate in the egg chute.

On cross-examination by Mr. Darrow as to insubordination, the witness admitted that he could give only one instance of it which came under his own immediate notice. This emboldened Mr. Darrow to ask the witness if he could give a single instance that had been reported to him.

"Yes, sir," said the witness, diving down into his satchel and bringing forth a large bundle of memoranda.

"Here, major," said Mr. Darrow, turning to the counsel for the Erie companies, "have you put up a job on me?"

"Well, you opened the door for a lot of matter we want to get in by this witness, I'll have to admit," said the major with much evident gratification.

The witness, being thus made free to give hearsay testimony, told, with the aid of his memoranda, of various cases of insubordination reported to him by his subordinate officials.

Murder Threatened.

After the witness had related a few of them, Mr. Darrow halted him by asking for the most grievous case. The witness told of a miner named William Slick, at Forest City, threatening to take the life of Superintendent James White, because the latter ordered him to take down some rock.

Mr. Darrow tried to show that the union investigated the case and sustained the action of the superintendent in discharging the man. The witness knew nothing of the union, he said.

"Don't you know there is a union?" asked Mr. Darrow.

"I have no official knowledge of its existence."

"Have you any knowledge of its existence?"

"My orders are not to know the union."

Regarding alleged restriction, Mr. Darrow asked if it was not true that the limitations placed by the union on the number of cars a miner sends out is solely for the purpose of providing an equitable distribution of cars.

The witness replied that his information was to the effect that the limitation is made because, generally speaking, the miner does not want to do a full day's work.

"Who told you this?" demanded Mr. Darrow.

"Robert Button, foreman, who was formerly a member of the union," promptly replied the witness.

In the course of his testimony, the witness made mention of the name of Superintendent Maxey. President Mitchell cocked his ear, thought for a moment, and then spoke to Mr. Darrow. The latter asked the witness: "Is this Superintendent Maxey a brother of the United Mine Worker George Maxey, who testified yesterday?" The witness admitted he was. President Mitchell's face was wreathed in smiles.

President Mitchell asked the witness if his collieries were at present working every day. The witness said they were working all they can, but admitted that there has been idleness on account of breaks and the failure to get railroad cars.

"Are the men mining all the coal the company will take?" asked Mr. Mitchell.

"I do not know as to that, Mr. Mitchell; I really could not say?"

"Let's see if you can't," interrupted Major Warren. "Don't your men stay away on the day following pay day?"

"Yes, there is a shortage always on the day after pay day," the witness replied.

"I thought so," remarked Major Warren. "Is it not also true that the men come out as early as noon and that the breaker could take more coal than it gets?"

"Yes," said the witness. "That's true."

Lists of names of the men who worked at the Forest City collieries during the strike, written on sheets of paper, bearing the United Mine Workers of America letter head, were laid before the commission. The lists were gotten from a Forest City storekeepr.

The witness concluded by identifying photos of miners' dwellings in Forest City, and the public school at that town.

McMillan's Explanation.

District Superintendent Henry McMillan, of West Pittston, who was charged by one of the miners' witnesses, John Allen, with having struck him with a whip, explained that the thing was just a bit of pleasantry, and that he and the man he struck were the best of friends. He was driving along the street one day and Allen was at a cross-walk, waiting for him to pass. As he was going by, they exchanged greetings, and the witness playfully hit him over the legs with his whip. He never knew that Allen regarded it otherwise than a bit of familiarity until he read Allen's testimony. Mr. Darrow payed the witness the compliment of saying he believed his version of the story. Allen's story was calculated to give the commission the impression that mine bosses treat their men as if they were slaves.

Mr. McMillan, who is an unusually robust looking specimen of manhood, was offered by Major Warren as an "exhibit" to contradict the claim that mining is unhealthy. He is 42 years of age and has worked in and about the mines since he was a boy of 9. Mr. Darrow qualified this by securing an admission that a good part of his years he was a boss.

Anent restriction, the witness told that, in 1901, one of the shafts at the Barnum colliery was thrown idle. He asked the men at the other shaft to load a little extra coal to help out the company. They refused to do so, saying they had an agreement to send out not more than "eight hours" coal. The witness explained that this means coal enough to supply the breaker for eight hours.

Contract miners in his district, he said work from three to five hours where they employ laborers, and from nine to ten hours where they work single-handed.

Recounting some of his strike experiences he told that at Hughestown a particularly vigorous effort was made by the strikers to shut down the big No. 10 colliery. General Manager May made a proposition to the burgess to pay the salary of six men to be selected from the citizens to guard the company's property. The burgess said he would see the councilmen about it. Nothing more was heard from the burgess.

"He must have seen the councilmen," remarked Major Warren.

Chief Jake Smaltz.

The witness also told of the workmen at No. 10 being stoned on their way to and from work, and that, on one occasion, they were violently assaulted by a large mob, headed by the borough chief of police, Jake Smaltz. The burgess, the witness further declared, was one of the onlookers, and did nothing to discourage the assault.

Theodore Hogan, a Pennsylvania Coal company foreman, at Avoca, gave his age as 34, and told that he worked in the mines in various positions from driver-boy up, for twenty-three years. He was another very good "exhibit" of the healthfulness of the occupation of mining. He knows all of the 300 men employed at his colliery and can say that only two of them are affected with asthma.

The witness recounted a conversation he had in 1901 with John Dempsey, president of the local of the United Mine Workers, to prove the charge that the union restricts the output of the mines.

Before the 1900 strike, the miners had been sending out three cars, working single-handed, and five cars working double. Soon after the close of the strike the men began to diminish their output. He threatened to take steps of a disciplinary kind to compel them to send out the usual quota, and President Dempsey protested that if he did there would be trouble.

The local, President Dempsey stated, had decided by resolution that one man should not send out more than two cars, and two men not more than four cars.

The witness told President Dempsey he did not propose to have the output of the mine cut in half and that if the men persisted in observing the resolution, he would have to hire more miners. He also argued with President Dempsey that the restriction was more than counteracting the ten per cent. raise, and that the men were doing a very unwise thing. The union would not rescind the resolution, and the company put in fifty extra miners. This condition continues to the present.

Knew of No Asthma.

John F. Clark, foreman at No. 3 shaft, in Hughestown, knew of no asthma among his 230 men, and gave the names of about a dozen of his miners who are over 55 years of age. He employed two men to keep tabs on the time worked by contract miners, and found that they do not average three and one-half hours a day.

Seward Button, foreman at the Consolidated colliery, of the Hillside company, has been a mine worker for sixteen years, and up to fifteen months ago, when he was promoted from miner to mine foreman, he belonged to the union.

After the 1900 strike his local discussed a resolution providing that the daily shift should be cut from six to five cars. The resolution was defeated, after a protracted fight.

A miner could load eight or nine cars, the witness averred, if he would work a reasonable number of hours. The usual day of a contract miner, he said, is from four to six hours.

In answer to a question by Commissioner Clark, the witness said the rule among miners at the collieries where he worked as a miner and laborer, was that six cars should constitute a day's shift. This extended, at least as far back as 1895, the witness acknowledged.

Commissioner Watkins asked if he ever heard the company complain against this rule, when he was a miner. The witness answered that he had not.

Afternoon Session.

William Robertson, foreman at No. 5 colliery of the Pennsylvania company at Dunmore, knew of only two cases of asthma among miners in all his experience. One of his miners, Patrick Gill, is 60 years of age. His father, the witness said, worked in the mines for fifty years.

He told of the union cutting down the number of cars to be sent out, and of driver boys enforcing the unions' doctrine. Discipline has been greatly impaired, he averred, by the advent of the union. Men refuse to do work they are directed to do. Once he discharged a boy for recklessly running a car through a door, and the other boys struck.

Mr. Darrow asked if he ever knew of a door being broken before the advent of the union. The witness said he knew of them being broken accidentally, but not in the reckless manner in which this door was broken.

The witness would not admit any knowledge of the unequal distribution of cars being the cause of more feuds than anything else about the mines, from the earliest days of mining. He had heard of this causing trouble, but never saw any instances of it.

Could Not Get His Job.

When the miners' side was being heard in Scranton, Chief of Police William Major was one of the men who was produced to show that he could not get his job back and that there was no reason why he should not be reemployed, except that he was a union man.

Major Warren, on cross-examination, asked Chief Major if it was not a fact that he had made threats against a foreman at Moosic during the strike. The witness indignantly asked the attorney if he thought the chief of police of Moosic borough was going about threatening the people he was supposed to protect.

Today Major Warren called to the stand Foreman Thomas G. Brown, of Moosic, who is the man Chief Major is alleged to have threatened. Foreman Brown swore that Major halted him one day during the strike, while on his way to the Butler colliery, where he was acting as guard, and said: "Say, Brown, how long are you going to protect those bums and slums down there at the Butler?"

The witness assured the chief they were all respectable men.

The chief replied: "Well, your time is near at hand. You will all be standing on your heads in hell before the month is out."

George Ahrens, who overheard the conversation, corroborated Foreman Brown.

William Zarn, of Dunmore, a union miner, told of having been compelled to give up a contract at a big loss by the local. This was in February, 1901. He took a contract to rob pillars and employed thirteen men. The union protested and summoned him to come to a meeting of the local. He told the local he had lost money on the contract and asked to be given a little more time, that he might recoup some of his losses. The local voted to let him take out ten cars a day for two months. Three days later, the driver boy gave him only six cars, and when asked why he was not getting ten, told that the president of the local instructed him to deliver him only six cars.

President Mitchell cross-examined Mr. Zarn, and tried to have him admit that the reason he did not get more than six cars was that the union held he was not entitled to more cars than his neighbor. Mr. Zarn insisted it was to break up contract work. Mr. Mitchell also emphasized the fact that it was the president of the local and not the local that gave the instructions to the driver boy, and that he did it without authority of the local.

No Written Rule.

Commissioner Watkins asked if there was any rule of the union forbidding contract work. Mr. Mitchell said he did not know of any written rule, but he knew the union looked with disfavor on a miner having more than two laborers, favored one laborer for a miner, and preferred, if possible, to have men work as partners. If a man is allowed to have a large number of laborers, Mr. Mitchell explained, he becomes a small operator. He lives off the work of other mine workers. It is objectionable, also, on the ground that one miner can not properly protect a large number of laborers. If the thing were not checked, there is danger of the system extending to the chambers and the number of miners reduced. He further pointed out that there are instances of saloonkeepers taking pillar-robbing contracts and turning them over to practical miners. This means that all the men working on the contract must go to the saloon to be paid, and, of course, leave some of their money on the bar.

Commissioner Clark adduced the fact that no bond or capital are required to work one of these contracts.

Major Warren here presented a copy of a resolution adopted at the Edwardsville convention of District No. 1, in 1901, in which it is provided that any man taking a contract for work other than driving tunnels or sinking shafts would be expelled from the union, and no union man would work with him.

Mr. Mitchell admitted that he now recalled this resolution. He pointed out, however, that it was only a district convention that adopted it. Major Warren asked him whether or not he favored the resolution. Mr. Mitchell, after some little hesitation, answered in the affirmative.

M. P. Blauvelt, auditor of the Erie coal department, next went on the stand and explained the different documents submitted by his companies. They covered the period included between April 1, 1901, and March 31, 1902. Some of the items were as follows:

Hillside Statement.

HILLSIDE COAL AND IRON CO.

Total output	990,758
Percentage prepared sizes	59%
Percentage pea and smaller sizes	41%
Dockage (average)	3.98%
Total number of miners	1,011
Total number of laborers	345
Average pay of day men	$359.53
Average earnings per year for all miners who worked part of practically each half month during the year (excepting Clifford, which worked 10 months only, and Glenwood, which was flooded and worked 97 days only)	$676.42
Average earnings per year for all miners who worked part of practically each half month during the year (excepting Glenwood)	$637.18
Total number of company men	1,603
Average rate per day	$1.55
Average earnings per man per year	$359.53

A recapitulation has also been submitted, classifying the employes in six groups, as follows:

	Average Rate per Day	Average Earnings per Man per Year
Engineers, machinists, carpenters, blacksmiths, etc.	$2.03	$639.50
Firemen, pumpmen, stablemen, trackmen, timbermen, etc	1.83	545.54
Dumpers, footmen, headmen, runners, loaders, etc	1.67	338.76
Drivers, plate or gatemen, watchmen, etc	1.44	297.07
Door boys, slate pickers	.86	190.93
Laborers and various other classes	1.67	382.62
Number of days on which breaker ran		833.3
Average hours per day based on total stars		6.6
Number of suspensions due to action of employes		683
Number of suspensions due to machinery		116
Number of suspensions due to cave-in		1

As to the Pennsylvania Coal company's figures, the company could only give, with any assurance of accuracy, the earnings of the contract miner. Because of the fact that there is no regulation or record of the number of laborers employed, no distribution could be made. The average was $991.47.

Edward M. Beyea, general land agent of the Erie's coal companies, presented a number of statements containing interesting information.

Of the employes of the Pennsylvania company, 989 or 21 8-10 own real estate. In the Hillside company the number is 341 or 13 per cent.

The Pennsylvania owns twenty-eight company houses, for which they charge an average rental of $185 a year. The Hillside company has 107 houses renting for $5.40 a month on an average.

The local taxes paid by the two companies are as follows: Pennsylvania, $72,110.67; Hillside, $16,357.33; total, $88,468.

Both these witnesses will be cross-examined by Mr. Darrow tomorrow.

Protest Against Militia.

The following transcript of the letter for which the commission made requisition on Governor Stone, at the suggestion of Mr. Torrey, was presented today. It will be remembered it was testified to by General Gobin.

Edward J. Maginnis,
Attorney at Law,
Girardville, Pa., Sept. 1, 1902.

Mr. William Stone, Governor of Pennsylvania.

Dear Sir: A mass meeting of the people of Girardville and vicinity was held here in the opera house yesterday afternoon for the purpose of appealing to you not to allow the state militia to be used in escorting strike breakers to and from the mines. No objection was made to the employment of the militia in guarding the mines and those at work in or about the mines. It has been reported that you promised the Mine Workers' officials that the militia would not be employed in the capacity now complained of. Mr. M. A. Kilker, of Girardville, and James Clarke, of Ashland, and myself were appointed a committee by yesterday's meeting to call on you personally and protest against the misuse of the militia. Kindly let me know when and where we can meet you after next Thursday. I learn from the press that you will be away from Harrisburg until Thursday. If you can meet us at an early date after your return, please telegraph. Yours truly,

(Signed) Edward J. Maginnis.

Mr. Torrey brought out the admission that Messrs. Kilker and Clark are United Mine Workers.

Proceedings of Friday, Jan. 16.

[From The Scranton Tribune, Jan. 17.]

Philadelphia, Jan. 16.—The Erie compnay closed its case before the strike commission this morning and was followed by the Ontario and Western. Major Warren reserved the privilege of presenting some further statistics and the miners' attorneys gave notice that they would later recall Auditor Blauvelt and possibly Land Agent Beyea, for further cross examination.

The Ontario and Western case is being conducted by General Counsel John B. Kerr, of New York; Former Supreme Court Justice Alfred Hand, of Scranton, and J. E. Burr, Scranton counsel for the company. Mr. Burr made the opening address and conducted the examinations of all except one witness.

The testimony was particularly replete with substantiation of the claim that the union seeks to divide with the company the executive and administrative control of the mines. Some interesting incidents bearing on this contention were related by the company's superintendents.

The miners' attorneys are taking voluminous notes and making the most exhaustive examination into the accuracy of the statements of the operators' witnesses. The miners can be counted upon to consume fully ten days or two weeks in rebuttal.

MORNING SESSION.

Dr. W. K. Dolan, of Scranton, Last Witness for the Erie Company.

The cross-examination of Auditor Blauvelt was put over at the suggestion of Attorney Darrow, when Major Warren announced that his company expects to be able within a few days to present a reasonably thorough and accurate account of the distribution of earnings between miners and laborers of the Pennsylvania Coal company, which has no record of how its chambers are worked. In some places there is a miner and laborer; in others, a miner and two laborers, and in others two miners and two laborers. The company deals with only one man, the one who has the contract for the chamber. The average gross earnings of the contract miner are nearly $1,000. The company is corresponding with these contract men, with foremen and others, to ascertain how each chamber is worked. When this information is secured, the distribution will be made and presented.

Dr. W. K. Dolan, of Scranton, was the last witness for the Erie company. He gave a report of a census he took of miners in the poor houses and insane asylums at Blakely, Clark's Summit and Retreat, the principal institutions of that kind in the upper coal regions. The total population of these institutions is 1,159, of whom 692 are

males and 467 females. Of these males, 216 are former mine employes. Only 33 cases of asthma were found among these inmates. Twelve cases of chronic rheumatism were found among the miner-inmates of Retreat asylum, but not a single case at any other institution. There are 124 of them sane and 92 insane.

Superintendents of these institutions told the witness that 95 per cent. of the miners are inmates because of drink. Of the 216 miners, 24 are crippled and 3 show the effects of burns from gas explosions. Three consumptives were among the whole.

Generally speaking, the doctor said, the health of mine workers is as good as that of other workmen. They are not peculiarly subject to any disease in particular. As evidence that the miners are not afflicted with pulmonary trouble to any great extent, the doctor told of the singing societies in the coal regions, some of them composed of 400 voices, and practically all of them miners and their families. Some of the best singers in the region, he said, are men who have worked in the mines all their lives.

Reading from Dr. Neusholm's statistics, on health, a standard English publication, the witness showed that of thirty ordinary occupations given, twenty-six of them are less healthful than mining. Clergymen, gardeners, teachers and agricultural laborers are the occupations healthier than mining according to the statistics. Corroboration was presented from statistics in Oliver's "Dangerous Trades."

Evidence on Good Authority.

Mr. Darrow spent considerable time trying to discredit the statement that 95 per cent. of the mine workers in the insane asylums and poor houses of the upper coal regions, got there through drink. The doctor said the only reason he had to believe it was that the superintendents of these institutions told him it as a fact.

Mr. Darrow remarked:

"Did it ever occur to you, doctor, that a man who is looking for statistics to prove something, can generally find what he is looking for?"

Dr. Dolan explained that he made the investigations at the request of Major Warren. He was personally interested in the matter only by reason of the fact that the doctors who were on the stand for the miners gave testimony very different from his belief.

Mr. Darrow asked for the names of the parties who told him about the drunkenness matter. The witness said he would not give them. He had talked with doctors regarding the testimony given by the miners' doctors, and like himself, they disagreed with the testimony. They, however, would not want to go on the stand to contradict this testimony as they feared the boycott.

"You don't fear it, do you, doctor?"

"Well, it won't increase my practice any," replied the doctor.

ONTARIO AND WESTERN'S CASE.

The Opening Address Made by Attorney Burr.

The opening address for the New York, Ontario and Western company was then made by Attorney Burr. It was as follows:

May it please the Commission:

The facts which will be shown by the Scranton Coal company, on behalf of itself and the Elk Hill Coal and Iron company, whose properties it operates, will relate to the question of wages and hours, and the conditions hitherto and now prevailing at the several collieries of both companies.

The operating company owns two collieries and one washery situated in the city of Scranton, Lackawanna county. The Elk Hill Coal and Iron company owns seven collieries and two washeries located in the same county. The present management has had control of all the mines operated by it, for a period of from two to four years, only; the purchase of the Scranton Coal companies having been made in 1899, and the acquisition of the Elk Hill Coal and Iron company's lands, having been made from time to time, between February, 1899, and January, 1901; so that in such cases only as those in which the same persons were retained in immediate charge after the purchase of any colliery, shall we be able or attempt to compare the former conditions with those existing after the strike of 1900, except in so far as witnesses called may have knowledge of either special or general conditions before that time.

Some of the mines now operated by the Scranton Coal company were opened from ten to fifty years ago. The company employs about 5,000 men and boys. It pays the laborers direct, pursuing a system always (so far as it knows) in vogue at its several collieries. This has been always done at the request of the miners, as we shall show. The statements filed show that the company is paying fair wages, as fair as those paid by other operators engaged in mining in the same region where it operates.

We shall also show that since 1900, we have had repeated petty strikes, continual breaches of discipline, numerous interferences on the part of many men and boys with not only the management and control of the collieries, but also with the men employed in connection therewith, who are not members of the mine workers' union.

We shall show that we have endeavored to pacify and conciliate all persons making complaints, and to adjust any serious difficulties, if any existed, in so far as this could be done consistently with the proper and reasonable control of our properties; but we have been compelled to take the stand that we, not our employes, must control them, as we, not they, are responsible for the proper conduct of all business connected with the mining and preparation of our coal.

Our mines present different conditions, not only between the several properties, and between the different veins in the same mine, but also in the same vein. This is probably true of all mines in the Lackawanna region. For this reason, we make allowances to the men so as to preserve, as nearly as possible, equal and fair rates of wages, by concessions made to suit each particular condition.

We shall show further that we had to guard our own properties during the recent strike, at our own expense, chiefly by our own employes, from among whom all of our coal and iron police were appointed; that we suffered severe losses by damage to our collieries by mobs of strikers and strike sympathizers, and that we were constantly interfered with in our efforts to preserve our properties.

We shall show also that it would not be just to us or reasonably practicable to change the methods of payments now employed by us. Where the payment by weight obtains, and we have but one colliery where it is employed, this method was introduced and the collieries were adapted to its use, gradually, and as the properties were developed. In our single colliery employing the system, it had been in use for many years prior to our purchase thereof.

To compel us to change from payment by the car to payment by weight, in our eight remaining collieries, would entail not only great expense, but serious delays in operating our mines, in order to provide the necessary appliances for effecting such change; and we shall show that it would make no practical difference with the net wages received by the miners. In short, that it would be useless, ineffectual, unfair and unreasonable.

Superintendent Allen's Testimony.

The first witness was William Allen, inside division superintendent of the Scranton Coal company. He has been mining for thirty years and rose from the ranks. His testimony was given in a very concise, intelligent and evidently fair manner. It was, in substance, an elaboration of the points touched upon in Mr. Burr's opening address.

To begin with, he gave as an example of the class of men employed by the company a comparison of the English-speaking and foreign-speaking workmen at the Ontario colliery, in Peckville. Of the 779 employes, 508 are foreign-speaking and 271 English-speaking. At the Blue Ridge, he said, nearly all the employes are Italians.

The varying physical conditions of the company's different mines were detailed, special attention being given to the fact that at some of the collieries which have been worked for years, the veins are thin and hauls extremely long.

When the miners' side was being heard, William Cheeney and George Smith presented figures on the size of the cars at the company's mines. The witness declared the figures were inaccurate and referred the commission to the company's statistics for the real measurements. He also denied the allegation that the size of the cars has been increased in late years. Some cars are smaller than others, he said, because of the size of the veins, but the size of the cars has not been changed.

The men do not send out the required amount of topping, he declared.

Sometimes the company does not get even water-level loading.

At the Raymond colliery, where the men are paid by weight, there is a company weighman and a check-weighman, one paid by the company and the other by the miner. Both belong to the union. He has seen the check weighman half a mile from his post of duty, and, as a rule, found him paying no attention to his work. Neither at this nor any other colliery has there ever been a complaint, to his knowledge, of the system of payment, whether it be by the car or by weight.

Short Hours of Labor.

From particular calculations, made recently, and general observations, during his long experience at the mines, he would say that the contract miner works on an average about six hours a day. He has met them coming out at 9 o'clock in the morning, and when he expostulated with them that they ought to cut more coal, they either averred that they had cut their quota of cars, or else that they had some business to attend to and must needs go home. He often tried to persuade miners to do more work, but never succeeded. There is no limit to the number of cars the men can have, and if the miner would stay in and assist the laborer in loading or the incidental work of loading, both of them could very materially increase their earnings.

Several instances were given of the impairment of discipline consequent upon the termination of the 1900 strike.

In February, 1901, the boys asked for a sleigh-ride. The snow was about gone and the boss told them to wait until the next snowfall and he would give them a sleigh-ride, the company paying all expenses. When the answer of the boss was received, the boys demurred, and finally turned out in a body and threw the whole mine idlefor a day.

In May, 1901, two men, both Italians, were the committee to inspect union cards at the Blue Ridge Colliery. One of the men at the Blue Ridge belonged to a local connected with an adjoining colliery, and because his local had not issued orders to its members to display their union cards, he refused to display his. The result was that all the men at the tunnel, at which he worked, were called out and they stayed out for a week.

When the company refused to discharge the man who would not show his card, a committee from the tunnel went to the shaft and called out all the men working there. The witness met them as they were coming out, and told them if they did not return to work, he would shut down the colliery indefinitely. The shaft men debated a while and went back to work. The immediate cause of the second trouble, the witness admitted, was the discharge of the two men on the committee which called out the men at the tunnel. The tunnel men went back to work without securing the reinstatement of the committeemen or the discharge of the man who would not show his card.

Discharge of a Boy Causes Strike.

Shortly after this, a driver left a mule standing in the road and ran a loaded car down upon him. The mule was badly injured. When the boy led the injured animal back to the stable, the witness happened to be there. The boy, as if proud of his action, said: "Aint he a 'beaut' now?" The superintendent investigated and concluded that it was an act of criminal negligence. The boy was discharged and all the other boys quit, throwing the colliery idle for a week.

The general efficiency of the men was impaired, the witness declared, by a feeling among the men that the union was running the mines. Often times the bosses met with a point-blank refusal when they ordered a man to do certain work.

The following statistics were given by the witness, relating to the real estate owned by mine workers:

Richmond, No. 4—	
No. of employes	97
No. of men	84
No. of boys under 21	13
No. owning real estate	18
Value of real estate	$21,720
Ontario Colliery—	
No. of employes	779
No. of men	612
No. of boys under 21	167
No. owning real estate	90
Value of real estate	$151,850
Raymond Colliery—	
No. of employes	678
No. of men	517
No. of boys under 21	167
No. owning real estate	141
Value of real estate	$153,900

Strike Disorders.

In recounting strike disorders, the witness told that in May, a month after the strike started, the Blue Ridge breaker was destroyed by fire. The company engaged men to reconstruct it. A crowd of strikers marched on the colliery, drove off the men and later went looking for them at Peckville. The result was no men could be induced to work on the breaker and it is not yet completed.

At the Raymond colliery, where repeated efforts were made to call off or drive off the steam men who took the place of the strikers, the pumps are 4,000 feet from the foot of the shaft, and if they were drowned, it might take a year to reclaim the mine.

Before the advent of the union, the witness said, the miners were wont to work on days when the breaker would happen to be shut down, but now they cannot be induced to work when the breaker is not working.

"Not even during this coal famine?" asked Judge Gray, in surprise.

"No, not even now," the witness replied.

The judge arched his eyebrows.

Mr. Burr brought out the fact that the company's employes are furnished chestnut coal, delivered, for $1.75 a ton. Mr. Darrow remarked that this was an interesting bit of information.

The witness declared that he was always ready to treat with committees of his company's employes, and often has treated with them. The committees generally came to have some discharged man reinstated. He could not recall an instance of a committee asking for more wages or less hours.

A great many miners who earn the best wages have young sons working in and about the mines, the witness said. If any boys under the legal age are employed it is the fault of the parents who erroneously certify to their ages.

Danger of Mining.

The danger of mining can be minimized, the witness asserted, by the miners being more careful. Delay in making repairs—putting it off until something else is attended to—causes many accidents. The witness knows a great many men in the mines over 55 years of age. All the coal and iron police hired during the strike were from Lackawanna county, and employes of the company. Every man who went away to work elsewhere during the strike has returned. Even the foreigners who went over to the old country on a visit have either returned or are returning.

When asked if he thought the union could control the mine workers, the witness said: "If the union controlled them during the 1902 strike it ought not boast of it."

On cross-examination, by Attorney James L. Lenahan, the witness denied that the men are doing all they can now to relieve the coal famine. If they worked a reasonable number of days the output of the Ontario and Raymond collieries alone could be increased 1,000 tons a day. At present they average only two or three cars. Some load more. The average is low because many miners insist on doing their own loading. Even though the company insists on it, these miners refuse to hire a laborer.

Frank L. Northup, chief bookkeeper for the Scranton Coal company, was examined by John B. Kerr, general counsel for the Ontario and Western. He presented the company's statistics which were prepared under his direction.

The Tonnage of 1901.

The company, he went on to state, operates nine collieries, seven of them owned by the Elk Hill Coal and Iron company. The first table showed the tonnage for the year ending April 30, 1902. Summarily it was as follows:

TONNAGE AT NINE COLLIERIES.

Prepared coal	1,171,410 tons
Pea coal	190,904 tons
Smaller sizes	244,721 tons
Total	1,607,037 tons

TONNAGE AT TWO WASHERIES.

Pea coal	9,185 tons
Smaller sizes	350,678 tons
Total	359,864 tons

OUTPUT BY COLLIERIES.

Pine Brook	239,041 tons
Capouse	277,041 tons
Mount Pleasant	188,542 tons
West Ridge	98,544 tons
Richmond No. 3	53,415 tons
Johnson	273,158 tons
Raymond	237,876 tons
Ontario	208,907 tons
Richmond No. 4	29,910 tons
Total	1,607,037 tons

OUTPUT OF WASHERIES.

Capouse	294,115 tons
Mount Pleasant	65,749 tons
Total	359,864 tons

Tables were laid before the commission showing the earnings of miners and laborers at each colliery. The earnings of each were classified in groups, according to the number of months worked. The company pays the laborers direct from the office; that is, the company makes the distribution, instead of turning over the net earnings of both to the miner and allowing him to pay the laborer.

Earnings of Miners.

The statements showing the earnings of miners divided the contract men into these nine classes:

Class A, who worked short periods, all less than four months—786.

Class B, who worked varying periods, more than four months and earned less than $400—758.

Class C, who worked varying periods, more than four months and earned more than $400 but less than $500—265.

Class D, who worked varying periods more than four months and earned more than $500 but less than $600—260.

Class E, who worked nearly full time, and earned more than $600 but less than $700—181.

Class F, who worked full time and earned more than $700 but less than $800—78.

Class G, who worked full time and earned more than $800 but less than $900—23.

Class H, who worked full time and earned more than $900 but less than $1,000—3.

Class I, who worked full time and earned more than $1000—3.

On cross-examination, Mr. Darrow called attention to the statement that the average dockage at the Ontario and Western collieries is 4½ per cent. At three of the places there are either check-weighman or check docking bosses. At the Pine Brook, before the installation of a "check" man, the dockage was 3 11.100; afterwards, the average was 1 77.100. At Mt. Pleasant it was 4 41.100 before, and 2 39.100 after. At the Johnson, it was 6 46.100 before, and 3 13.100 after.

Attorney Kerr brought forth from the witness that there was not less docking, proportionately, but less occasion for docking. The men send up cleaner coal. Both Mr. Kerr and the witness agreed that the check-weighman and the check docking boss is a good thing for the company. The cleaner the coal the more economical it is to prepare. The witness admitted that the company, as far as he knows, experiences no trouble from clashes between the company's docking boss and the employes' docking boss. They get along very well together, he said, as far as he knew.

James Smith's Testimony.

James Smith, general inside foreman at the Ontario tunnel, Klondike drift and Jermyn No. 6 shaft or Rushbrook collieries, was the next witness.

Michael Coleman and Isaac Cheeney, officers of the United Mine Workers, came to him in 1901 and complained that the driver boys should be given more hours; that they couldn't make fair wages without more time. The superintendent told them they would have to agree to one of two things, a reduction of the force of drivers one-third, or an increase in the amount of cars sent out. The committee said the union had ordered that no more cars be sent out than was then being sent out.

Frank Vanderberg, as a committee from the Blue Ridge local, waited upon the witness in 1902 and insisted on the discharge of Howell Taylor, of Scott, who refused to join the union. The witness said he could not force a man to join the union. The witness went away. The big strike came on and during the strike the Blue Ridge breaker was destroyed by fire. The matter is still up in the air.

Two or three days after the termination of the 1900 strike, one of the contract miners came to the witness and reported that his place had caved in and he could not work. The superintendent told him to clean it up and he would pay him the regulation $2.15 a day paid company miners. The miner refused to do the work for this figure, whereupon the superintendent sent company hands to do it, telling the miner he might have the place when it was cleaned up. The company hands who were sent in to clean up the place returned and said they could not work in the chamber because it was boycotted. An investigation was made and it was found that the miner had cut the circle and cross on the roof with a pick. No man could be induced to go into the chamber. It was absolutely necessary that the chamber be worked. So as not to interfere with ventilation it was essential that the chamber be cut through to the opposite road. To effect this the company had to cut into the chamber from this opposite road.

The witness expostulated with an Italian miner, one day, to build up his topping square, instead of conical. The miner replied that he could not do it. "The union say I do it this way," said the Italian, indicating with his hands that the topping should be slanted.

John Gunshock, a driver, refused to deliver cars to David Davis, a miner, because Davis was in arrears for dues in the union. The same driver refused cars to Reuben Morgan, who would not join the union.

When the Union Forbade Work.

George Knowles, Michael Morrow and George Smith were each, in turn, importuned to widen a roadway to permit of a passing branch being put in. The work would have to be done on idle days. They informed him they could not take the job, as the union forbade work on idle days. Finally, a compromise was effected whereby the cutting was done on idle days, and the loading on working days.

A man named Taylor, an engineer on a locomotive used to shift cars at the Ontario, refused to do some work, as directed by the outside boss. The latter discharged him and ran the engine himself. Some one marked the trip of empties he took to the shaft and when they got to the foot the driver boys would not handle them. It was necessary to reinstate Taylor to operate the mine.

One of the witnesses for the miners in Scranton was Squire George Smith, of Peckville. He complained that because he was president of the local the company refused to take him back when the strike was over and that Superintendent Smith said to him: "You have been working for John Mitchell lately, and I guess you had better keep on working for him."

The Superintendent's Version.

Superintendent Smith's version of the affair was somewhat different. The squire had a chamber which the company seized as a site for a hoisting engine. He was informed before the strike that the place was to be seized. When the strike was over, the engine was installed, and there was no place for the squire. The superintendent told him he would have the first place that was vacant and to come around soon again. He never came around.

While the sessions of the commission were being conducted in Scranton, the witness met the squire at the company's store and had a friendly chat with him, during which the squire told him the reason he did not apply again for work was that he was working for Mitchell, gathering statistics for the commission, and that he was being well paid for it. The witness told him he had better continue in this employment for a while, as there was no place for him just then. He told the squire that if he had come around before, as directed, he could have had a place.

The witness intimated that the squire was not a very desirable sort of a miner, anyhow. He never sent out more than fifty per cent. of his quota of coal, no matter how big a rush was on. He openly declared that the squire doesn't want work.

The witness said that the miners in the collieries over which he has charge

work on an average of seven hours a day.

"Soft Coal Work No Good."

The witness named a number of men who have told him on returning from the soft coal regions, where they worked during the strike, that the men there work harder, get less wages and live at a lower standard than the men in the anthracite region. Foreigners returning from the soft coal region unanimously declared: "Soft coal work no good."

Last December, during the recess of the commission, the witness was a passenger on a trolley car bound for Peckville. John Davy, of Olyphant, a union miner was on the rear platform taunting a man who had worked during the strike.

"You are having your innings now," Davy declared, "but wait till the commission gets through and we'll settle with you. You want to pack your grip and get out."

At the present time, the witness declared, the men in his collieries could send out two or three cars more apiece than they are sending out.

Commissioner Watkins asked if it was not true that the miners have been thrown idle by the lack of railroad cars. The witness admitted that there were three half-days of idleness on this account since the strike ended.

Mr. Darrow was about entering upon cross-examination when the adjourning hour arrived.

Proceedings of Saturday, Jan. 17.

[From The Scranton Tribune, Jan. 19.]

Philadelphia, Jan. 17.—What was very generally interpreted to be a covert threat of another strike in the anthracite region was made by President Mitchell, at the close of yesterday's single session of the commission.

He was about to take his departure for the mine workers' national convention in Indianapolis and in bidding adieu to the commission took occasion to express his satisfaction at the manner in which the investigation was being conducted. Incidentally, he referred to the coal famine and sought to relieve the miners from all responsibility therefor by alleging that they are willing to increase the output but are prevented from so doing by the failure of the companies to furnish them cars.

Major Warren with some show of indignation challenged Mr. Mitchell's statement and mildly criticized him for stating something of which he had no proof and which the operators were proving was just the opposite, the actual facts of the case.

This perceptibly piqued Mr. Mitchell, and with his wonted resourcefulness took another tack. Referring to the fact that there are 3,000 miners who have been refused re-employment, he declared the companies were not living up to the agreement by which a cessation of the strike was effected, and then hinted rather than asserted that these 3,000 men were liable to cause further strife in the coal fields.

Mitchell's Address.

The address of Mr. Mitchell and Major Warren's criticism are given verbatim:

Mr. Mitchell: Mr. Chairman and Gentlemen of the Commission—This will likely be the last session of the investigation that I shall be able to attend. The national convention of the United Mine Workers of America will meet in Indianapolis on next Monday morning. It usally continues in session for ten days. At the expiration of that time, we meet in our national wage convention with the bituminous coal operators, to fix the annual wage scale for the year ending March 31, 1904. Unless there are important developments I shall remain in attendance at our convention until its adjournment.

I wish to take this occasion to express my satisfaction, and that of the miners, whom I represent, for the manner in which the investigation is being conducted. I feel confident that by the thoroughness of the inquiry it will result in much good. It would, of course, not be proper for me to discuss the matters that have been presented to the commission at this time, but I feel that you will give me the liberty to say this much, at least.

There has been a large part of the time of the commission taken up by the presentation of evidence to show lawlessness in the coal fields, or that lawlessness existed to a large extent during the strike, or during the latter part of the strike. Personally, I bear no ill-will to those who came here, bear no personal malice to those who worked, and in stating what I am saying, I am trying to separate myself, as far as possible from the special interests I represent. The non-union man who was brought here—the fellow who was called a scab—was brought here for the same purpose he was put in the mines. He was put in the mines for the purpose of destroying the efforts of the men who went on the strike. He was brought here under the pretext of getting an advance in wages. He was decoyed by a plea made before the commission that an effort would be made by those who had this case in charge to secure for him an increase of wages. He came here paid by the companies, hotel bills paid by them, and our men, who went around to see them, say money was furnished to them to enjoy themselves while they were here. He came here, and in not one single instance did those who represent him attempt to show that he was entitled to an increase in his earnings. The non-union man was used—betrayed—by those who proposed to take care of his interests before the commission.

Would Condemn Lawlessness.

I want to say, too, as to the matter of lawlessness, that before being president of a union, before being a member of a union, I am an American, over and above everything else. I believe that every man should first be an American. There is no man connected with the organization, there is no man associated with this investigation who would condemn lawlessness stronger than I would. If I did not do it because I was opposed to lawlessness, I would do it because it militates against the success of a strike and against the success and advancement of the organization. I do not believe lawlessness ever won a strike. I do not believe lawlessness, to a very large degree, deters men from working. I believe lawlessness, under all circumstances, will militate against the men who go on strike.

As I have said many times, I have an abiding faith in the American people. I believe that when they understand a cause to be right they will support it, and without the support of the people, no great movement can succeed. That is true of a strike. If the people of the country are not in sympathy with it, it must fail, and I am sure the sympathy of the people will never be with those who violate the law.

There is one other question that I feel it is my duty to speak of. As the commission are no doubt aware, several days ago I addressed a communication to all the anthracite mine workers, urging them to co-operate with the management of the mines, in increasing the output of the mines, for the purpose of relieving this terrible suffering due to the coal famine. Since my communication was received by them, I have heard from a large number of our local unions, and in enarly every instance the miners tell me that the production of coal cannot be increased through any effort of theirs; that in most cases the companies are failing to furnish them as many cars as they would load. In other words, the regular turn of cars will not amount to as much as the men are accustomed and willing to load, so that they cannot increase the output of the mines. There may be, in some few cases, they say, that they could, and have agreed to do so.

An Interruption.

Mr. Warren: Mr. Mitchell, will you pardon me for interrupting you. Will you produce prof of any of those cases you are now stating, cases where they cannot get cars, and that the fault is with the companies. You say you gathered your information from your men, your associates and the locals. If you have such information, it seems to me, as you are attempting here to establish a fact—not argue your case—you are apparently arguing your case, but you are not confining yourself to that, but you are stating alleged facts, and we have information quite to the contrary, and I suggest it would be fair to both ourselves and yourself, if you would furnish the commission with some fact to justify the statement that the men are not able to get any more coal in these days, because of the lack of opportunity afforded them by the companies. My associates, and my friends here, and the general superintendents who are here, inform me it is not the fact. I am very sorry you cannot

be here during the balance of the session, but we intend to show they do not and are not willing to load as many cars as they can be furnished with.

Mr. Mitchell: I am not attempting, of course, to testify as a witness in the matter. I am giving the sources of my information in each case. I do not say this for the purpose of placing the responsibility on anybody else. The fact of the matter is, my information would indicate that it is impossible to move more coal. The miners tell me the tracks are congested with loaded cars of coal at the mines.

The Idle Men.

I want to say this, in connection with it. We have three thousand men who are on strike—that have so far been refused the right to work. They are ready to mine coal, and if there is a shortage of coal in the country, and it is possible to move a larger amount of it, and I don't think they can do it very well. I believe both the miners and operators are doing what they can to get coal out of the mines, but they at least can increase it to the extent of putting our three thousand men at work, whom they agreed to start at work when they submitted to this commission. They agreed by the language of submission. We have waited patiently since the date of resumption for our men to be placed back in the mines. We believe they ought to be given work. We do not want to, and will not, cause trouble at the mines, but will do all we can to prevent it. But I want the commission to understand that the men who have been idle all this time are getting impatient. They are writing every day, asking if something cannot be done to secure them work at the mines. They are charged, of course, with being criminals it is alleged they left their jobs, and all that, but if they are going to have a term of peace for some years in the anthracite field, it seems to me they ought to stop fighting now, and that any desire to punish men by the companies ought to cease. We are willing and anxious to get along in harmony with those in the coal fields, and will do all we can to establish good relationship there, and we hope the coal operators will meet us half way in doing that. Gentlemen of the commission, I thank you.

No one ventured a reply to Mr. Mitchell, but Major Warren, for the companies he represented, made a protest to Mr. Mitchell, personally, against his having failed to differentiate between the companies who are refusing men re-employment and those who have religiously lived up to the terms of the submission agreement.

Ontario and Western Case.

The Ontario and Western companies' case was concluded at 11.30, and the Delaware, Lackawanna and Western company entered upon the presentation of its case. The opening address for the Lackawanna was made by John R. Wilson, local counsel for the company at Scranton. Major Warren and W. W. Ross, of New York, general counsel for the company, are also in the case. Major Warren is to conduct the examinations.

The closing testimony on the part of the Ontario and Western was in the main corroborative of that presented the day before.

Superintendent James Smith, of the Peckville-Archbald collieries, was on the stand when the session began for further cross-examination by Attorney James L. Lenahan.

When asked if he could mention a single miner who refused to load the usual quota of cars, the witness promptly gave the names of John Dickson, Angelo Caprino, Robert Sharpless, Powell Bagley, of the Klondike, and John Shaygut, of the Ontario.

When asked why the company does not put on a night shift to help relieve the coal famine, Mr. Smith explained that in the first place there are not men enough available, and, in the second place, the good miners, as a rule, object to cross-shifting, as on one day they cut their coal with a view of making it easy and cheap to cut it the next, and they do not want some other man to reap the benefit of their planning. A miner may fire half a dozen shots, today, to blow down six cars, but the blasting may be done in such a manner as to leave a big ledge of top coal which can be blown down with one shot. The next day the miner fires his one shot and has blown down his day's quota of coal.

Had Company Stores.

The witness denied personal knowledge of his company having any stores, but Mr. Burr, later, admitted that the company is conducting some stores which were established when the property came into its hands.

John Von Bergen, general inside superintendent of the Pine Brook, Mt. Pleasant and Capouse collieries, explained that it was impracticable to adopt the weight system of payment, because the breakers do not permit of the installation of a weighing plant, and in the case of the Mt. Pleasant and Pine Brook, the breaker sites are so hemmed in by streets and railroads that they will not accommodate separate plants for weighing coal.

President Mitchell suggested that the coal could be weighed at the foot of the shaft. Commissioner Watkins asked if it would not be necessary to install a weighing plant at each vein from which coal is hoisted. The witness agreed this was so, but admitted, in answer to Mr. Lenahan's inquiry, that the Mt. Pleasant is the only one of the three collieries at which coal is hoisted from more than one level.

To emphasize the danger of destruction to property threatened by the steam men's strike, and the efforts of the strikers to prevent the places of the steam men being filled, Attorney Burr had the witness give some figures on the pumping operations at these three collieries.

It was with surprise that the commissioners heard Superintendent Von Bergen say that in the course of a year the company hoists more water than it does coal. In twenty-four hours there is pumped from the Pine Brook, 2,680,000 gallons; from the Capouse, 3,560,000 gallons, and from the Mt. Pleasant, 1,750,000 gallons. Five days' idleness of the pumps would flood the mines to such an extent that it is problematic if they could be reclaimed.

Mt. Pleasant Strike.

As an instance of the trouble the union had brought on, the witness told that on October 1, 1901, the Mt. Pleasant miners went on strike because he would not permit the inspection of union cards on the company's property or agree to collect the union dues. Two weeks later the men came back to work without either demand being conceded.

There is a check docking boss, he told on cross-examination, at the Pine Brook and Mt. Pleasant collieries, and the company quite approves of them. Instead of docking a man for topping, the foreman sets a "short topped" car aside and calls the miner's attention to it. This, it has been found, has a better effect than docking.

John F. Cummings, outside division superintendent of the collieries within the city of Scranton; John Berkheiser, division inside superintendent of the Priceburg and North Scranton collieries, and John Aitken, division outside foreman of the upper valley collieries, gave testimony along the same general lines as the preceding Ontario and Western witnesses. Both averred that they never heard a complaint against the per car system of payment; knew of no blacklist or discrimination, and that efficiency and discipline have been noticeably impaired by the seeming assurance among the men that the union will save them from the consequences of neglect and disobedience of orders.

D., L. & W. Case.

It was an hour and a half before adjourning time when Attorney Wilson began the presentation of the Delaware, Lackawanna and Western company's case, with the following address:

Mr. Chairman and Gentlemen of the Commission—

Representing the Delaware, Lackawanna and Western company, we deem it wise, before the introduction of our evidence, to make a statement of the facts which we conceive to be at issue, and of the proof in support of our contention as to these facts which we propose to submit to the commission.

We will show that the mine employes of our company have, prior to the strike of 1900, been contented; that the relations of employer and employe were amicable and friendly, to a marked degree; that repeated conferences have taken place between the officials of our company and its employes, in which any matters at variance between them have been adjusted without friction, and that the employes have always received wages commensurate with their duties and responsibilities.

We will show that since the strike of 1900 and the advent of unionism it has been extremely difficult to maintain discipline; that our company has still continued to follow out a course of treatment of its employes along humane lines, and has endeavored at all times to promote the interests of all concerned.

We will show that the class of labor employed by our company is fully the equal in intelligence with any class of workmen found in the anthracite producing counties, and we propose also to show by union and non-union employes, who, from time to time, have been brought into conference with the officials of our company as members of various committees, that they have been listened to and given courteous treatment; that they have been treated in a manner deemed by them to be fair and equitable, and that they have not been discriminated against because of their being connected with the United Mine Workers of America.

The conditions under which anthracite coal is mined at the various mines by our company will be shown to vary in a very marked degree. We will show you that the adjustments made from time to time, by reason of such variations, have been fair and equitable; that years of experience in producing anthracite coal has resulted in the payment to our employes of sums equal to the average paid for like skill and labor in other occupations; and where the employes have taken advantage of the opportunities afforded them, and have applied themselves diligently to their work, it will appear that they have earned an amount at least equal, if not in excess of any other calling requiring like skill and judgment.

Against the Strike.

We believe and think we can show that at least eighty per cent. of our employes voted against the inauguration of the recent strike, and that when such strike took place our employes suspended work, not by reason of any grievance or fault with either their hours of labor or the rate of remuneration, but by reason of the fear born within them that if they failed to submit to the dictation of the officials of the union they would be called "scabs" and "traitors," and their wives and families ostracized and their lives made burdensome.

Some time ago, by reason of an accident which took place in one of the mines of the company, it was found necessary to inaugurate a system whereby each man going into the mines or leaving it, could be accounted for, so that the person in charge of that mine could at all times account as to the number of men on duty, whether working by contract upon his own time or not. We will show by this system that the average number of hours spent by contract miners in the mines have not been excessive, and, in fact, that they have been less than the hours for which they ask through Mr. Mitchell.

The system of payment in vogue by our company is one which has been tried and proven for a great number of years, and has resulted, we believe and shall show, in the adoption of such methods as secure a just equivalent of wages in return for labor performed.

We pay on the car basis. This system is eminently fair and equitable. Whenever a miners fails to earn a fair day's pay for an honest day's work, we make an allowance by giving him an extra price per car, sufficient to make up this fair day's pay, the minimum of which is $2.75. The car basis is as fair a unit of measurement as a miner's ton, or a pound, or measurement by the yard.

We will show that the art of mining in common with other industries, has been a progressive one; that as rapidly as new methods have been discovered which justified adoption, that such adoption has been made by our company; and that any new method adopted, which resulted in an increase in the amount of labor performed by any employe has been fully compensated by an increase in the remuneration paid him therefor.

We feel justified in denying, in the strongest terms possible, that the mine workers have proven specifically upon the witness stand any of the complaints which they have heretofore alleged existed against our company, in common with other anthracite mine operators, and that any disagreement has at any time taken place between this company and its employes such as would warrant any foundation for any part of such complaint.

Never Imported Criminals.

In contradiction to the statement of Mr. Mitchell in his speech at Philadelphia, Pa., on September 26 or 27 last, we will prove that this company did not, at any time, import criminals from that city or any other city, to preserve peace in and around its mines. It will show that the coal and iron police were persons of good character and who had been in its employ for periods ranging from two to forty years.

With reference to the employment of children of tender years, we will show that in no case does it employ children, unless it is ascertained from parents or guardians that the persons seeking employment come within the rules prescribed by the acts of assembly.

In conclusion, feeling assured that your award will be such as to commend itself to the judgment of this nation, and reasserting our willingness to be governed by your decree, when proof of these facts and any others entering into the controversy, which may be deemed worthy of notice, shall have been properly produced before this commission, we shall ask that your honorable body incorporate in your award, having reference specifically to the Delaware, Lackawanna and Western Railroad company and its employes, that it and they be allowed to continue to exercise the functions and duties vested in them by law, and comprehended in the relation of employer and employe, without let or hindrance, and without interference of any person or persons who are not parties to such relation, or who have no privity or contract with it, to the end that the industrial peace, so often broken during the recent years by unwarranted interference, may once more obtain, and that the reign of disorder and chaos in the anthracite mine field shall forever cease.

Testimony of Reese Phillips.

After putting in evidence the charters under which the Delaware, Lackawanna and Western company is authorized "to mine, purchase, transport and vend coal," Major Warren called as the first witness, Reese A. Phillips, general superintendent of the coal mining department. Mr. Phillips is accredited with being one of the best posted men in the anthracite field and his testimony was in consequence listened to with close attention.

The company, he said, operates twenty breakers, thirty openings and six washeries, and employs about 12,000 men. All its mines are ventilated by the exhaust fan system, the best and most modern system of ventilation.

He gave it as his opinion that the miners today are not, on the whole, as skillful as they were ten or fifteen years ago. Fully 35 per cent. of them at present are from non-English speaking countries. They cannot be as readily instructed as could the Welsh, Irish and Scotch miners who were the earlier miners. The latter became skilled very rapidly.

The company pays entirely on the per-car basis, the price varying according to the veins. Where a vein is hard to mine allowances are made on the car price, so as to bring the miners' pay up to a minimum of $2.75 per day. If the miner has to work eight or nine hours a shift, he is usually given allowances which will bring his pay up to $3 a day.

It has always been customary for the laborer to receive one-third of the gross earnings of his miner. However, this is not uniform. Old miners have been wont to seek out a particularly good laborer who can help him do the cutting and pay him 25 cents a day more than the customary allowance.

In none of the Lackawanna company's mines does the miner employ more than one laborer, except in some few instances where heading work or the like is being done by contract. This is easily off-set by the number of miners who work single-handed. When a place is being worked four-handed both miners get numbers, that is, each miner is accredited on the company's books as a contractor. It is a safe calculation to subtract one-third and cost of supplies from the miner's gross earnings to find what his net earnings amount to.

The company has five sizes of cars: The Delaware, Lackawanna and Western standard car, 83 37-100 cubic feet; the iron bottom car, 86 18-100 cubic feet; the Diamond low car, 81 cubic feet; the Bliss car, 114 cubic feet, and the Hampton car, 81 cubic feet. These cubical measurements include six inches of topping. The cars vary in size because of the variation in the thickness of the veins. There are different prices for the different cars.

Docking is done for rock, light loading and culm. A miner is not docked for every "dirty" car. The first time he sends out a car containing an unnecessary amount of impurities, he is given a demerit mark and notified. The second time he is given another demerit mark and again notified. The third time he is docked. The impurities of the first two cars are not taken into consideration when he is being docked for the third or successive dirty cars.

There are no check docking bosses at the Lackawanna collieries. The men never asked for them.

"I have no objection to a check docking boss," Colonel Phillips unhesitatingly declared. "If the men made a request for them, I would very willingly grant the request."

The statistics on docking, filed with the commissioners, show that the docking at the Lackawanna collieries amounts to only two per cent. This, the witness stated, would be still further decreased to one and one-half per cent., if the Bliss colliery output was eliminated from the calculation. There was constant "narrow" or rock work going on there during the period upon which the calculation was based, and the docking boss made no distinction between the cars sent up from the "narrow" work and those from the chambers. As a consequence, the dockage at this colliery was nearly 5 per cent.

No Complaint of Docking.

The witness declared he never heard a complaint about excessive docking. Once in a conversation with a neighbor who is a contract miner for the company and "a good union man," the latter averred that the men were being excessively docked. The witness challenged the statement and to make a test of the matter he immediately drove to the nearest Lackawanna colliery with the complaining miner and substituted him for the regular docking boss, after exacting from him a promise that he would honestly and fairly do the docking according to his best judgment. At the end of the day the docking was figured up, and it was found that the substitute had docked eight per cent. The dockage by the regular docking boss averaged one-half of one per cent. The complaining miner sought out the superintendent the next day and admitted that he was in the wrong.

Major Warren asked for the name of this miner. Colonel Phillips shook his head and with a meaningful smile said: "Oh, no, that wouldn't do. That man has got to live up there."

President Mitchell protested that it was not fair to say the miner in question is "a good union man," unless his name is given that his standing may be inquired into.

The witness said that if Mr. Mitchell doubted the truthfulness of the story, the company would agree to let him or Attorney McCarthy, who was a miner, or any other representative of the miners go to any of its collieries and act as docking boss for a day, and if he didn't dock more than the company's docking boss has been docking, the company will pay the expense of making the experiment.

The offer was not accepted. Instead, Mr. Mitchell renewed his protest against the witness, saying that "a good union man" had docked his fellow workmen sixteen times greater than a company docking boss would.

Colonel Phillips persisted in his refusal to divulge the name, and Judge Gray upheld him to the extent of saying he saw no reason, considering all the circumstances, why the name should be divulged. The witness made the further statement that he knew the miner was a "good union man" because he was a good fellow to begin with, and held a position of trust in the union.

As an additional evidence of the company's leniency in docking, the witness stated that four times as much refuse goes to the rock dump alone as is docked from the miners' cars.

Colonel Phillips' further examination was interrupted by the arrival of the adjourning hour, when the parting speech of President Mitchell was delivered.

Proceedings of Monday, Jan. 19.

[From The Scranton Tribune, Jan. 20.]

Philadelphia, Jan. 19.—Extensive testimony was presented today by the Delaware, Lackawanna and Western company with a particular view of showing the mine strike commission that it is less work and not more wages that the miners' union is striving for. Two witnesses, Superintendent R. A. Phillips, of the company's mining department, and Richard Walsh, a union miner from the Cayuga, testified positively, the one from statistics and the other from actual experience, that the coming of the union has accomplished only a diminution of work for the contract miner.

Superintendent Phillips testified that the average earnings of a miner prior to 1900 were $3.10 a day, and that the same figure represents his average earnings in 1901. The ten per cent. increase gained in 1900, he declared, profited the miner nothing, save a contraction of his already short work day.

Mr. Welsh told that his average earnings for fifteen years, prior to 1900, were greater than they were in 1901. Before the coming of the union, he said, an industrious miner could make good wages. He had made between $70 and $90 a month. Since the union placed limitations on the amount of work he is permitted to do, he cannot earn these amounts even with the ten per cent. increase. Last month, he said, he was not even allowed to load the regular shift of seven cars. His driver boy told him the union had directed him not to deliver more than five or six cars.

Men Never Complained.

Superintendent Phillips gave interesting testimony along general lines. Among other things he said that the men had never complained against the per-car system of payment, except in being parties to the general demand for payment by weight as put forth from the Shamokin convention. Payment by car, he said, was eminently fair and had always been satisfactory until the union came upon the scene. He further declared that 80 per cent. of the Delaware, Lackawanna and Western miners were opposed to the strike of 1902, and that if it was not for fear of violence practically all of them would have returned to work after the first few months of the strike.

Dr. J. M. Wainwright, of the Moses Taylor hospital, was the only other witness of the day. He gave testimony contradictory to the claim that mining is an unhealthy occupation.

MORNING SESSION.

Direct Examination of Supt. Phillips Conducted by Major Warren.

The direct examination of Reese A. Phillips, general superintendent of the Delaware, Lackawanna and Western mining department, was resumed by Major Warren at the opening of the morning session. He was on the stand for two hours in the morning and again for an hour in the afternoon, when he was cross-examined by Mr. Darrow, prompted by Mr. Murphy.

The examination was substantially as follows:

By Mr. Warren:

Q. At the adjournment on Saturday, Mr. Phillips, we were discussing the question of docking. I would like to have you tell the commission, if you know, the percentage of cars docked for light loading during the year 1901—that is, for lack of the required topping. A. The topping, I think you mean?

Q. The topping; yes A. In the year 1901 that averaged one-half of one per cent.

Q. In other words, the docking for the lack of topping is practically nothing? A Practically nothing; yes, sir.

Q. Another thing; your docking bosses are union men, are they not? A. Yes, sir; I think our docking bosses are all union men. I presume that is the reason they have not asked for any check docking bosses.

Q. Have you ever had any difficulty whatever with your men upon this question of docking? A. No, sir; none whatever. In fact, every man that I have spoken to has always said that he was perfectly satisfied with the manner in which we do our docking.

Q. Now, I would like to have you tell the commission what possible advantage there could be if the system of payment by car, which you say has been in vogue in your company for thirty, forty or fifty years—ever since the company commenced mining coal—should be changed either to payment by weight or payment by the yard?

A. Well, I cannot see where there would be any advantage, whatever, gained by the miner in changing from the car basis to the weight basis. If we were docking to a great extent for light loading, say four or five per cent., I should think then they would have some argument for changing to the weighing of coal. But under the present system that we have of paying by the car, and our present equitable and fair method of docking, I cannot see where there is anything whatever gained by the miner.

For another thing, the class of miners employed by our company are considered, I think, in the coal region, superior to a great many and equal to them all—that is, their character, their reputation, their efficiency or qualifications, or whatever you may call it. They are looked upon as being the better class of miners; and they have always been accustomed to mining on the car basis. When the miner comes out at night he can easily find out just exactly what he earned that day; and by referring to the dockage sheet, which is hung up immediately after it is balanced, which requires about fifteen or twenty minutes, or in the morning, they can know exactly what they earned the next day.

The Chairman: The day before.

The Witness: Yes, sir, the day before. Another thing that I should think would be a disadvantage to the miners, is the dissatisfaction that now appears to exist with the miners and the employers on the weighing basis. It seems to me there is a great deal of dissatisfaction in regard to the number of pounds that they have to give for a ton of coal, to make up for the waste. Under our system, there is no docking for the waste; they get paid by the car, or by the box.

By Mr. Warren: Q. Did you ever hear of any demand among your men for a change in the method of payment?

No Demands from Miners.

A. No, I was going to say that we have been in business ever since 1852, I think, and we have never had a demand from our miners, until the advent of the United Mine Workers, to change from the car to the weighing basis.

Q. You were a foreman at the Pettibone and you were a foreman at the Oxford? A. Yes, sir.

Q. You had a large number of men, with whom you were immediately connected and associated? A Yes, sir; and I want to say this—that particularly over on the west side of the city of Scranton I think I am personally acquainted with 85 per cent of our miners. I meet them on the street, in churches and secret organizations, and, in fact, we are very closely connected; and I have not yet heard one of our miners say that they would rather go on the weighing basis, when you get to talking to them outside of their union business. In other words, for instance, if you meet a man and have a good heart-to-heart talk with him and say: 'Which would you rather do—remain on the car basis or change to the weighing basis?" I have never yet met one of that class of miners who has said that he would rather change to the weighing basis. I think it is safe to say that that is the feeling among the English-speaking miners. Of course, I have not had so much talk with what we call the foreign element.

By Commissioner Wright:

Q. Do you have check docking bosses? A. No, sir; we have no check docking bosses. We have never had a request for one. All of our docking bosses are members of the union; some of them are secretaries of their locals. They have been docking bosses, many of them, for a great many years. Some of them have grown old and gray in the service, as they say.

Mr. Warren: The witness testified Saturday, Mr. Wright, that the average docking, not for light loading, but for impurities, in the year 1901, was only a little over one per cent.

By Mr. Warren:

Q. I should like to ask you generally, as to this question of docking, not only for light loading, but for impurities, whether it is a matter of any moment, as between the men and the company? A. No, no; none whatever.

Q. Now, suppose a man were to send out five cars as a shift, and there were two that would be light-loaded, with considerably below six inches of topping. A. Why, the chances are he never would be docked at all; he would not be docked at all. Now, you take our percentage of docks for light loading, only being one-half of one per cent; and if they were docking at that rate, if the man would send out five cars and two or three of them had been loaded light, that docking for light loading would certainly be more than one-half of one per cent. It is evident on the face of it that there is very little of that done.

Question of Cars.

Q. Now, Colonel, about this question of cars. We have heard considerable testimony from our friends on the other side about cars, sort of innocently or in a round-about way becoming larger without any corresponding increase in pay, either due to the car going into the repair shop to repair and being a little bit larger when it comes out, or to their having what they have jocularly called the live-oak car. Now, what is the space between the car and the cage, your car? When it comes out a new car, what opportunity is there for increase as to the width, to be used on your cages? A. Between the bumper of the car and the edge of the cage? Q. Yes. A I could not give you the exact size; but, on account of seeing it so often and coming in contact with it, I do not believe we have more than two to three inches play on each end. When the cage goes up and down the shaft, when it passes the fans—what we call the fans—(or possibly the word "keeps" would be better), it just passes, and that is all; because if you have too much play there, when the keeps are thrown out they will not catch the carriage to hold it. I have heard measurements given by some of the men on the stand at Scranton of the lengths of some of our cars. If we had the lengths which they gave, the cars could not go down our shafts; it would be utterly impossible. Of course, there is just this about the mine car that I think it would be well to say—that mine cars are not made by cabinet makers. They are made from good, solid, rough oak. They have to be made of good solid material, and there is a great deal of iron connected with them. A car is supposed to be seven feet long, but they may vary a sixteenth, or an eighth, or a quarter of an inch; because, as I said, they are not made by cabinet makers. Now, after the cars are in service for some time, there is such a thing as the door being sprung. It may spring out. In that case it lengthens the car a quarter of an inch or a half inch. On the other hand, in getting a bump, or what we call bumping into another car, if the bumper of the car should strike the door, it would have a tendency to bend the door in, and shorten the length of that car a quarter or half inch, or, possibly, an inch. It is the same way, again, in loading the car, the car being in service for some length of time; in throwing large chunks of coal in, they strike the top railing, and the top railing will naturally, in time, be worn down in the center, so that the car would then not be as high as it was when it first came out of the shop. On the other hand, in throwing a great deal of coal out, the sides may bulge out; the mortises may widen out the car a quarter or half an inch. When they say, therefore, that we increase the size of the cars continually, I think they are wrong. There is no question about it; I know they are wrong.

Q. Now, Mr. Phillips, you say you have never heard of any demand from your men until the advent of the union, for the change from the car basis to the weight basis. What man in the employ of your company has ever demanded that; and what do you mean by saying that you have heard of this demand? Do you mean that you have seen it in the reports of the conventions at Shamokin and Hazleton? A. Yes, sir.

Q. What I mean is, did a committee of the men working for the D., L. and W. ever see you or any other superintendents, to your knowledge, and themselves urge upon you a change in the method of payment? A. No, sir.

Q. Now, Mr. Phillips, will you please tell us what it would involve, as far as your company is concerned, if this commission were to recommend or suggest or decree a change in the method of payment by weight?

Change Impracticable.

A. Well, it is a very hard matter to figure the cost in dollars and cents. I do not really think it would be practical with the majority of our collieries. We may have two or three collieries where it could be done. For instance, in the case of these breakers that are built away from the heads of the shafts, where the coal is hoisted and runs from the head of the shaft to the breaker, a scale possibly could be put there. There is no question about that. But in the case of our old-time breakers, where the coal is hoisted direct from the shaft to the tipple, from the edge of the carriage, from where the car stands to the tipple, there is just room enough for the car. To put in scales there, or extend that out, you would have to practically change your breaker from top to bottom in order to get the necessary pitch for the coal to run in the breaker. When the breaker was planned they figured on having that pitch carried right out, to take the coal down to the big cars; and to extend that out, you would have to reduce your pitch; and there would be no room to put it in, because the coal has to go this way and back again, don't you see? It changes around from screens to rolls, and from rolls to telegraphs and slate pickers, and different things of that kind, so that it would really be impracticable.

Of course there is nothing impossible about placing the scales there; we could go to work and rebuild the breaker entirely, tear it down and rebuild it; but the expense in that case would be possibly $125,000 for each breaker, to go to work and put the scales in the mines.

There are a great many of our collieries that hoist right from four or five different veins. That would mean a pair of scales for each vein. You would have to cut in the solid rock to get room for your beams, and so on. Then, where they are hoisting from five different veins, it would mean five sets of weighmasters. In fact, it would complicate things very much; and the men really would not be a bit better off.

By Commissioner Clark:

Q. How much do you require for a ton? Oh, you do not weigh at all? A. We do

not pay by the ton. All of our miners are paid by the car.

By the Chairman:

Q. Then, by paying by the car, you eliminate the troublesome question of how much you should require for a miner's ton? A. Yes, sir—the amount of pound or hundred weight we will accept for a ton.

Q. Now, it would not be possible for any other system to be devised including payment by weight that failed to recognize this percentage of waste, would it? You have got to have that in mind, have you not?

As to the Yard System.

A. Yes; I do not know of any other system. If you paid by the yard, on the flat or undulating seams you will have a great deal of waste; and the first thing you know your property holders will be after you. The inspectors will come in the mines, and they will naturally ask why you are getting so much waste; because the miner will be anxious to make yardage, and if the cars are run slowly he will put the coal in the gob, or cover it up with rock, or something like that. That will all go to make up the yard, and not simply the coal in the car. So when you have the system changed to anything else, I cannot see anything except a chance for a considerable amount of waste. Of course where we pay by the yard everything is loaded up; they are not docked for anything. Another respect in which there would be a disadvantage by weighing in the old-time breakers is this—that it naturally restricts your output considerably.

First of all, if we hoist now sixty cars an hour (and we can easily hoist sixty cars an hour now), the minute the car is hoisted the men take hold of it, and it is dumped and put right back. Now, if that car has got to be weighed on the top of that breaker, it will take, we will say, a minute, to weigh it. Then the output is naturally reduced one-third; and when the output is reduced, you will either have to reduce your men inside, or else their earnings would naturally be reduced. Now, that being so, I cannot see for one minute how it can be done, and done satisfactorily to everybody.

By Commissioner Wilson:

It would be a pretty difficult proposition to do anything and make it satistactory to everybody, would it not? A. Yes, sir. I presume it would be. It is pretty hard to satisfy everybody.

By Commissioner Wright:

Q. Is it impossible to run your breaker the full time every day? Suppose you had sufficient competent men to keep them at work all the time; could you not run your breaker most of the time? A. Yes, indeed, we could; but—

Q. Even if you stored coal? A. I want to say yes, we could; but we have got to increase the number of men continually at all of our collieries. so as to keep them going eight or nine hours. A few years ago we could run our collieries and get out just as much coal as we do now with ten per cent. less men. The men then used to load six cars and seven cars per shift—that is, according to the division. Today they are trying to reduce that seven and six cars to a five and six car standard; and by doing that we naturally lose that much coal. Consequently, we have got to put in a surplus amount of men to overcome that. Then, when there is such a thing as the breakers running slack, or no demand for coal, during warm weather, the summer season, of course the men cannot work then, and so we only get three and four cars. Now, why is that? For the simple reason that we have a surplus of men, and we have to put this surplus of men on to keep up our output. If the men would load their six and seven cars, as they formerly did, we would not have to increase the number of men.

Q. Then the result is that you often store men instead of storing coal? A. Yes, sir; we have got to do that. We store coal as well. We do both, you know.

By Commissioner Watkins:

Q. Is it not a fact that your breaker capacity now is much larger than your capacity to produce coal? A . Yes, sir.

Q. That is the reason you have so much short breaker time? A. Yes, sir.

Q. You aim to have it larger than your mining capacity, in order to give your miners full time? A. Yes, sir.

Emergency Hospital.

The witness here told of the emergency hospitals established at the mines and the Moses Taylor hospital, where employes and those depending on them are treated free of charge. He also described how the mine ambulances are cared for in a sanitary manner and how they are treated when brought into use. Physicians are engaged by the company to instruct foremen and all bosses in "first aid to the injured," and they in turn instruct the company hands.

In telling about the 'keg funds," the witness stated that since the 1902 strike some of these accidental associations have reorganized and excluded non-union men, especially those who worked during the strike.

By Mr. Warren:

Q. Now, Mr. Phillips, will you tell me generally as to your observation concerning the causes of accidents that arise in or about the mines, especially as to the proportion that could fairly be charged to the conditions of the employment? A. Well, during my observations, I attribute forty per cent. of the accidents in the mines, around the mines, that happen to the persons around the mines, to the carelessness of the person injured; and I think you can rightly say that forty per cent. are caused by the over-confidence of the person injured. I think twenty per cent., again, are caused either by the carelessness or the over-confidence of some other person.

About Child Labor.

By Mr. Warren:

Q. Just a word about hiring boys in the breaker—this matter of child-labor. Your company requires a certificate from the parents or guardian of the boy, that he is at least of the age required by law, does it not? A. Yes, sir. If our foreman is in doubt as to a boy's age, he requires the boy to bring a certificate from his parents or guardian. We have blanks to be filled up for that, but I do not think I have one here.

Q. They furnish these certificates sworn to before a justice of the peace, or alderman, or some other officer of that kind? A. Yes, sir.

Q. What provisions have you for heating and ventilating your breakers? A. Our breakers are heated by steam, and, in some instances, there are stoves along with the steam; they are properly ventilated and they are also properly equipped with exhaust fans for removing the dust from the breaker.

Q. Prior to 1900 and the advent of the union, what were the relations, within your knowledge, between the men and their employers, as to the various matters that would naturally come up for discussion or agreement between them,amicable, friendly or otherwise? A. They were always friendly and agreeable. If any of our employes had any grievances, they were adjusted the same as they are today. They were taken up with the mine foreman, and if the men thought that the mine foreman did not do them justice, then they would appeal to the superintendent. They would appeal to the inside superintendent, if it was inside, or to the outside superintendent, if it was outside.

Q. How many increases have your company made voluntarily in the rate of wages, prior to the advent of unionism. and what do those increases amount to, in percentage, if you can recall, since 1877? A. I think about 35 per cent, and including the 10 per cent. granted in 1900. it would amount to 45 per cent.

Q. Now, the men resuming work after the 1900 strike, and the notice having been posted that your company would adjust any grievances the men might have which they thought desirable to discuss with the men, I wish you would tell us whether since that time you have had interviews with grievance committees, as they call them, and describe a few of the experiences you have had with those committees, these union men, I mean. A. We have had a great many grievance committees, and the great difficulty I have found is that they have been unable to make a proper distinction between the word "grievance" and the word "discipline." For instance, I had a committee wait on me at one time from one of our collieries——

The Chairman: When?

One of the Demands.

A. (Continued). This was after 1901 or the forepart of 1902, I am not sure which The committee waited upon me and asked, in other word demanded—because they never make any request; it is always a demand—they demanded that we discharge one of our contract miners in the mines or compel him to join the United Mine Workers. I told the committee that I simply could not grant the demand. That this was a free country, and that there has been too much good blood lost not to make it a free country, and I did not want to be a party to disrupt those fundamental principles or compel any man to relinquish his rights as an American citizen, and that I thought they were over-stepping the bounds, that they had no right to ask what they did; that that man had a right to work as long as he lived up to the rules and regulations prescribed by the company. They turned around and said they would not work with any scab and distinctly gave me to understand that that was their ultimatum; that if I did not compel him to join the union, or discharge him, that a strike would be inaugurated, and they finally did inaugurate a strike. They were on strike two or three weeks, but finally came around and asked me to open up the colliery and start. They made that as a request. I told them I would grant the request. but that to demand that any man should give up his rights as an American citizen, I could not stand for that.

Hours of the Miners.

Q. What would you say the average hour is at which the D., L. & W. contract miner goes into his work? A. The D., L. & W. miners enter the mines between the hours of 6.30 and 7 o'clock in the morning.

Q. What would you say as to the time they leave the mines? A. Well, they leave anywhere from 9 o'clock in the morning to 3 o'clock in the afternoon.

Q. Have you ever established any rule requiring them to remain in a certain number of hours?

A. Yes, several years ago our company adopted a rule whereby the miners were compelled to remain in their rspective working places until 12 o'clock noon.

Q. Have you ever had any difficulty in enforcing that rule? A. Yes, sir; we have had a great deal of difficulty. The miners, particularly those in the good places, have a h abit of going out as early as they possibly can, by 9 or 10 o'clock. In their anxiety to get out so early they become careless and neglect to keep their places perfectly safe and properly timbered and the roads in good condition, and quite frequently they have not enough coal blown down even in these good places to enable their laborers to finish their shift.

Q. Has a committee ever come to see you about this matter of letting the miners out before 12 o'clock, noon? A. Yes, I have had a committee come to me recently, I think it was from our Diamond mine, and they asked me if I would not abolish that rule and let the men come out at 9 or 10 o'clock. I told them I would not like to do that, but as long as we had a second opening there I would try it for a while—because I want to say as far as that rule is concerned that it has been very hard to keep it up anyway, because they are very anxious to get out early and they have grandmothers to bury and all sorts of excuses. I told this committee I would abolish it in this particular mine provided they would promise to make their best endeavors to keep their roads safe and have plenty of coal in their chambers and have the roofs properly timbered and everything of that kind in good condition, and that they would go out the second opening and keep away from the main shaft so as not to delay the hoisting of coal. They promised me they would and the rule has been abolished as far as that particular colliery is concerned.

Men Opposed Strike.

Superintendent Phillips further testified that 80 per cent. of the Delaware, Lackawanna and Western men were opposed to going on strike in 1902, and that towards the end of the strike the men were returning in large numbers. If it was not for fear of violence, practically the whole force would have been back in a short time. Of the 12,000 employes 2,100 of them were back at work when the strike ended, the witness declared. He gave figures showing where these men worked. The greatest number was at the Dodge, 145.

The company employed 317 coal and iron police during the strike, and every one of them had been an employe of the company for at least one year.

In concluding, the witness told that 30 per cent. of the company's employes own their own homes, and that one of the company's contract miners volunteered to loan him money when he was putting up his own home.

Union Miner's Evidence.

The next witness for the Delaware, Lackawanna and Western company was Richard Walsh, of North Scranton, a union miner, employed at the Cayuga colliery. He has had thirty-three years' experience; is the father of sixteen children, nine of whom are alive; owns property valued at $2,700, and all in all is very well content with his condition.

Major Warren asked him if he earns as much now as he did prior to the 1900 strike. The witness emphatically declared he did not. The union restricts him to six cars a day, he said. Prior to the coming of the union, when there were no restrictions on a man's capacity, he earned $70 to $90 a month. Even with the 10 per cent. increase his earnings now are less.

One month he made $112. This, he said, was before the coming of the union. His wages for the fifteen years prior to 1900 averaged more than they did in 1901, with its 10 per cent. increase.

Uneven Restrictions.

"I am making less money now than I ever did," said the witness, "and it is all because of the union restrictions. I can't see why a man isn't allowed to earn as much money as he is able to earn."

On cross-examination by Mr. Darrow, the witness said he had three sons working in the mines. In relation to the earning of $112 in one month, prior to 1900, the witness brushed aside the idea that it was earned in an exceptionally good place, by stating that it was a place another man had given up.

The witness said he averaged between five and six cars a day during the last month. The shift is seven cars. He never loaded seven cars on any one day in the last month, because he couldn't get them. The driver boys would not give him more than five or six.

When asked by Mr. Darrow how he knew it was the driver boy who restricted him in the number of cars he received, the witness replied that the driver boy himself told him so. Michael Lent, he said, was the boy's name.

Dr. Wainwright's Testimony.

Dr. J. M. Wainwright, of the Moses Taylor hospital, gave testimony regarding the health of miners. There was no such disease as miners' asthma, he declared. The same affliction called miners' asthma he had observed frequently in New York. The miners, he said, are not peculiarly liable to it.

This ended the morning session.

The Afternoon Session.

Superintendent Phillips was recalled at the opening of the afternoon session and asked concerning the firemen at the Hallstead colliery. The witness stated that the firemen at this colliery went on strike despite the fact that they were on an eight-hour shift. They said they had been ordered by the union to go on strike, notwithstanding that they had been granted an eight-hour day. The consequence was that the mine was flooded and it is still flooded.

Questioned by Major Warren, the witness said he had no objection to his men organizing for collective bargaining. He objected to the United Mine Workers of America because of its methods. One of the chief objections to the organization is that it will not permit men to work to their capacity. The other is that it permits boys to participate in its deliberations. Boys less than 21 years of age should be eliminated, he said.

"That's a right principle," said Judge Gray. "Only mature minds should be allowed to participate in the voting."

"They have only half a vote," said Mr. Darrow.

"That's what the union constitution says," declared Mr. Phillips, "but they are allowed a full vote. There is one local in North Scranton composed entirely of driver boys."

Commissioner Clark put to Superintendent Phillips the same questions he put to General Manager May as to how far he would go in the way of letting outside parties assist in settling a difference. The witness said he would be willing, if he and a committee of employes failed to agree, to let the men select an arbitrator and the company an arbitrator, and these two with a third, selected by them, settle the difference. The witness also admitted that if his company brought a lawyer into a conference, he would not object to the men bringing in Mr. Mitchell or any other representative to argue for them. Such a thing, however, was not necessary, the witness insisted.

In answer to questions by Commissioner Watkins, the witness said there was no offer by his company's employes to deal with him before the 1902 strike was declared. The only offer that came to his company was an invitation to go into conference between all the companies on the one side and all the mine employes on the other. This invitation was not accepted. The company objected to entering such a conference because of the varying conditions in the different regions, making it impossible to agree on anything like a uniform or minimum wage.

Regarding the strike of the Hallstead firemen, who had an eight-hour shift, Mr. Darrow sought to bring out an admission that the firemen struck because the engineers and pump-runners would not be given an eight-hour shift. The witness said he only knew that when the district superintendent protested against the firemen striking for an eight-hour day when they already had it, the firemen replied that they had been ordered by the union to strike.

The Wages Earned.

At this juncture, in response to queries by Mr. Darrow, Superintendent

Phillips reiterated the statement that an investigation of the books of his company shows that the average annual earnings of the contract miners were no greater in 1901 than they were in previous years, despite the fact that they got a 10 per cent. increase. Prior to 1901, the average daily earning of a contract miner was $3.40 a day. In 1901 it was $3.10. This is accounted for, the witness said, by the fact that efficiency was decreased 10 per cent. or so by union restrictions.

Mr. Darrow called attention to a statement of President Truesdale that the Delaware, Lackawanna and Western mine employes earned 30 per cent. more in 1901 than in 1900, and a statement made by the witness that the output per capita was greater in 1901 than in 1900. The witness explained that the Truesdale statement was for all employes. The statement of the witness was limited to contract miners. As to the output per capita being greater, the witness explained that this was accounted for by the great increase in washery output.

Just at the close of Mr. Phillips' examination, Mr. Ross, general attorney for the Lackawanna, asked a few questions bearing upon the right to hire and discharge.

The Right to Hire and Discharge.

"Mr. Darrow has brought out a proposition that is new in sociology," said Mr. Ross. "You said in answer to his question that this right to hire and discharge could be arbitrated?"

"Yes," replied the witness.

"That is something new," said Mr. Ross. "Heretofore the right to hire and discharge has always been considered absolute. You do not wish your company to be bound by your answer, do you?"

"No," said Mr. Phillips. "That is my personal, not my official opinion."

Subsequently, Mr. Ross said that his position was merely that the head of a concern which employs 20,000 or 25,000 men cannot surrender the right to hire and discharge, or in general submit such a question to arbitration.

Dr. J. M. Wainwright was re-called after Superintendent Phillips left the stand. He quoted from Oliver's "Dangerous Trades" to show that mining is not as dangerous a vocation as many others. Many of the other dusty occupations, he said, were more dangerous than mining. In answer to questions by Major Warren, Dr. Wainwright said that he had been present at autopsies performed on the bodies of miners and had observed the lung in such cases.

"Well, is it a fact," asked Major Warren, "that the lungs sink if put in water?"

"Not unless there has been pneumonia," replied the doctor, "in which case they always sink, as would the lungs of anyone else who had had pneumonia."

Auditor Baker, of the Delaware, Lackawanna and Western, will go on the stand tomorrow to present the company's statistical statements. It is said they contain some very interesting information.

Proceedings of Tuesday, Jan. 20.

[From The Scranton Tribune, Jan. 21.]

Philadelphia, Jan. 20.—The Delaware, Lackawanna and Western company rested its case today, after presenting testimony by three of its workmen as to dealings they have had with the miners' union, and the testimony of Auditor A. S. Baker regarding the statistics prepared for the enlightenment of the commision.

John J. McAndrew and Michael McHugh, two hoisting engineers in the employ of the Delaware, Lackawanna and Western company, told of the St. David's hall meeting and the unsuccessful efforts of the Lackawanna steam men to have the union take cognizance of the fact that they had no grievances and out of consideration of this revoke the strike order as far as it concerned them.

Samuel L. Morgan, ex-president of the Mt. Pleasant local, and a former union organizer, who was expelled from the union, as a result of a fight with the officers of District No. 1, took the stand at the instance of the Delaware, Lackawanna and Western company and told some interesting details of his experiences with the union. Among the somewhat sensational allegations he made was that District President Duffy organized and sent bodies of men to raid collieries in the Hazleton district, during the 1900 strike, and that the raiders were furnished with intoxicants paid for with money out of the national treasury of the United Mine Workers.

The tables submitted by Auditor Baker were remarkably thorough and exhaustive. Taken in connection with the oral testimony presented by this company, they tended to prove that its claim that its employes have no ground for grievance is fairly well-founded.

The testimony so far offered by the Temple company is in the main contradictory of the allegations made against the company by witnesses for the miners. Major Everett Warren, who conducted the Erie and Delaware, Lackawanna and Western cases, is also conducting the Temple company's case.

The last witness of the day was the four hundredth to be called. The testimony now amounts to nearly 7,000 pages of 350 words each.

Towards the close of the morning session, Judge Gray precipitated an interesting discussion of the question of the moral right of the union in the matter of restricting individual work and discriminating against non-union men. It is given in full in the detailed report of the proceedings.

The attendance at the sessions is falling away perceptibly since John Mitchell left. There were few present today outside of those who are there of necessity.

First Witness Heard.

The first witness of the day was John J. McAndrew, hoisting engineer at the Diamond colliery of the Delaware, Lackawanna and Western company. Mr. McAndrew told of the action of the Delaware, Lackawanna and Western steam men in reference to the order calling them out on June 2.

The Delaware, Lackawanna and Western collieries, he explained, are grouped in four districts. The steam men of the First district, of whom the witness was one, decided informally to refuse to obey the order. The steam men of Districts No. 2 and 3 called a meeting for May 28, at St. David's hall, West Scranton, to consider the order. The men of the three districts attended. The witness was chosen to preside at the meeting. A resolution was unanimously adopted requesting President Mitchell to rescind the order, as it was sure to be made ineffective, by other men immediately taking their places.

President Mitchell refused to grant the request, and the men concluded they would ignore the order. Two-thirds of the men were members of the union. All of them voted to stay at work, and 86 per cent. of them did stay at work.

The witness was opposed on principle to going on strike, as the steam men would, by deserting their posts, endanger the mines.

"Could not the property be protected with three shifts as well as two?" asked Mr. Darrow.

"I suppose so," said the witness, "but if there were three shifts, there would be classification and some engineers who would be on the night shift would get very small wages. As it is now, with shifts alternating day and night, on weekly shifts, each engineer gets good pay."

The witness told that he gets $78 a month. A fireman receives $56.

Judge Gray had been revolving in his mind the answer of Mr. McAndrew as to the desirability of three shifts. "You felt," said the judge, "as if you wanted to act on your own opinion as to what is reasonable and what is not reasonable, in the matter of hours and wages, and not be compelled to accord with

some one's else opinion as to what is reasonable?"

The witness nodded his affirmation of the judge's interpretation of his views.

Michael McHugh, hoisting engineer at the Sloan, told of the efforts of a committee from the St. David's hall meeting to induce President Mitchell to rescind the order, as far as the Delaware, Lackawanna and Western steam men were concerned.

The committee first went to the District No. 1 headquarters in Scranton and talked over the matter with President Nicholls, Secretary Dempsey and Board Member Courtright. The committee told the officials they had no grievances and did not want to strike, as they could not afford to give up their jobs. President Nicholls declared they would have to quit. If they did not, he said, they would be scoffed at, their families ostracized, and their children insulted.

President Mitchell was next appealed to at Wilkes-Barre. He said he could not grant their request. It was too late, he said, to consider it. He produced a list of names of Delaware, Lackawanna and Western steam men and told the committee every one of them had promised to obey the call. The witness assured Mr. Mitchell that he had been misled; that most of the men whose names were on the list would not go on strike.

No Victory Without Sacrifice.

The commitee pled with Mr. Mitchell that they could not afford to lose their jobs, and that they surely would lose them if they went on strike, as others were ready to take their places. Some of them were paying off debts in real estate and besides losing their jobs they would lose their homes if they went on strike.

President Mitchell remained obdurate. There could be no victory without losses, he declared. The committee reported back to the meeting, and it was decided to live up to the resolution and ignore the union's order.

Before June 2 came, the committee again saw members of the district board. The committee told them there would surely be 25 per cent. of the steam men who would remain at work and that with even 25 per cent. at work the company could operate. One of the district board members said: "There won't be any 25 per cent. staying at work. If they do, we'll drag them out." The witness declined to give the name of the official who said this.

The witness testified that as far as he was concerned he was well satisfied with his job. He had no fault to find with either hours or wages. He never heard the Delaware, Lackawanna and Western steam men complain of their conditions.

Mr. Darrow asked him if it was not true that the steam men of the whole region went into the Shamokin convention and asked that their demands for more pay and shorter hours be incorporated in the demands the union was about to put out. The witness had no personal knowledge of this.

Testimony at times bordering on the sensational was given by Samuel L. Morgan, of Scranton, a miner at the Bellevue, who was formerly president of the Mt. Pleasant local, and who was expelled from the union by action of the Hazleton convention, on the ground that he preferred false charges against union officers.

Charges Against Dilcher.

His charges were in effect that National Organizer Fred Dilcher, tried to get money from W. P. Boland, a coal operator to settle a strike at the Oxford; that District President T. D. Nicholls was seen sneaking into an operator's home by a back entrance during the 1900 strike and that District Secretary Dempsey had done something else, which the witness could not remember.

He was asked to appear before the Hazleton convention to prove his charges. On Tuesday a motion was made that he produce his proof by the following Tuesday or be expelled. He had just gone through two strikes and could not afford the expense of taking his twelve witnesses from Scranton to Hazleton and consequently did not prove the charges. President Mitchell, the witness said, told him in the parlor of the St. Charles hotel at Scranton, prior to the convention that the union would stand the expense of his witnesses. At Hazleton, Mr. Mitchell, the witness said repudiated this agreement. The convention passed a resolution expelling him, but the Mt. Pleasant local refused to obey the resolution.

The witness interested himself no longer in the union, and does not know his present standing. He is of the opinion, however, that he is classed as a non-union man for the reason that since the close of the 1902 strike twelve different laborers' have been induced to desert him. As fast as he could find a laborer, the union would get them away from him. He is also denied the full quota of cars by driver boys, he averred, because of his being a non-union man. He could easily load seven or eight cars on a shift, but can only get four or five. To load six cars, he said, required only from two and one-half to three hours.

Asked concerning the practice of the union in preventing men from working on idle days, even from cutting rock or putting their places in shape, the witness explained that this was for the purpose of preventing the company from making a good showing in the matter of miners' earnings. When he was in the union he was told that the company encouraged men to work on idle days so that it would strengthen the average earnings on breaker days.

He has worked under both the weight and per-car systems of payment and considers the per-car system the more fair and satisfactory. When asked why the per-car system was preferable he made the somewhat hazy explanation that by the per-car system, a miner could be short a little in his topping and not lose anything by it. Under the weight system he would be paid for only the actual coal sent out. Judge Gray took issue with the witness as to the merits of his grounds for preference.

To emphasize his belief in the healthfulness of the occupation of mining, the witness told that he took a job as special officer for the Delaware, Lackawanna and Western company, but finding his health failing went back into the mines. He is feeling better now. Even with the union's restrictions he can earn twice as much wages cutting coal as he could working as a special officer and he could re-double these wages, he declared, if the restrictions of the union were removed. His average earnings as a contract miner, he said, are $3.40 a day, working not more than four hours.

Most Startling Testimony.

His most startling testimony bore on an allegation that money from the national treasury was used to buy intoxicating drink for men whom District President Duffy sent to raid the collieries at Rerringer, Gowan and Fern Glen, during the 1900 strike.

The witness, at that time was working as an organizer for the union in the Hazleton district. President Duffy he testified, took him into his confidence and told him, that raids were planned on the collieries at these three places, where the men were refusing to join the strikers. A large body of men was recruited and sent on the march against these places. National Organizer Benjamin James, so the witness asserted, with money from the national treasury, paid the expenses of the march. The bill for food and intoxicating drink, he said, amounted to $43. The witness averred he saw the money paid.

The march was successful in its purpose, the witness said in answer to a question by Commissioner Watkins.

Mr. Darrow's first question to the witness on cross-examination provoked a broad smile all around:

"Do you think the union made a mistake in firing you?" asked the miners' attorney in the most bland manner at his command.

"I'm proud of the fact that I was not a union man in the last strike," quickly replied the witness.

"President Nicholls, as I understand it, you charged with secret dealings with a coal operator?"

"He laid himself open to suspicion."

"You suspected him of being a traitor, I take it?"

"Yes."

"You don't believe in traitors?"

"No."

"At least, you didn't at that time, let us say," remarked Mr. Darrow.

Mr. Darrow wanted the names of the

witnesses who were to have been summoned to prove his charges. Mr. Morgan declined to give them, saying, "I don't want them killed before I get home."

After some hesitancy, the witness said, "No," in answer to a question as to whether or not he reported the secret proceedings of a convention at Edwardsville for a Sunday paper at Scranton.

Rights of the Union.

A significant and interesting discussion of the moral right of a union to restrict a man's labor and to discriminate against non-union man took place between several of the commissioners, on the one side, and Mr. Darrow on the other; while District Superintendent Thomas Williams, of the Delaware, Lackawanna and Western company's West Scranton collieries, was on the stand.

Mr. Williams had put in evidence a big batch of United Mine Workers of America notices, posted by different locals at different collieries, conveying announcements that "any man" not showing a union card would be "stopped," that the local had decided to celebrate April 1 as a holiday and all employes should abstain from work, and so on.

Superintendent Williams was telling of a non-union man being unable to get a laborer to work with him, when the discussion was precipitated.

By Mr. Darrow:

Q. You did not find that the union was responsible for that, did you?

A. No, I could not say the union was responsible, but nevertheless that man could not have a laborer.

The Chairman: Does the union deny that it issues orders of that kind?

Mr. Darrow: Your honor asks me to reply without a moment's thought; I do not know that I have asked that question myself specifically to find out, but I will say that I think——

Mr. Warren: We have positive evidence of it.

The Chairman: Wait a moment, please.

Idea of a Well Organized Mine.

Mr. Darrow: I should think, in a well organized mine, a union miner would not work with non-union men.

The Chairman: You do not object very much to this method of proof, then? You do not think that it is unlikely that it occurred?

Mr. Darrow: That they would not distribute cars?

The Chairman: Yes.

Mr. Darrow: I do not think they have an organization of that extent in this region, so far as I can find out; but I do think that with a thoroughly organized mine, or thoroughly organized industry, where they had a trade agreement which called for only union men——

The Chairman: Oh, yes——

Mr. Darrow (continuing): That a union man would not work with non-union men; but I do not think they have done that.

The Chairman, Do you think where they have no trade agreement, where the operators have not agreed to employ only union men, that there are such orders given by the unions, locals or otherwise; do I understand from your side in this controversy that there are such orders given?

Mr. Darrow: The matter has never been called to my attention. I do not know. I have no doubt but what they have a right to do it; but still I have not investigated it.

The Chairman: Have a right to do what, Mr. Darrow?

Mr. Darrow: I do not know whether they have ever provided in any way that a laborer should not work with a non-union man; I do not think they have.

The Chairman: Or that a non-union man should not get cars?

Mr. Darrow: Yes, sir; I do not think they have.

The Chairman: We have had a number of instances where plane runners and drivers have reported to their bosses that they have been instructed not to furnish cars. Do you believe they were telling the truth, or do you deny it? If you deny it, we will call upon the other side to prove it—if you deny that that could have occurred.

Mr. Darrow: My only idea, to be frank about it, without having looked into it, is that there is no general rule by the union in this vicinity. I presume, however, that there may have been cases where it occurred among the large number of men who belong to the union. I would not think it all improbable that here and there somebody should have refused it, as some witnesses have said, although I do not that that is true. I should think it ought to be proven, wherever it is alleged.

The Chairman: If it is allowed; if it is a thing you thing right and justifiable, why prove it?

Mr. Darrow: I prefer to answer that after luncheon. I think I can answer as to whether it is right. I think it is right. I think they have a right to say that they will not work with non-union men.

The Chairman: You think they have a right to deny the furnishing of cars to non-union men?

Mr. Darrow: Yes, to be sure; it is the foundation of trades unionism.

The Chairman: And refused to work in a mine where non-union men are employed?

Mr. Darrow: To be sure.

The Chairman: I wanted to know your position about it, It would hardly be necessary, then, to go into the particularity of proof.

Mr. Darrow: If a man may not strike and refuse to work with a non-union man, then a trades union might not be able to exist. It is the essence of it. A man may refuse to work with a red-headed man if he wants to, he may refuse to work with a Pole. or a Bohemian, or a Catholic or an Atheist; but that is his rights. He may believe in unionism, as I do; that labor cannot be well paid and cannot receive its just recognition without a union, and he may say, "I will not work with any one who is not a union man."

Rights of the Operators.

The Chairman: Then the operator would have the right to say that he would not employ a man who belonged to a union?

Mr. Darrow: Yes.

The Chairman: And to protect men who did work from interference?

Mr. Darrow: There is no question about that; I do not see how either proposition can be disputed.

Commissioner Parker: An employer has the right to discharge a man for having a red-head?

Mr. Darrow: No doubt, absolutely, whether it is wise policy or not. That is a question upon which men may differ. I think the operators would be wise if they recognized it. On the other hand they think we would be wise if we abandoned it.

Commissioner Wright: If a miner has a right to refuse to work with a red-headed man has he also the right to prevent the red-headed man from working?

Mr. Darrow: Do you mean by force?

Commissioner Wright: Any way?

Mr. Darrow: The question is indefinite, is it not? Not but what I am willing to answer any question.

Commissioner Wright: Admitting the right of the man to work or not with the red-headed man, has he a right by any means whatever to prevent the red-headed man from working?

Mr. Darrow: A legal right? Yes.

Commissioner Wright: We will put it union and non-union instead of red-headed.

Mr. Darrow: He has a right to use all the power he has by way of moral suasion to say to every one else "this man is an enemy to organized labor, no one should work with him."

Commissioner Wright: But has no right to injure him?

Mr. Darrow: No right to assault him, no right to kill him.

Commissioner Wright: You can assault a man without striking him?

Mr. Darrow: He has no right to slander him; the civil law comes in there and says that slander is an assault. He has no right even to call him "scab" as that is slander.

Mr. Warren: You approve of that then?

Mr. Darrow: But I think some of these notices were very inartificial.

Mr. Warren: I am not referring to them on the question of grammar or etiquette.

Mr. Darrow: Let me read this: "The first working day in August will be the day to show working cards. Any man not having a card will be stopped until he gets one." Now, I am perfectly free to answer that question. This was evidently a notice addressed only to union men, evidently as a means of knowing who in their minds were members of the union. They had a perfect right to pass a resolution or otherwise calling for every man as he went down into the mine to present his card, and providing that he could not go down in the mine if he did not have his card.

The Chairman: How would they prevent him from going down?

Mr. Darrow: Then comes another question. I do not mean by that, your honor, that if he had a contract; that is, between the mine-owner and the men, there might not be some equity, but they have a right as a matter of discipline to their members to say "You must show your card."

Power of the Union.

The Chairman: Or get out of the union?

Mr. Darrow: Yes, by expulsion. They have not worded it right; even well educated men do not always make themselves perfectly plain. They have no other power; the only power they have over their members is to dismiss them or fine them, nothing else.

Mr. Warren: I want to interrupt you long enough to say that I cannot understand how you construe that paper, which

is short and brief, in the way you do. You may be right about it, and I may be wrong, but I differ with you in the interpretation. I say that is a notice to every employe in your colliery that when he comes to work that morning he must have his card or he will be stopped, whether he be a union or non-union man, because it was posted.

Mr. Darrow: I think you will find when the evidence is all in that that is not the proper construction. I will answer you frankly, if it is the proper construction, I think it is wrong; I think they have no right to say to a non-union man, to prevent him from going down.

Mr. Warren: You gentlemen on the other side have torn our books inside out. Now I respectfully request you, as I did a month ago, to furnish us with the minutes of the meetings in our section of your locals and let us see from those minutes just what they did undertake to do both in the matter of restricting the men from working and earning money and in the matter of preventing non-union men from working.

Mr. Darrow: I will not furnish the minutes of the meetings of the Locals any more than you would furnish the minutes of your associates and boards of directors.

Mr. Warren: You say it is not a secret orgnization?

Mr. Darrow: Oh, well, there may be many things we do not want you to know.

Mr. Warren: That is what I am rather inclined to believe.

Mr. Darrow: I do not know anything at all about that, but I will find out and bring the men in here to find out to whom this notice applies.

Commissioner Watkins: You have one notice which brings that issue out clearly, stating, I think, that union men will refuse to work with non-union men after a certain date.

Mr. Darrow: That is another proposition from the one that Mr. Warren just now put to me. The question he first puts to me is—

Mr. Warren: What I am trying to do is to fasten upon the organization, if I can, a disposition to compel men to go into the union or not allow them to work, and I say this does it absolutely, because it says "There will be a special meeting of the above named Local at Jane's hall, Archbald mines, Saturday morning at 11 o'clock and all men employed in and around the mines not members of the above-named Local are requested to be present and join. If not they will be stopped from work Monday, April the 8th, 1901." That is the official notice signed by the president and secretary, with the seal on it.

Commissioner Watkins: There is one notice that states it more clearly than that.

Mr. Warren: They are all very clear to me.

Mr. Darrow: As to this notice, it does seem to apply to non-union men, and so far as it does, they would have no right to compel non-union men. They would have a right to say that they would not work with them, but they would have no other right. I presume that is what they meant; I do not know.

Mr. Warren: You presume that that is what they meant when they say that the men will be stopped from work if they do not join it?

Mr. Darrow: I have no idea they meant stopping them by force, with a club or otherwise; I cannot imagine such a thing. I would be willing to find out.

As to Discrimination.

Superintendent Williams was asked concerning the alleged discriminations against union men at the close of the last strike. In each case, he said, the men who were not re-employed were refused work because their places had been filled. Every man who asked for re-employment has been re-employed, the witness declared. Some had to take places other than those they formerly filled, but not as much as one man has been refused work.

"Then these 3,000 idle men Mr. Mitchell referred to, Saturday, are not up in your district, Mr. Williams," remarked Major Warren.

"By the way," said the major, turning to Mr. Darrow, "where did you get your facts about those 3,000 men? We would like to know something about it. There ought to be some proof to back up a broad statement of that character."

"I trust we won't have to put it down with Mr. Baer's statement as to violence," replied Mr. Darrow, with decidedly cynical expression.

The witness also gave testimony in detail of restrictions on output since the coming of the union. It was along the same general line as that of preceding witnesses. One incident was to the effect that forty-three men were turned back in one day by the union's card inspection committee, because they could not show their union cards.

Cross-Examination.

On cross-examination by Mr. Darrow, Mr. Williams said that the variation in the time worked by the breakers was due principally to the varying conditions of the market. Mr. Darrow brought out the number of miners employed at each colliery in Mr. Williams' district, the number of mine cars in each mine, and what Mr. Williams thought to be a fair number of cars to be hoisted from each mine in a ten-hour day.

Mr. Darrow then went into the question of the chance an engineer has to rest while on night shift, and drew from Mr. Williams the statement that engineers were not supposed to sleep while on duty, and that if he found such an engineer asleep he would discipline him. Complaints had been made by foremen that enginemen had been found asleep, but he had never discharged men for that reason.

Mr. Darrow questioned the witness about three men who had not been put at work since the strike was declared off, and Mr. Williams gave the names of the men who now fill the places of the three complainants. Each of these men was put at his present work while the strike was on.

Mr. Williams said that he had kept track of the time lost after pay day at the Archbald mine, and had found that, in spite of the fact that the men got their pay on Saturday afternoon, there was a loss of two or three hours on the following Monday morning.

Michael McHugh was re-called, and testified that it was the custom of the engineers and firemen on night shift to sleep from two to six hours each night. He explained that the work was not hard and that one would look out for the duties of both while the other slept.

Attorney McCarthy conducted the cross-examination and asked McHugh if he meant to admit that he had been negligent in thus sleeping on duty.

"Yes, sir," said McHugh, without a smile.

Auditor Baker's Evidence.

A. S. Baker, auditor of the Delaware, Lackawanna and Western mining department, was the first witness of the afternoon. He presented and explained the statistics prepared for the commission, showing details of the matters of hours and wages and the like.

Appended is a summary of the statistics laid before the commission by Auditor Baker:

No. of collieries	10
No. of openings	30
No. of employes	12,000
Number of days of idleness due to action of employes	168
Mitchell day and other union holidays	36
Circuses	17
Picnics and excursions	18
Strikes	97
Number of days of idleness due to breakdowns of machinery, etc	412
Total number of days breakers started	4,810
Average days colliery started up	260
Average number of 10-hour days	203
Average number of hours worked per day	7.8
Average number of hours worked per day by contract miners	6.53
Average earnings of contract miners	$ 628.93
Average earnings of miners' laborers	362.72
Average earnings of company men	514.93
Average earnings of all men	502.45
Average earnings of all boys	204.10
Average earnings of all employes	432.63
Gross earnings of contract miners	3,078,135.64
Cost of supplies	274,713.49
Laborers' earnings (estimated)	1,025,419.92
Net earnings of contract miners	1,778,002.23

Statement showing number of days on which contract miners worked during the year 1901, and average annual earnings.

	No. Men on Rolls	Percentage	Average Annual Earnings
300 days and over	5	.1	$1024.59
275 to 300 days	296	8.7	766.64
250 to 275 days	1103	32.1	681.47
225 to 250 days	501	14.6	584.04
200 to 225 days	305	8.9	552.56
175 to 200 days	212	6.2	457.69
150 to 175 days	164	4.8	412.72
125 to 150 days	136	4.	349.42
100 to 125 days	127	3.4	259.54
75 to 100 days	146	4.3	204.39
Less than 75 days	443	12.9	92.77
	3438	100.	$509.68

Above table shows that 40 9-10 per cent. of the men worked over 250 days with average annual earnings of $700.65. This does not mean ten-hour days, but the number of days they reported for work.

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Statement showing classification of contract miners' earnings during the year 1902, and average days worked by each man based on the number of times each man reported for work.

Annual Earnings	No. Men	Average No. Broken Days Worked	Percentage
Less than $100.00	269	26.	7.8
$ 100.00 to 150.00	119	45.	3.5
150.00 to 200.00	145	77.7	4.2
200.00 to 250.00	110	102.3	3.2
250.00 to 300.00	100	128.3	2.8
300.00 to 350.00	125	149.9	3.7
350.00 to 400.00	156	172.5	4.5
400.00 to 450.00	181	194.2	5.2
450.00 to 500.00	219	212.7	6.4
500.00 to 550.00	281	232.2	8.2
550.00 to 600.00	365	218.9	10.6
600.00 to 650.00	373	227.	10.9
650.00 to 700.00	315	258.9	9.2
700.00 to 750.00	251	264.8	7.3
750.00 to 800.00	155	250.9	4.5
800.00 to 850.00	83	263.9	2.4
850.00 to 900.00	55	271.4	1.6
900.00 to 950.00	41	256.3	1.2
950.00 to 1000.00	25	262.1	0.7
1000.00 to 1100.00	28	247.8	0.8
1100.00 to 1200.00	13	243.	0.4
Over 1200.00	29	253.5	0.9
	3438		100.

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Statement of output and dockage, year 1901.

Colliery	Cars Mined	Cars Docked	Cars Paid for	Percentage of Cars Docked
Brisbin	136.939	2,050	134,888	.014
Cayuga	119,969	960	119,008	.008
Diamond	171.122	1,954	169,168	.011
Storrs	312,190	6,139	306,051	.019
Archbald	172,508	2,086	170,422	.012
Continental	122,162	2,284	119,877	.018
Hampton	95,843	1,294	94,548	.014
Hyde Park	136,306	2,284	133,482	.021
Pyne	221,964	3,897	218,067	.017
Sloan	148,392	2,220	146,171	.015
Bellevue	183.065	4,670	178,394	.025
Dodge	91,313	3.260	88,053	.036
Hallstead	42,364	1,236	41,128	.029
Taylor	157,668	4.031	153,636	.025
Avondale	102,844	2.946	99,897	.028
Bliss	147.956	7,219	140,736	.048
Pettebone	168,435	2.749	165.686	.016
Woodward	213,379	3,188	210.191	.015
Total mined			2,744,419	
Total docked			55,011 2-3	
Total paid for			2,689,407 1-4	
Percentage of cars docked			2 per cent.	

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Average earnings of company hands for year 1901.

Occupations	Average Yearly Earnings
Hoisting engineer	$878 85
Headmen	414 61
Breaker engineers	653 24
Breaker oilers	476 63
Car oilers	273 05
Platemen	332 29
Slate bosses	393 54
Slate pickers	154 80
Picker tenders	238 39
Docking bosses	408 42
Locomotive engineers	629 74
Locomotive helpers	346 19
Dumpmen	376 55
Electric engineer	597 12
Culm engineers	574 36
Loaders and runners	412 61
Lip screen men	305 63
Ticket boys	160 88
Firemen	595 41
Ashmen	529 74
Fuelmen	367.10
Carpenters	678 69
Carpenters' helpers	496 77
Blacksmiths	732 94
Blacksmiths' helpers	500 92
Machinists	835 36
Machinists' helpers	595 22
Stablemen.	549 43
Teamsters	477 73
Watchmen	503 06
Electrician	715 54
Compresor engineer	881 64
Yardmen	660 00
Yard laborers	368 92
Trackmen	454 20
Drivers and runners	253 64
Planemen	259 54
Car repairers	448 80
Car runners	247 31
Boiler inspector	934 04
Repairmen	524 14
Head and foot helpers	369 35
Wiper	508 86
Track helper	408 96
Chain hoist men	323 03
Tester	394 75
Culm dumpmen	167 74
Breaker boss	301 64
Inspectors	418 10
Miscellaneous laborers	416 45

Temple Iron Company's Case.

At 3 o'clock the case of the Delaware, Lackawanna and Western company was concluded and Major Warren immediately entered upon the presentation of the case of the Temple Iron company. General Manager S. B. Thorne was present and sat with Major Warren.

Without any formal opening address, Major Warren, proceded to present testimony to refute the statements of miners' witnesses tending to place the place the Temple company in a bad light.

One of the witnesses for the miners at the Scranton session was P. J. Rogan, a former employe of the Sterrick Creek colliery at Peckville, who is now keeping a hotel. He testified that one of the cars used at the Sterrick Creek, which he personally measured, had a water-level capacity of 86 cubic feet.

James McAndrew, assistant inside foreman at the Sterrick Creek took the stand, as the first witness for the Temple company and testified that the largest car at the Sterrick Creek contains only 70 1-8 cubic feet. The other sizes of cars measures, respectively, 66 1-5 and 68 3-4 cubic feet. The measurements were made by the witness January 13, in the presence of the check docking boss, and four other employes all union men. It is easier, the witness said, to load the big car in the Dunmore vein, where it is used exclusively, than it is to load the smallest car in the Grassy Island or other veins. A uniform price of 98 cents a car is paid contract miners.

In telling that miners do not work more than six and one-half hours on an average, the witness stated that P. J. Rogan, the witness above referred to did work as a mason during the time he was employed as a contract miner at the Sterrick Creek. He would work in the early morning in the mines and put in the rest of the day building walls.

William Berkheiser, foreman at the Lackawanna colliery contradicted the testimony of Peter McDonald, a one-armed man, who was refused re-employment and who alleged he was unjustly discriminated against.

Superintendent Berkheiser explained that Mr. McDonald had a position which it was absolutely necessary to fill, and when he did not report for work with the others the day of the resumption, another man was hired in his place. He came around at 3 o'clock in the afternoon and finding his place filled went away. He was never told by the superintendent that he (the superintendent) had reasons he would give for not re-employing him.

A witness for the miners, a man named Ridgeway who was at one time docking boss at the Mt. Lookout, testified, at the Scranton session, that he had received instructions from the company to dock ten per cent and obeyed the instructions.

Foreman Gray's Testimony.

Outside Foreman Geary Gray was called by Major Warren to contradict this statement. Foreman Gray presented a tabulated statement showing that the highest dockage at this colliery was five per cent. In 1901 it was 1 7-10 per cent. and in 1902, two per cent. The witness also told that the grievance committee of the Mt. Lookout local told him they investigated the docking and found it to be fair and just.

The company does not dock for less than 500 pounds of impurities, the witness said. The average weight of impurities in the cars tested at the colliery "court house," is 818 pounds. Sometimes there are as high as 1,650 pounds of impurities in a car of 5,500 pounds capacity. Other cars from the same vein, sent out by careful miners, contain not over 150 pounds of impurities.

The witness was at one time a hoisting engineer. It was possible, he said, for an engineer on the night shift to sleep a good part of the time with perfect safety to himself, the other men and the property. He told that he once slept ten out of twelve hours.

Once, in 1901, at the Harry E. colliery, the witness said, a driver boss discharged two boys who refused to deliver cars to two miners who did not have union cards. All the employes went on strike and remained on strike a week.

Abednego Reese, mine foreman at the Forty Fort colliery, told that in 1901 the union demanded the discharge of a carpenter named Robinson, who refused to join the union. They stayed out a week. On Saturday a notice was posted at the mines, reading as fol-

lows: "This colliery will resume operations next Monday morning. By order of the Forty Fort local, U. M. W. of A." The men reported Monday morning, but the company had taken a notion in its head to disregard the notice, and the mine did not open up until a week later. This time the company put up the notice fixing the day the colliery would resume. In the interim, Robinson quit of his own accord and secured work elsewhere. His wife urged him to quit because she constantly feared harm would befall him if he remained at the mine.

Prior to 1900, the witness said, the men sent out seven cars a day. Since 1900 they send out not more than six. The contract miners positively refuse now to do any work on days when the breaker is idle.

An incident to illustrate the alleged restriction of output by the union was related by the witness.

David Baker, a union miner, who worked single-handed, had a large quantity of coal blown down and was loading his second car early in the morning, when the superintendent happened along and suggested to him that he ought to be able to send out four cars that day.

"No siree," said the miner. "My reputation in the union is bad enough now, and it would be worse if I sent out more than three cars single-handed."

The miners can't be induced to send out more than six cars double or three cars single-handed, the witness averred.

The attention of the witness was called to the testimony of a miner named Evans, from his colliery, who testified in Scranton on behalf of the miners, that he was unable to make anything like living wages. Foreman Reese took some memoranda from his pocket and carpocket and read from it that in December last, when every miner was supposed to work to his fullest capacity, Evans worked only ten and one-half days out of a possible twenty-four.

On Cross-Examination.

On cross-examination, Attorney McCarthy secured an admission from the witness that a number of men who were on strike at the Maltby colliery of the Lehigh Valley company and who secured work at the Forty Fort colliery, were discharged in a body, a few weeks after they began work.

Mr. McCarthy held this up as an example of the workings of the "despicable blacklist."

Gilbert Jones, assistant superintendent at the Forty Fort colliery was on the stand at adjourning time. He was called just a few minutes before the hour for adjournment arrived.

General Wilson announced that Mr. Jones was the four hundredth witness to be heard by the commission. A glance over the general's tally list showed that the miner's called 155; the non-union men, 174; the commissioners, 8, and the operators, 63. This last figure will be very materially increased before the operators conclude.

Proceedings of Wednesday, Jan. 21.

[From The Scranton Tribune, Jan 22.]

Philadelphia, Jan. 21.—There is only one question the mine strike commission is at sea upon, and that is whether or not payment by the car basis should be done away with.

The miners demand payment by weight where practicable, which means the adoption of the weighing system in all except the mines of the southern field, where the veins pitch, generally, to such a degree as to make it necessary to send out all material mined and regulate wages by yardage.

At this morning's session of the commission it was practically admitted by the commission and attorneys on both sides that this is the one question, more than all others, which requires particular consideration. The commission went so far as to say, through Chairman Gray, that it intended to set aside a day at the close of the hearings for the consideration of this matter exclusively.

The primal objection made by the companies having the per car system to a change to the weighing system is that it would entail a great expense. Many of the breakers would have to be entirely rebuilt to permit the installation of a weighing plant. Superintendent Phillips, of the Delaware, Lackawanna and Western company ,asid that in some instances the change would call for an expenditure of $125,000.

A secondary objection on the part of the companies is that a change in the system of measurement would mean a readjustment of wages, and a readjustment of wages always means an increase for the employes. It is even charged openly by the companies that the miners want the change solely for the opportunity it affords to secure this readjustment and its inevitabel increase.

Darrow's Suggestions.

Mr. Darrow brought up the matter as the morning session was drawing to a close, by suggesting that each side should give particular attention to and present arguments for and against the plan of payment by weight outlined by J. C. Haddock, the independent operator who went on the stand for the miners at the Scranton sessions. This plan, briefly stated, is to weigh the coal after it has gone through the breaker and stands in the railroad cars, and pro rate the excess or lack back on the miners, according to the number of cars they send out. A company docking boss and check docking boss, hired by the men, could see to it that the miner who sends out clean coal would not suffer for the miner who sends out dirty coal. A miner who sends out a clean car would be credited with a full car. One who sends out a car containing more than a certain reasonable amount of impurities would be credited only with three-quarters of a car, or some such proportion. Reasonable agreements could be made on the sizes of coal to enter into the calculations, and allowances granted for coal used in and about the colliery for steam purposes. Coal sold at retail could be separately weighed and accounted for.

This, Mr. Darrow explained, would remove the objection about the expense of making the change from the per car to the weighing system. He was not thoroughly satisfied the suggestion was a practical one, but he would like to have it given special consideration. If any one had any objections to offer to it, he would like to hear them. If there was any way of improving on the plan, that also ought to be put forward.

The suggestion, he said, first came to him from General Counsel David Willcox, of the Delaware and Hudson company. Later it was presented by Mr. Haddock. Mr. Darrow had not had opportunity to go into any extended study of the proposition and did not even know that it would be favored by his clients. Nevertheless, he was favorably impressed with it, and would like to have it thoroughly discussed. It surely, he said, had this virtue, that the companies would not market more coal than the miners were paid for mining, and the miners, on the other hand, would not be paid for more coal than the company sold.

Radical Change.

Major Warren said that Mr. Darrow should have discussed this matter when Superintendent Phillips, of the Delaware, Lackawanna and Western company, was on the stand. The Delaware, Lackawanna and Western company, the major said, has never had any complaint from its miners against the per car system, and, as far as the company is concerned, it does not want to be put to the expense and trouble of such a radical change of system in payment. There were objections to the change on various grounds, he went on to say, and would be pleased to recall Superintendent Phillips, if Mr. Darrow

wished to learn from him what these objections are.

Judge Gray said that some such plan as that suggested by Mr. Darrow had been outlined by the commissison, and it would like to get all the information possible bearing on its feasibility. The commission, he said, was intending to set aside a day specially, at the close of the hearings, for the consideration of this one matter.

Mr. Darrow said he hoped the commission would do this, and that, instead of hearing witnesses on the matter, it would be considered in a sort of open congress.

Question of Weighing Coal.

At the afternoon session, the matter of weighing coal was again brought up by Mr. Darrow. He called attention to the Pennsylvania statute presented by Attorney Murphy at the Scranton session, which provides that the men must be paid by weight if they demand it.

Mr. Gowen said, as he viewed it, the miners had waived this right by their submission to the commission of the question of whether or not coal should be weighed.

Mr. Darrow would not agree to this being a proper statement of the case. Either party, Mr. Darrow contended, has a right to insist on his legal rights, no matter what the commission's findings may be. This right can't be waived, he argued, any more than can a man's right to protection against assault and battery.

I. H. Burns, of counsel for the independent operators of the Lackawanna and Wyoming regions, said that the action of the men in working under the per-car system was treated as a waiver of this right. At all events, he said, the statute provides practically nothing more than that the weighing of coal shall be the basis of payment, if such a plan shall be agreed upon mutually between the company and the men.

"Yes," said Judge Gray, "but Mr. Darrow's contention is that the demand now made negatives the waiver. It would seem that the statute can only be waived by a contract agreement."

"But, after all," rejoined Mr. Burns, it comes down to mutual consent to have the statute enforced. The employer could say he would not employ any except those who would agree to waive the statute."

When General Manager S. D. Warriner, of the Lehigh Valley Coal company, was on the stand in the afternoon, Judge Gray asked him his opinion on the yardage system of payment for the whole region.

Yardage System Practicable.

Mr. Warriner said he thought it entirely practicable. It is now in operation in his company's collieries in the Lehigh and Schuylkill regions. The change was made there from the per-car to the yardage system with increased satisfaction to both the men and the company.

It is not by cubic yard the men are paid, Mr. Warriner explained. It is by the lineal yard. The chamber is driven twenty-four feet wide. The miner is paid so much a yard. At the end of the period a pay day covers, he can square up the face of his chamber and find out to the inch how much coal he cut and to the penny how much money he earned.

The price varies, according to the size and hardness of a vein, but the price is fixed before the chamber is opened.

In the opinion of the witness, given in response to inquiries from Commissioners Gray, Watkins and Parker, the adoption of the yardage system in the upper regions would eliminate most of the sources of dissatisfaction now existing.

The yardage system also tends to maintain full-sized pillars. If anything, instead of cutting into the pillars, the miner has a tendency, under the yardage system, to narrow his chamber, and thereby leave a wider pillar.

In level veins, where the refuse can be "gobbed," the fact that there is equal compensation for coal and rock, avoids the inducement to the miner to load refuse in his car. Under the yardage system, there is absolutely no inducement to a miner to put anything except pure coal in the car, and, as a consequence, there is an economy to the company in the preparation of the coal. There is also no chance for dispute between the miner and the laborer, because the company can hire the laborers and pay them by the day. The yardage system, the witness further said, permits of the working of thin or dirty veins which could not be worked by contract with any degree of success.

Judge Gray evinced especial interest in Mr. Warriner's statements, and at the conclusion of his treatment of the yardage question, asked him to give the matter further thought and let the commission have the benefit of his conclusions.

When the per-car system of payment was up for discussion, Judge Gray asked Mr. Warriner if it would not be possible to adopt a standard car for the regions where this system of payment obtained. The witness said this was impracticable, because of the varying conditions of the veins. It is essential to economy in transportation that the car shall be as large as possible. Some veins will not permit of a car which will easily enter other veins. The cubical contents can not be made uniform, because a car in a low vein, to equal the capacity of a car in a high vein would have to be made so long that it could not be taken up the shaft. The witness was positive a standard car, either in lineal or solid measure was impracticable.

Gelbert Jones, assistant mine superintendent at the Forty Fort colliery, of the Temple Iron company, who was on the stand at adjournment, yesterday, was cross-examined by Mr. Darrow at the opening of the morning session.

Like the preceding witness, Abednego Reese, foreman at Forty Fort, Mr. Jones denied the existence of a blacklist among the companies, but admitted the truth of the claim that fifty strikers from the Maltby, who secured temporary employment at the Forty Fort, were discharged in a body after they were at work for a week or so. The witness explained that he had been ordered not to employ them as contract miners. The men were discharged he declared because they had misrepresented themselves in applying for work. After a few days all of them were reinstated and alowed to continue at work as long as they pleased.

Auditor George L. Houser was the last of the Temple company witnesses. Because of the fact that the company has no record of the number of laborers and nothing to do with their payment, it made no attempt to give anything more than the actual annual earnings of each contractor. The 799 company hands made an average of $1.60 a day.

The Lehigh Valley Coal company's case was next taken up. It was opened up without any formal address by Franklin I. Gowan, of Philadelphia. The first witness was Fred M. Chase, of Wilkes-Barre, chief accountant. He outlined and explained the statistics prepared for the commission.

The figures covered a period of one year, ending Nov. 30, 1901. The first table showed the actual earnings of contract miners, grouped in four classes. The computation includes the pay of every miner whose name appears even once on the pay roll for each month of the year.

CONTRACT MINERS.

Sent out coal.	No. of men.	Average pay.
250 days or over	350	$639 18
225 to 250 days	257	579 02
200 to 225 days	184	517 84
Less than 200 days	132	428 95

The four classes represent thirty-five to forty per cent. of all the contract miners appearing on the pay roll. No one was included in any of the tables who did not work at least one day in each month of the year. On the other hand a miner would be included if he only sent out one car a month and a company hand would be included if he reported for work only one day a month. The Maltby colliery which was on strike several months was not taken into the calculation at all. The company pays its miners' laborers direct, so is in a position to tell exactly what the miners earn. No statement was filed regarding miners' laborers.

The inside company hands number 1,077. They worked an average number of 269 days and earned an average

wage of $509.05. Driver bosses, fire bosses and engineers are included, but foremen and the like excluded.

The outside company hands number 1,236 exclusive of slate pickers. They worked 290 days on an average, and earned an average wage of $503.24. The 260 slate pickers worked 252 days, average, and earned an average pay of $186.75.

The average breaker time of all of the eight collieries based on 300 ten hour days was 70 99-100 per cent. or less than an average of eight hours a day.

The dockage in the Wyoming region was 3 41-100 per cent.; in the Lehigh region 1 97-100 per cent.; Mahonoy region, 71-100 per cent. and at Centralia no dockage at all. The per centage varies, the witness explained because in the Wyoming region the bargain is for clean coal. In the lower region there are slanting veins, and the rock has to be sent up with the coal.

To prove that the dockage was not excessive, a table was presented showing that the "court house" tests disclose impurities, averaging about 12 per cent. for all the collieries.

Commissioner Clark asked if it wasn't true that the cars selected for the "court house," were as a rule cars sent out by miners who are in the habit of sending out dirty coal. The witness did not know as to this.

On cross-examination Mr. Darrow developed the fact that the company's statistics only took into account about 40 per cent. of the employes.

Bishop Spalding asked why it was that no figures were given for laborers when the company pays them direct. The witness answered that most of the laborers are foreigners, they often work for different miners in the one month, and their names are never the same when sent in by different miners. For this reason it was an absolute impossibility to follow any considerable number of them on the books for any considerable period.

Where Miner Earned $60.

When the commissioners were making their tour through the coal fields, they were wont to question mine workers encountered at the different collieries they visited. At the Dorrance colliery of the Lehigh Valley Coal company they met and talked with John F. Murray, president of the Dorrance local of the United Mine Workers, and he told them, among other things, that a miner at that place earned about $60 a month, working three-quarters time. The newspaper men who were accompanying the commission reported the conversation, and Mr. Murray was, as a consequence, in bad odor among his neighbors.

The Lehigh Valley company put Mr. Murray on the stand this morning to have him tell that, because he told the commission the truth about conditions at the Dorrance, he was hung in effigy and denied re-election as president of the local.

Mr. Murray was somewhat of a disappointment. He admitted that he had heard that his name was written on a fence with a superscription to the effect that "$60 Murray is no good," and that some one had alleged he must have received a good sum of money from the Lehigh Valley company to tell the commissioners what he did. He denied, however, that he was refused re-election to the presidency of the local on this account.

He brought up the bribery allegation at a meeting of the local and demanded an investigation. He was acquitted. He then tendered his resignation, but the local refused to accept it. At the election in January he refused to stand for another term, and another man was elected president.

Speaking of the visit of the commission to the Dorrance mine, the witness said, addressing the commission: "You were brought into the best place in the mine." He said, further, that he works from nine to ten hours a day, sometimes, and that even though he should get through work in six or eight hours, he would have to lay around the foot of the shaft a couple of hours, to be hoisted to the surface.

He worked too long and too hard, he was sure. To carry around the big safety lamp which has to be used in this mine, because of its gaseous nature, was a day's work in itself, the witness declared.

Short of Cars.

He asserted positively that the miners do not get as many cars as they can and are willing to load. The shift is five cars. His average was between three and four. If the company would give him six cars, he said, he would see to it that they were loaded, even if he had to stay in until 12 o'clock at night to help his laborer.

His dockage, he said, was very light, because he was in an exceptionally good place.

"I believe nothing will satisfy the miners except the weighing of coal," said the witness in answer to a query by Mr. Darrow. "As long as the coal is not weighed there will be trouble in the anthracite fields. The cars we now load are more like freight cars than anything else. They are supposed to contain two and a half tons, but I understand that with the topping they hold over four tons. I get $1.08 a car now. If I was paid by weight, I believe I would make at least $2 a car."

In answer to a question by Mr. Gowan, the witness admitted that his knowledge of the contents of the car was based on hearsay and guesswork, and that the size of the car has not increased any in the ten years he has worked at theDorrance.

"If you prefer to be paid by weight, why do you not go to some place where the weight system is in vogue?" asked Mr. Gowan.

"Well, because I have my home in Wilkes-Barre and I don't want to leave it," replied the witness.

Supt. Warriner's Testimony.

General Superintendent S. D. Warriner, of the Lehigh Valley company, gave considerable general testimony in addition to that relating to the relative merit of the different payment systems.

Regarding the eight-hour day, he said, that with eight hours as a minimum, the men would not work on an average more than six or seven hours, for the same reason that with a ten-hour day they now work only eight hours on an average.

It is simply impossible, he said, to operate a colliery without breakdowns and similar causes for delays.

The result of an eight-hour day would be that the companies would have to employ more men, and in dull times there would be great idleness. There is also a great possibility of more openings and breakers being necessary.

On cross-examination by Mr. Darrow, the witness said he had no opinion to express as to whether or not an eight-hour day intensifies labor.

Regarding the alleged blacklist of the Maltby, Mr. Warriner, admitted that in a conversation with the general superintendent of the Temple company, he incidentally remarked that the action of the Temple company in hiring the Maltby strikers had a tendency to encourage the boycotting of a colliery such as was then being indulged in. Shortly afterwards, the sixteen or eighteen Maltby men were discharged. They were idle only a few days, when they were reinstated.

Commissioner Wright asked if the Lehigh Valley company has any objection to check docking bosses. The witness said he did not favor them because of the turmoil engendered by having two men exercising judgment on the one thing.

Commissioner Wright asked the witness if he ever had considered the advisability of an accident insurance company controlled jointly by all the companies, for the benefit of the miners. The witness said he had not given the matter any thought.

Judge Gray's Short Cut.

Mr. Darrow was proceeding to cross-question the witness regarding check docking-bosses. Judge Gray took a short cut to what Mr. Darrow was driving at, by asking, "If the men had the choosing of the docking bosses would the companies insist on a check-docking boss?"

The laughter drowned the answer the witness made, if he made one.

Division Superintendent R. S. Mercur, of the Schuylkill mines of the Lehigh Valley Coal company was the last witness of the day. Incidentally, he was one of the most interesting.

He began by saying that the circular issued by President Mitchell urging the miners to do all the work they could to help relieve the coal famine, was having no effect. The miners, he said, regarded it as an utterance not to be heeded. The whole thing, the miners

believed, was a scheme of the companies to make it possible to show big earnings for the miners, while the commission was in session. At all events the miners contend, there is no coal famine.

"There isn't," fairly shouted Judge Gray. "You ought to go down to Wilmington and see poor people standing in line trying to buy coal at seventeen or eighteen cents a bucket."

"Why do not the operators put on two shifts?" asked Mr. Darrow.

"There isn't coal enough being mined to run the breaker on one shift," replied Mr. Mercur.

"Why do you not put on two shifts of miners?" asked Mr. Darrow.

"You furnish us the men, and we'll run the breaker and the mines day and night," replied the witness.

Union Interference.

Superintendent Mercur, at this juncture related an instance of the union interfering in work.

H. E. Madeville, a contractor, was engaged to construct a power house at the Packer No. 5 colliery of the Lehigh Valley company near Shenandoah during the strike. He was prevented even from having his material delivered by the interference of strikers.

In desperation Mr. Madeville sent a sent a letter to District President John Fahey, of the United Mine Workers, asking him to prevent the interference. Mr. Fahy replied as follows:

Secretary's Office, District No. 9,
United Mine Workers of America.
Shamokin, Pa., Aug. 20, 1902.

Mr. H. E. Madeville, Hazleton, Pa.

Dear Sir: Your communication of recent date received and contents carefully noted.

On account of existing conditions I cannot grant you the permission which as I understand from your letter that you request.

It is a very hard matter for me to say with any degree of certainty when and where you might meet me, but if you desire to come to Shamokin you may do so and call at Mine Workers' headquarters where you will be able to meet one of our district officers who can give you further information on the matter if you wish it.

It seems to me though, in judging from the contents of your letter, that nothing can be done in the line you request and that such a trip would not change in any degree what I have told you above.

Yours truly,
John Fahy.

Judge Gray's Sarcasm.

Addressing the witness, Judge Gray said in the most sarcastic tones: "Why did not Mr. Madeville see him later and endeavor to gain permission. Maybe he could soften Mr. Fahy. If he went to him in submission, he might have softened him."

Then the judge's tones became tinged with indignation and he said:

"I haven't been educated to this word permission. I hate tyranny, whether it is by operators or miners, or anybody else."

Another letter the witness produced was as follows:

Local No. 1479.
United Mine Workers of America.
Centralia, Pa., June 9, 1902.

Mr. William Reed, Centralia, Pa.

Dear Sir and Brother: I have been requested by our Local to notify you that you are doing the work of a United Mine Worker of America, and that you cease hauling any material for the L. V. C. Co. at once. Fraternally yours,

S. M. Leiby, Secretary.

Seal of Local 1479.

When the witness explained that Reed's offense was that of hauling feed to mine workers, Judge Gray said: "I don't believe that. Is it true?" The witness assured him that it was.

"Well, it must have been pretty far up in the mountains, wasn't it."

Proceedings of Thursday, Jan. 22.

[From The Scranton Tribune, Jan. 23.]

Philadelphia, Jan. 22. — President Mitchell's claim that 3,000 former employes of the coal companies have been refused work, in direct violation of the terms of the submission agreement, was challenged in the boldest terms by Attorney James H. Torrey, of Scranton, at this morning's session of the mine strike commission.

Mr. Torrey declared that he had made an effort to investigate the matter since Saturday, when the Mitchell statement was made, and as a result of his inquiries he would, with authority, challenge the other side to produce a list of even 200 men, for whose idleness the companies are responsible, not excluding even the men refused re-employment by reason of having participated in criminal acts during the strike.

The statement of President Mitchell was made with a view of fastening the responsibility for the 'coal famine on the operators. No response was made to it, at the time, but, immediately, Mr. Torrey began an investigation for the purpose of combatting the claim of the miners' leader. The results of his investigation, as set forth in his challenge, fairly nonplussed Mr. Darrow, and all he could say was that he was not present when Mr. Mitchell made the statement, but assuming that he made it, there was a possibility that by reason of long association with President Baer and Mr. Markle, the miners' president had gotten into the habit of making careless statements.

"Mr. Baer and Mr. Markle have made no statements before this commission, Mr. Darrow," said Mr. Torrey in criticism of Mr. Darrow having gone outside the case for a target at which to aim his arrows of retort.

"Yes, but they made statements to the president of the United States concerning the miners, which were grossly, extremely and unexcusably false," said Mr. Darrow with much feeling.

Warren Challenges Darrow.

Major Warren, on behalf of the Delaware, Lackawanna and Western, Pennsylvania, Hillside and Temple companies, which he represents, challenged Mr. Darrow to present the case of a single individual whom these companies refused to re-employ, exclusive of steam men who deserted their posts, whose places had to be filled and whose substitutes the companies did not feel called upon to displace. Major Warren further said he was ready to show that some of these latter whose places had been filled, including steam men who deserted their posts and left the company's property liable to destruction, had been re-employed.

Mr. Darrow Excited.

Mr. Darrow became very much excited during the "free congress" and declared that he was ready to prove from the operators own witnesses that the companies and not the union were responsible for the restrictions of output and that if he couldn't prove it he would go back to Chicago and ask the commission to find against the miners.

The companies, he went on to say are claiming the union would not let the miners load six cars, when their own statements prove that they have not supplied the miners with more than three cars. "It's the old case of throwing dust in the eyes of the American public" declared Mr. Darrow.

He also served notice that he stood ready to convict the operators of the grossest prejudice and ignorance in trying to fix the responsibility for the jeopardizing of mine property by flooding on employes, when they, themselves were at fault in trying to force old employes to work twelve hours a day and a shift of twenty-four every second week.

He admitted the union had tried to regulate individual production but denied that it attempted any restriction of output. It was simply a case, he said, of preventing some from eating all the crusts thrown to the miners by the companies, while others would have to go hungry.

Judge Gray's Opinion.

During the progress of the discussion Judge Gray took occasion to severely censure the miners who are refusing to help by extra work the efforts to relieve the local famine. "It is not very creditable to their intelligence and humanity" said the judge. His re-

marks, of course, were accompanied by the qualification 'if true."

Division Superintendent Mercur, of the Lehigh Valley company had testified that miners told him they doubted the existence of a coal famine and regarded the action of the companies in trying to induce them to get out more coal as an effort to pad the miners' earnings for the effect it would have on the commission. Mr. Darrow on cross-examination demanded the names of the men who had given this information. Mr. Mercur refused to give the names. Thereupon the following colloquy occurred:

Mr. Darrow: Then I ask to have the testimony of this witness as to that matter stricken out. You cannot charge us with that unless we have a chance to disprove it.

The Chairman: I do not know that he is charging anybody with it. He is certainly not charging the union with it. We have no right to compel him to answer.

Mr. Darrow: But it is a question of fairness to us.

The Chairman: It may injure the miners, but could not injure the union.

Mr. Darrow: But still, he says they were union men, and the only purpose was to reflect upon us in this case. I do not suppose it amounts to much, but whatever there is in it, we should have a chance to disprove it.

Mr. Gowen: He did not say on direct examination that they were union men at all.

The Chairman: Suppose a man was asked to mine more coal, on account of the coal famine, and he said by way of explanation of his refusal to do so that they did not believe there was a famine? I do not know who brought that out, whether it was one of the commissioners or not.

Mr. Darrow: That was said in answer to their counsel.

The Chairman: Whoever it was that brought it out, somebody said they believed it was an attempt to increase the output of coal to base wages on.

Mr. Darrow: It it is a matter of consequence to the commission, I should have a right to rebut it.

Mr. Gowen: It was not made, and could not be made, as an accusation against the union. Mr. Mercur, in his direct testimony, did not say even that the men he had talked to were union men. It was not intended as a reflection on the union, and there was no reference to the union until you cross examined him as to whether they were union men or not.

Mr. Darrow: But this whole case is a case against the union.

Mr. Gowen: I do not agree with that.

Mr. Darrow: If it has not any such purpose or effect, I do not care anything about it.

The Chairman: All the evidence we have here, and we take it as absolute verity, is that, Mr. John Mitchell, the president of the union, has urged the miners to make the output of coal as large as possible. We believe that has been done so far as the union is concerned. We have that evidence, and we accept it.

Mr. Darrow: This testimony to which I have been referring seemed to make quite an impression on the chairman.

The Chairman: Whether Mr. Mitchell was able to induce all the miners to respond to his request, any more than Mr. Mercur has been able to make them respond to his own request, is another question.

Mr. Darrow: The testimony to which I refer seemed to make quite an impression on your honor when it went in, and that is why I brought the matter up now.

The Chairman: Well, I think myself that if the miners did not respond to that request of Mr. Mitchell, it is not very creditable to their intelligence or humanity—it may be to their intelligence only. If they do not believe there is a coal famine, or any social duty or responsibility upon them to make special efforts, under the circumstances, it is not very creditable to their intelligence.

Mr. Darrow: That is the reason that, when as we claim in this case, and as I think we have shown overwhelmingly, the whole responsibility is on the companies, it is not fair to stab these miners in the dark, as is done by this sort of irresponsible evidence, which we claim is utterly untrue.

Irresponsible Statements.

Mr. Torrey: May I say just one word on this general situation, and the allegation which has been made? It is stated by Mr. Darrow that there are irresponsible statements made here which prejudiced the miners. It was not my privilege to be present at the adjournment on Saturday, when Mr. Mitchell discharged his Parthian shot and attempted to cover this whole situation by a statement which was quite as irresponsible, so far as evidence goes, as any statement that has been made, and in which he charged the entire difficulty upon the operators—apparently from the record—because they had refused to retain or had discharged 3,000 miners.

The Chairman: Not discharged; but that there were 3,000 miners not at work—not taken back.

Mr. Torrey: That I have made some effort to investigate since then, by inquiries among the officers and representatives of the companies here, and I think I am justified and authorized in challenging the gentleman to show ten per cent. of that 3,000 who have not been taken back. There may be 3,000 employes who have not been taken back. The great majority of them are those who are employed in mines which are flooded by reason of the refusal of the mine workers to permit them to be pumped out during the strike, and most of the balance are those whose places were supplied during the strike, and who were strictly under the limitation affixed by the operators in their original submission in this case, in which they said they would discharge no non-union men. Outside of that, I say, we challenge them to produce the names of 300—or, I think I could safely say of 200—contract miners who have not been taken back. There have been some in most of the companies. Some people tell me that there are none in their companies who were refused employment by reason of their participation in criminal proceedings; but I say that that would be limited by that number of three hundred, and that in view of the fact that the great mass of the striking miners, according to the testimony, great bodies of them all over the region were engaged in these lawless proceedings, I say that if amnesty has been given to all except so small a proportion as that, out of 125,000 or 130,000 men, it has approached the limit of generosity and forbearance, and there is no proof here at all of any effort to vindictively oppress the miners or refuse them work.

Mr. Warren: I think it is perhaps fair to say that as to the northern field, with which we are familiar, that statement is absolutely correct. I think Mr. Darrow is right in his position here that there is an effort on our part, which I frankly say I have made, in view of their association to show that the union, notwithstanding Mr. Mitchell's suggestions or instructions to them, has not responded to that request. I approved it. I think, by the statement that a particular local had declined by resolution to work any more hours. So that I think there is evidence here, Mr. Chairman, notwithstanding your suggestion, there is some evidence on the record within the last few days that will show that the union, as such, has not responded to Mr. Mitchell's request

The Chairman: What do you mean, Major, by saying notwithstanding my suggestion?

Mr. Warren: I understood you to say that you took it as a verity, or something like that, that since Mr. Mitchell had made the suggestion, or the instruction, or the order, which has been referred to, that the union had responded.

The Chairman: I said that I took it as a verity that Mr. Mitchell, as the head of the union, had in good faith urged upon the members of the union under his jurisdiction to increase their output of coal.

Mr. Warren: Oh, there is no doubt about that.

The Chairman: That is what I said.

Mr. Warren: He did that, and did it officially and every other way; and, more than that, I think his district superintendents join with him in that request. I think they are on that proclamation.

Commissioner Watkins: But this was prior to Mr. Mitchell's request?

Mr. Warren: I think not. I think you will find that Mr. Phillips testified that it was within a day or two before he came down here to testify. I am not quite positive that he testified upon that direct question when he was on the stand, covering the restrictions the locals had themselves placed upon the opportunity of their members to assist in this effort to have an increased output. I think he went into that in other respects, but he also said within a day or two before he was on the stand that they received reports that they were working overtime at some of the collieries of the Delaware, Lackawanna and Western, more than ten hours of the breakers; that the men in some places were responding very fairly and doing everything they could to co-operate. I would like to have Mr. Darrow—I asked him to do it the other day—furnish me with the names of men employed by the Hillside or the Pennsylvania Coal company or the Delaware, Lackawanna and Western Railroad company, or the Temple Iron company, contract miners, that were not given an opportunity to work, because I challenged the statement that there were any. I asked him to furnish them to me. That does not take in the steam men, the engineers who abandoned their positions and left the mines to flood, and whose places were filled to preserve the property. We have not deemed it necessary that we should displace those men to furnish these steam men with employment, although many of them have gotten employment in other positions.

Mr. Darrow: If your honor please, this

is all a little irregular. I did not hear Mr. Mitchell's statement. It is possible that his long association with Mr. Markle and Mr. Baer may have made him a little careless.

Mr. Torrey: They have made no statement to this commission.

Mr. Darrow: They made a statement to the president of the United States which is absolutely false, grossly and extremely and inexcusably false, with reference to this whole controversy.

Now I am informed that there are a large number of men who have not been taken back. I would not pretend to say how many. I have a list here of one hundred in one colliery, which I have not yet examined. I have had other things to do rather than to hunt up the names of boycotted men and furnish them to these gentlemen.

I will say, however, that of all the iniquities practiced, about the worst is sending out these old men who refused to work twenty-four hours a day every two weeks and twelve hours every other day, and I have grown a little weary of hearing these companies charge that these slaves were responsible for flooding their mines when they did it to save a few paltry dollars or because of the existence of a most inexcusable prejudice and ignorance, and did it themselves. That, however, we will meet when the time comes.

I will say this, though, that if we do not show everwhelmingly, and if I do not demonstrate from the evidence of the companies themselves, that all of this restriction is due to them, I will go back to Chicago and ask this commision to find against us. It does not depend on our evidence. We have it from their witnesses and their documents in this case, and we will not have to go any further than that, as to all of these restrictions that are paraded here that a man won't load seven cars, when they have not furnished him three in any instance, or two and a half, covering these years. All that is simply in the original line of throwing dust into the eyes of the American people, and not made in good faith in any way in this case. When it comes to our side for rebuttal, we will introduce our evidence.

The Chairman: I understand, Mr. Darrow, that you take issue of the general statement and charge here that there is any restriction on the output of the miner placed upon him by the union.

Mr. Darrow: Why, to be sure.

The Chairman: I just wanted to know. You do take that position?

Would Regulate Crusts.

Mr. Darrow: Yes. I do not deny but what the miners have sought to regulate the crusts that have been thrown to them so that one man should not have a loaf while the other has nothing. But they have not done it because there are too many cars. If those men were furnished the wark and the cars according to their own statements, there will be no restriction anywhere in this region. Let them take their own written records furnished to this commission and see the story they tell. I do contend, and I always shall, unless I change my mind—and I have studied these questions a good deal—that where there is not work enough to go round, common justice and common rumanity would say that one man should not jump in and eat all there is and leave the rest hungry, and that is all the miners have attempted to do in this case.

The Chairman: Enough to go around where? The whole community?

Mr. Darrow: To those miners whom they carry on their pay rolls. If they do not want them, let them discharge them. So long as they carry them, they are employes of the company, and it is right that there should be regulation and some fair equality amongst the men, when there is not enough to go around. That is our position in that matter.

THE MORNING SESSION.

Thomas Thomas, Superintendent of Seneca Colliery, Testifies Regarding the Loading of Cars.

At the opening of the morning session, Thomas Thomas, superintendent of the Seneca colliery, leased by the Lehigh Valley company, testified that before the coming of the United Mine Workers the men at the Exeter colliery where he was formerly superintendent, would load all the cars the company asked them to load. Since the 1900 strike they can not be induced to load more than six cars and on the average they will not load that many.

Robert S. Mercur, division superintendent of the Schuylkill region collieries of the Lehigh Valley company was recalled by Mr. Darrow, for further cross-examination. This is the witness whose testimony at the close of yesterday's session, caused Judge Gray to deliver himself of a bitter denunciation of a condition of things which impelled a mine superintendent to ask permision of a district president of a labor union to allow his plant to be operated.

Superintendent Mercur on direct examination, yesterday, said he would run a double shift of both the mines and the breakers if he had the men.

"How many men can you take?" asked Mr. Darrow.

"Well, I haven't room for all those three thousand miners you say are unemployed, but I will take thirty men at once to work on our culm pile."

"That's very cold work, isn't it?" inquired Mr. Darrow.

"No, not so cold," replied the witness. "The culm dump is so warm that the men keep their dinner pails warmed by setting them about six inches in the culm."

Mr. Darrow did not offer to furnish any men to Mr. Mercur.

In response to questions by Commissioner Parker, the witness stated that 600 men and boys were idle in his district by reason of the flooding of a "lift" in Packer No. 1, No. 2 and No. 4 and all the "lifts" in Packer No. 5.

Permission was secured by Mr. Darrow for District Board Member Terrance Ginley to further cross-examine Superintendent Mercur.

Board Member Ginley proceeded to tell General Wilson, the acting chairman that he proposed to show that Superintendent Mercur gave a Polish saloon keeper a contract to rob pillars in preference to his own miners; that this was a great evil and cause of much dissension and that it ought to be abolished. He was going on to say more, when General Wilson interrupted with: "Mr. Darrow, if this gentleman has anything to prove let him prove it. We don't want to hear any stump speech."

And at that General Wilson is the most polite, patient and considerate man any man ever met. It has been the almost invariable experience, it might be added, that when one of the local officers of the union has "butted in" the commissioners or some one of them have been aggravated into saying something sharp to or about him. These are the men whom the operators are asked to deal with as representatives of their employes.

The Increase of 1900.

Superintendent Mercur, in his direct examination, stated that the men in his district were given a 16 per cent. increase in wages in 1900. Mr. Gowen on re-direct examination had him explain that when the 1900 strike was ended the agreement was that the ten per cent. advance should be based on the September wages. In that district payment was made on a sliding scale. The September rate happened to be six per cent. above the normal basis. The ten per cent advance added to this six per cent. gives the miner sixteen per cent. increase.

Mr. Darrow remarked that if the sliding scale was in operation now there would be more than a sixteen per cent. increase for the men.

Philip Kintersteen, a former superintendent for J. H. Swoyer & Co., and their successor the Lehigh Valley company for twenty-seven years, at the Wyoming colliery, told that in 1876, the men insisted on having the per-car system of payment substituted by the weighing system. Scales were put in and the weighing system adopted. Three years later there was a dispute among the men as to the relative merits of the two systems. The per-car adherents were in the majority and struck for the re-establishment of the per-car system. After being out a few weeks the company agreed to change back to the per-car system and it has been in vogue ever since.

Mr. McClintock's Address.

The case of the Lehigh and Wilkes-Barre Coal company was opened by Andrew H. McClintock, of Wilkes-Barre with the following address:

May it Please the Commission: The Lehigh and Wilkes-Barre Coal company is the owner and operator of certain collieries, the greater number of which are situated in the Wyoming region, near Wilkes-Barre, although it also has others at Audenried in the Lehigh coal field.

The total number of collieries is eleven, and, in addition thereto, one washery is in operation.

This company is the largest owner and lessee of coal lands in the Wyoming region, and is the largest taxpayer in Luzerne county, the third county in the state. About one-eighth of the taxes of this county are paid by the company. The entire taxes which it paid for 1901

were $171,589.71, of which $69,387.14 alone, went to the support of schools. The coal in the Wyoming valley lies generally in what are known as flat veins, although there are many instances of steep, picking veins; the latter are characteristic of our mines in the Lehigh region, and the conditions in connection with the mining vary in consequece. No attack or complaints have been made before the commission against this company, of any consequence whatever; indeed, only one of our miners was called, and his testimony is so baldly improbable and his statements so discredited by his further examination, that it is unnecessary to pay any attention thereto. The other five witnesses were "outside men," whose places had been filled during the strike, and, with one or two exceptions, all had been promised work, and the ones who had not been so promised had not made any request for re-employment.

All of our miners are back at work, at least all who have applied are back, we have refused no one, discriminated against nobody, and we had, during the year 1901, which our statement covers, and have now, work for more miners than were then or are at present in our employ. In the face of this failure to present complaints against us, we have been somewhat at a loss to know how far we should make reply. Having this in view, and considering also the fact that much of the valuable, and, we submit, convincing testimony which has been produced by the operating companies which have preceded us, and which applies equally to all the mines in our region, we feel that it is hardly necessary for us to consume the valuable time of this commission with the examination of many persons, whose testimony would only tend to be cumulative in character, or to corroborate what has already been well proven.

We shall, therefore, confine our witnesses to those acquainted with the general conditions our our property; our methods of mining; our manner of payment, and the amounts paid men who worked during at least part of each month in the year, which covers about 70 per cent. of our force, and which we conceive is the fairest possible way of ascertaining the annual earning ability of those in our employ.

Our statements will show that our men earn fair wages, equal, we think, to those paid by any company in the district wherein our mines are situated, and higher than the rates of pay of many employers of like labor.

Our statements give actual facts, without estimates, as, by our method, we pay each man, whether miner, laborer or member of a partnership. It must be understood, however, that the amount a laborer receives is fixed not by us, but by his miner, who returns his laborer's earnings to us before the semi-monthly pay day.

We pay by the car, and have always done so; we deem it the fairest method; the miner can see the quantity he sends out; the system is thoroughly nuderstood by the men, and any new method of weighing would involve a readjustment, not only of the breakers, which is to some degree and in some special instances a difficult problem, but what is much more serious, a readjustment or rather a complete and radical change and reconstruction of methods of payment that have always prevailed, and which, so far as the memory of our witnesses can go, have never been objected to or complained of by our miners until the present demands were formulated by Mr. Mitchell.

Allowances Made.

In addition to the pay per car an allowance is made to the miner for placing props, putting up sets of timbers, bratticing, removing rock, yardage and certain conditions of other allowances as shown in our statement already filed.

These allowances enter as much into the miner's pay that it may surprise one to know that they amount to an average of 47 cents, or thereabouts, per car. This amount is not given for the purpose of basing a computation thereon, as the rates vary according to the varying conditions of the different mines, but only to show how large a factor these allowances become in the yearly earnings. Our system of docking is the same as is in vogue throughout the region, and for the year 1901 our statement of the docking at all our collieries shows that it amounted to 2.89 per cent. of the cars dumped at the breakers. We have no check docking bosses. We do not object to their appointment by the men, but we have never been requested to permit their employment. Some of our docking bosses have been in their positions for a number of years, in one instance the same man has performed this work for a period of twenty-five years; that such is the case, speaks volumes for the justice and equality of the system.

Our relations with our men have alweys been of the pleasantest character. They have ever been free, individually, or by committe to call upon the foremen, division superintendent or general superintendent, with any grievances or requests; and no man has ever been discriminated against for so appearing or for any other causes.

Notwithstanding our efforts in this regard, during the period between the general strike of 1900 and 1902, we have found it much more difficult to control our men, and we have had twelve local strikes in our mines. Some of these were for the most trivial causes, and none of them had any reason or merit in it. This spirit of restlessness shows its effect in the loss of efficiency of the men as well as in the time lost by reasons of these interferences with regular and systematic labor.

Our mines were the first objects of attack at the beginning of the strike last summer, and the list of incendiary attacks, dynamiting, intimidation, mob violence and disorder would fill many pages if fully told.

But now that these trials have become things of the past, and we are here before this honorable commission, asking for a just decision of the questions at issue, we hope that the members of the commission will understand and believe the we have not oppressed, over-burdened or underpaid, our employes, but, on the contrary, that the treatment we have accorded them has been honorable, straightforward and fair, and finally, we sincerely trust that the decision of the matter may bring a return of peace, good will and prosperity to the entire anthracite region, and that misunderstandings, strife and intimidation may cease within its borders.

First Lehigh Witness.

The first witness for the Lehigh and Wilkes-Barre company was Warren C. Johnson, of Philadelphia, general auditor, who presented the statistics prepared for the commission.

The wages of contract miners were given in two tables, the one classifying the men according to the number of days worked, and the other grouping them according to the wages. The tables include 66 per cent. of the miners, or such miners who worked at least one day every month the colliery worked. As in the previous instances, the figures were for the year 1901.

Statement of earnings of contract miners classified according to days worked:

No. of Starts.	No. of Men.	Average Earnings.
Over 300	3	$851.54
275 to 300	21	907.28
250 to 275	427	650.10
225 to 250	390	584.45
200 to 225	125	512.24
175 to 200	72	440.07
150 to 175	43	370.29
125 to 150	7	303.37

Classification of Earnings.

Classification according to earnings, the statement required by the commission:

Earnings.	No. of Men.	Average Start.
Over $1,000	9	272
$900 to $1,000	28	263
$800 to $900	58	255
$700 to $800	123	254
$600 to $700	238	248
$550 to $600	176	241
$500 to $550	164	240
$450 to $500	122	227
$400 to $450	71	221
$350 to $400	51	200
$300 to $350	29	187
$250 to $300	14	168
$200 to $250	1	178
Less than $200	4	168

Mr. Johnson also testified that the average allowance per car, in addition to the regular rate per car was 45 cents for extra work such as setting props, timbering, bailing water, cutting and moving rock and the like. Commissioner Watkins' questions qualified this statement to the extent of showing that the allowances for "heading" work were included in this computation.

H. C. Mason, of Wilkes-Barre, general land agent for the company presented figures showing that 585 of the companies employes own their own houses; that the assessed valuation of this property is $551,628 and the actual value, estimated, is $1,000,000. The company owns 1,155 company houses and these are occupied by 26 1-2 per cent. of the employes.

He also told that the company pays taxes in Luzerne county—where nine of its eleven collieries are located—amounting to $171,595 or one-eighth of the total tax paid to the county. Of this amount $69,377 is school tax.

Ages of Employes.

A table was presented by Mr. Mason showing the ages of the 3,477 inside employes of the collieries of the Wyoming district.

It disclosed that 337 men over 50 years of age work inside the mines. The table was as follows:

Age.	No. of Men.
Under 20	304
20 to 30	1132
30 to 40	10 2
40 to 50	642
50 to 60	289
60 to 70	43
Over 70	5

Mr. Darrow contented himself on cross-examination with the admission from the witness that he did not know whether or not the real estate owned by employes was mortgaged.

W. J. Richards, general superintendent of the Lehigh and Wilkes-Barre company was the first witness of the afternoon.

The company's breakers, in 1901, worked 7 7-10 hours. They could have worked longer if the miners could be induced to send out more coal.

Some of the docking-bosses have been in their present positions for twenty-five years. Some of the docking bosses are members of the miners' union. The only complaint he ever received on the score of a docking boss was from a committee which protested that if the company persisted in the practice of suspending men for light loading, they would have to ask for check docking bosses. He told the committee that any colliery that would petition for a check docking boss could have one. That was two years ago. No petition for a check docking boss has ever been presented.

Conditions from 1900-1902.

Between the 1900 and 1902 strikes there were twelve petty strikes at the company's collieries. Three of them resulted from the company refusing to allow the union to inspect working cards on the colliery property. Another resulted from the refusal of the company to discharge John Rushton, a Hollenback colliery miner, who went before the legislature at Harrisburg to testify against the Garner mine inspection bill. Superintendent Richards elicited an admission from the committee that Mr. Rushton's testimony was not untrue, whereupon he tried to reason with them that they had no grievance against Mr. Rushton, and that certainly the company had none. The committee was not to be reasoned with and gave an ultimatum that if he was not discharged they would strike. The company refused to grant the demand and a strike ensued.

The witness detailed some of the strike violence in and about his company's collieries, and then made denial of all knowledge of a blacklist or discrimination against union men.

He was cross-examined by Mr. McCarthy, who elicited the admission that petty strikes were known before the coming of the union, and that in the Lehigh region during the incumbency of Superintendent Gomer Jones, of Hazleton, they were very frequent.

Inside Superintendent Morgan R. Morgan, of the Wyoming region collieries, testified that the docking for light loading, in 1901, was one-half of one per cent. He gave specific instances of union restrictions of output and failure, since the coal famine set in, to induce men to help increase the output.

Thomas Rule, fireboss at the Wanamie, No. 18, colliery, testified that the secretary of the Wanamie local told him in the early part of 1900 that the local had adopted a resolution restricting the number of cars to six per shift. At that time the men were sending out from seven to fourteen cars a shift. The witness admitted it required twelve or fourteen hours to load fourteen cars.

M. J. Flaherty, outside foreman at the Hollenback, described the work of firemen and engineers, to show that they are not the arduous tasks the miners' witnesses described.

Dr. Frank L. McKee, of Plymouth, coroner of Luzerne county, gave figures to show that mining is not an unusually unhealthy occupation. In eleven years, according to the Plymouth board of health statistics, only nine men have died of miners' asthma in that town, and fourteen of consumption.

The opening of the case of the individual operators of the Lackawanna and Wyoming regions was made at 4 o'clock. The opening address was delivered by H. C. Reynolds, who, with ex-Justice Alfred Hand and I. H. Burns, represents all the fifteen independent companies of that region. Mr. Reynolds' address was as follows:

Address of the Independents.

In presenting the case of the individual operators, we realize that the patience of this commission has its limitations. For many weeks you have listened to the evidence offered by the several parties to this controversy, with a fairness and discrimination that has won the admiration and respect of all observers. It is our purpose, in view of the evidence introduced heretofore upon those general questions which apply to our properties in common with those of the other operators in the same fields, to refrain from the introduction of cumulative evidence, and unless the commission so directs, we will treat our case as though the evidence were adduced in our own cause.

With two exceptions all of our properties are situated in the northern anthracite coal field, either in Lackawanna or Luzerne counties. With these, as with all other companies, there are varying conditions, which have necessarily given rise to varied methods of adjustment, in our dealings with the men. We have been always subject to every advance in wages, and have accepted the conditions obtaining generally throughout the region.

For the most part our product has been sold directly to the various auxiliary companies of the railroads. We have had nothing to do with fixing the price at which our coal should be sold, and have been obliged to accept such part of the price obtained at tidewater, where the coal brings less upon the average than at any other place, as by dint of perseverance, aided by a just cause, we were able to secure.

To the adverse natural conditions under which many of our mines have been conducted, we have also been placed in a position distinctly discouraging and unjust in other directions. We have suffered the losses incident to an over-supply upon the market, and have sought, by close supervision of the operation, compensation which would minimize competitive advantages of our rivals in the trade, who have enjoyed substantial privileges not necessary here to discuss, but instantly appreciated by the observer Between the millstones we have been, and are being, ground, and by reason of conditions beyond our control, we have been helpless as though bound to the chariot-wheels of Caesar.

These are but side lights, and we shall not dwell upon them. We mine generally smaller areas, and thus have a larger comparative fixed charge upon our tonnage than have the companies auxiliary to the railroads.

Wages.

We hope to be able to prove that the wages are adequate to the services rendered, and will compare favorably with the wages paid in avocations requiring like skill and intelligence; indeed, we believe, that they are large enough to compensate any hazard which it is just and proper to charge to the industry. We believe an advance in wages at this time is unwarranted, and that to do so will at once encourage exorbitant demands in other directions, which granted would place a new burden upon the shoulders of the consumer whose average compensation is less than that of the mine worker.

Prior to the strike of 1900 the individual operators urged the representatives of the large companies to grant an advance of wages and to reduce the price of powder. We believed that this action was warranted at that time. Now we take the position that the wages are adequate, that having met our employes in a spirit of conciliation in 1900, who were generally represented by committees of the local union, composed of our own men, considered their alleged grievances, granting such as could be done reasonably, and in most instances showing them the unreasonable character of other of their demands, we are warranted in resisting their present unreasonable requirements.

Hours of Labor.

We hope to prove that the hours of labor at the mines are now too brief, and we contend that the compensation, in these days of active demand for labor, has been and now is fixed by an economical law which serves to secure to them wages which have been and in the future will be favorable to their interests.

We aver that the conditions in the anthracite regions are such that the miner who went to the bituminous region during the strike, instantly returned upon the announcement of the proposition to arbitrate; that he brought back with him to these conditions, characterized as "intolerable," his fellow workmen from the bituminous region; that the anthracite miner works shorter hours at wages at least equally as good as his fellow in the bituminous region, and that his environment, religious, educational and social, is generally better than in that region. That the mine worker, by reason of these advantages, is afforded opportunity for mental improvement, religious and social advantages, which have gone far to enable him to lift himself and his children into the higher spheres of teaching, banking, professional and business life, where his ability and success has been marked. This is conclusively shown by the ever

decreasing numbers of Irish Welsh, English and German mine workers from the ranks of our employes.

Discipline.

We shall prove that discipline is essential to the preservation of life and limb as well as to the successful production and operation of our properties, and that, by reason of the lack of proper restraint upon the union of its members, such discipline has been materially affected. That by reason of the dangers to which the careless or incompetent are subject, cheerful and prompt compliance with reasonable orders of foremen is a requisite to safe mining. That this is as essential to these classes as to the careful and competent workers in our mines. Imagine an army without discipline in camp or in the field, and you will appreciate the necessity of a reasonable regard for all interests which we demand our employes to observe, and which it will be shown by the evidence they show a lack of disposition to do.

Production.

We expect to show that the union has limited the production in many ways, and that in consequence of this there has followed a decrease in the wages of the men. That unjustifiable strikes in considerable numbers have occurred, and that a still further limitation of production has been caused by the practice of the boycott, which has been extended to working places in the mines, whereby, without just cause, the miner has marked with the sign of his displeasure the face of the working places with a view to preventing any other workman from operating the place. That in some instances the boycotted breast has been mined from approaches in the rear without complaint from the miner, proving the unreasonable character of the condemnation of the individual previously mining there.

Contracts.

The reluctance of the mine workers' leaders to become a tangible and responsible legal entity in the contractual relation, we believe, is based upon the realization by them of the fact that they could not exist under those reciprocal obligations obtaining in the world of business unless their contracts were fully and fairly performed. They evince a desire to enjoy the advantages of contracts enforcible by them only, in the event of a breach. The inequitable character of this position is made plain by the experience of the Black Diamond Coal company. We shall prove the demands of the men for a change in the system of payment, compliance by the company with these demands; making of a contract with the miners through their committee of two men in conjunction with two of the district officers of the union; the breach of said contract and a demand by the employes of this company for a restoration of conditions existing prior to the making of the contract, and demanding the abolition of the weighing system granted by the company as one of the demands mentioned above.

This if proven, we contend will demonstrate that only these contracts favorable and satisfactory to the men and only enforcible against the operators are observed, and that, those that are not, are abrogated by the individuals composing the United Mine Workers, without remely to the operator for a breach, an intolerable injustice. What did the union do to enforce upon our employes, its members, the performance of their joint obligations? Nothing! This was one of those "inviolable and sacred" contracts, of which we have heard so much. We have yet to hear that this local has suffered a forfeiture of its charter, that punitive measure which we have been led to believe, constitutes a sufficient assurance of performance of this class of contracts. Suppose the charter of the local had been forfeited—would the union have secured men to take the places abandoned by our employes? Each of these men who refused to carry out the contract made by this committee, joined with the officers of the union, would have sought employment elsewhere and would have become members of another local the individuals of which would be working under a contract which the union had made which was satisfactory, and our property would be necessarily idle, for the individual union man would not work there, and non-union men would not have been permitted to do so. Thus, we contend, we shall have succeeded in proving the futility of "collective bargaining," from our standpoint, with an irresponsible party of the other part. The determination of this organization to remain "thin as air," is a fixed policy. Henry Stephenson, a member of the national executive board of this organization, says (see page 92 of the evidence), quoting his testimony before the industrial commission, that he is not in favor of incorporation; first, because "a portion of our members own their own homes and would have them taken from them," thus anticipating damages for breach of contract; second, "do not get justice" (page 93); third, the burden, if it went against us, would be upon the few. Mr. Mitchell concurs substantially in these objections (pages 334 and 338.) We respectfully suggest that, had this organization a capital stock which would be liable to be seized in execution upon a judgment obtained for breach of contract, it would then be responsible for any breach of a contract by the members who would, in effect, be stockholders thereof. Then the organization making a contract with the employer could easily provide that no stockholders should be individually responsible for any breach of the contract. This exemption from responsibility is furnished the individual stockholder of the mining coroporations under the laws of the state of Pennsylvania, except that the beneficence of our legislature has accorded to labor the added protection of making liable the individual stockholders thereof personally for the payment of the wages of labor. Thus the law, as far as the interests of the laboring man are concerned, has made the operator himself, individually responsible for his wages. Why should not this organization be charged with some fair share of responsibility if it presumes to treat upon any fair basis with capital?

The Eight-Hour Day.

In answer to the just criticism of the organization for calling out the firemen and pump runners, the answer has been made that, had the eight-hour day been granted, tne mines need not have been flooded. We contend that this assertion is disingenuous. We hope to prove to this commission that where one company offered to grant this and other demands to this class of workmen, the organization, through its officers, refused to permit firemen to work. That these men, or several of them, realizing the inconsistency and unfairness of the position, voluntarily returned to their several positions. We contend that this refusal was calculated to be punitive, and constituted a deliberate attempt in this, as in the order calling out this class of workmen generally, in effect a "hold-up," and that had the leaders been wise, or at all fair, they would have left these men at their posts, to preserve the mine in such condition to enable its owners to furnish fuel to the public promptly at the conclusion of the strike, as well as places of employment for the men. Their rights could have been protected at the end of a successful strike, without attempting to destroy at one blow the property of the employer, the prompt delivery of the coal to the consumer, and a speedy return of the worker to his place of employment. We shall show that never in the history of labor disturbances in our field, when the organization was officered by representative anthracite workers, was such action ever taken. It has the appearance of a deliberate "rule or ruin" policy, inaugurated by influences foreign to this region, the effect of which would have been, if successful, to have insured to the complainant bituminous operator lasting advantage in the fierce competitive struggle characteristic of the day, a continuance for an extended period of market conditions he found favorable during, and since, our strike for securing prices for his coal much in excess of what the anthracite producers are even now obtaining for their article meritoriously worth very much more. The condition of the consumer and the mine employe, had this order been made effective, can better be imagined than described, the one without fuel, the other without fuel or employment. We regret the existing conditions of coal scarcity. We endeavored to the best of our ability to produce fuel under circumstances which required us to equip our properties with all the munitions of modern defense, searchlight, barricade, barbed wire and armed guards, which patrolled our properties with the same watchfulness maintained over camps in time of war. The existing conditions are not of our making, the struggle we made to produce coal was calculated to relieve the distress of the public. The first coal mined was by our people, and vast sums were expended in defense of our properties in preserving them so that coal could be produced and sold, at any price. We have accepted in the past the price fixed by the law of supply and demand as we have been reminded by the companies who purchase our product. Our contracts were based upon a percentage of the average price received and when by reason of the failure of the authorities to protect our constitutional rights, the demand was such as to entitle us to take advantage of this law so many times and oft quoted us, we demanded the price fixed by so unerring a principle. We saw some of our competitors in the anthracite region selling their coal under these advantages while our brothers in soft coal were reaping the harvest sown by the passivity of these authorities, and we believed and still believe that we were justified in our position. It must be admitted by the candid critic that as we did not contribute to the cause of the scarcity we have as much right to enjoy the operation of the law of supply and demand as the farmer, who, without fault, justly seeks compensation in price for what he has lost in crop. The responsibility belongs first to the United Mine

Workers' organization, and second to the authorities who failed to protect the non-union man in his right to work. For months the situation was still further complicated and encouraged by certain politicians and citizens whose motives we will not discuss, but to whose mischievous influence much of this difficulty may be traced.

Lack of Protection.

Had the executive authorities afforded that measure of protection they were bound to accord all citizens, the anthracite coal producers of Pennsylvania would have furnished the usual quota of coal and the strike would have been a failure. To make effective the order calling out the pumpmen and firemen and to restrain a large number of employes from returning to their several places of employment which the leaders knew they were anxious to do, they prosecuted a series of outrages which, in the language of their own witness, Dr. Roberts, who can scarcely be charged with any sympathy for the operators, characterized the murder of Bedell and Sweeney (page —) was of a character which could not "in the annals of savagery exceed in brutality the violence upon Bedell and Sweeney." That this policy was a fixed one and well considered has been fairly shown and we will add further evidence to warrant this conclusion. The evidence of Father Curren (page 1594), also a witness for the complainants, who testified that violence was caused by the attempt of the operator to work the property or by workmen to resume and when no attempt was made by either there was no violence and that where no attempt to work was made guards were not necessary, also demonstrate the policy.

As was well said by Sir Alfred Wills in the Taff Vale Railway company case, in criticising the evasions of the labor unions, which seems characteristic of the complainant in this cause, "It is high time for a man occupying the position I do to have the courage to express my opinions in reference to these perpetual attempts to shuffle out of responsibility," and "as the perpetual shuffling of cards and the continued production, after the manner of an experienced conjurer, of the card of non-responsibility; which is contrary to common law, common sense and everything else."

These attempts to shuffle must be regarded to apply to the facts of the case under consideration.

It is at least daring for the representatives of this organization to compare it favorably with those organizations of railway employes in America, whose conservative, devotion to duty and strict observance of the letter and spirit of their contracts, as well of the law, have deservedly won the confidence of their employers.

Let us for a moment consider the difference which justifies the distinction accorded these men by their employers in their contractual relations.

The railroad man is invariably an American citizen, nutured by an American mother to whose influence and direction many of the virtues mentioned are to be attributed. Educated in American schools and imbued with American ideas he understands the value of his liberty, is law-abiding, temperate, tolerant of the rights of others and endeavors to be reasonable. He is at his post of duty in sunshine and in storm. Pay days mean with him a return to renewed effort, rather than to idleness. The daily routine of his duties is fully performed and his service is unbroken by celebration.

A large number of the mine workers are not citizens of the country nor do they intend ever to become such. This class does not appreciate or understand our institutions. Brought up under the influence of the bayonet they understand only its restraint. Ignorant, they do not recognize the self-restraint which our free American life makes necessary to the happiness and well being of our people. His improved condition and prosperity by reason of his comparatively large wages encourage him to reckless indulgence after pay day. He celebrates all his holidays, religious and national, as well as our own. He is regarded properly, as unreliable and undesirable, but necessary to the production of coal. The controlling influence of these constitute the dominant party in the union.

For that class of our employes, native or foreign, whose conduct and character entitles them to our confidence, we have a high regard.

They are contributors to the general welfare of the state and nation; are patriotic and God-fearing, and are a credit to any community. We know and understand them and our relations have always been most cordial in character. They educate their children and have worthy representatives in all branches of activity in our communities. They have a full appreciation of their duties to their employers, desire to be and generally are reasonable in their demands, and are contented and prosperous. They have built up the mining region. They are today in the minority. Their voices have been drowned in the clamor, their conservatism has been misunderstood and their motive questioned.

Basis of Payment of Wages.

It is significant that the system of paying by the car has obtained for many years without complaint. There has been no demand for a change made by our employes. To establish a new uniform unit of payment is impossible and will plunge production of our clients into chaos. The varying conditions in our region, and in the veins and parts of veins are such as to make it impossible to adopt such a system. No inherent injustice appears in payment by the car and we believe it inadvisable and dangerous to make a change at this time by a uniform rule. We do not know what the result will be, and as was aptly said by the late speaker of the house, "When you don't know what to do, don't do it." We have not objected and will not object to a check docking boss, if the men think it desirable for them to have one. We shall prove that in many instances they have had such a representative and after a short time they have refused to contribute to the payment of his wages and he has been dropped.

The weighing system is not satisfactory where it has been adopted, as was testified to by one of complainant's own witnesses, and we shall show that at least in one instance where it was adopted since the last strike the men asked to have it abolished. The adoption of this system will in some places be impossible, in others only at unreasonable expense, and the effect in most places will be to slow down the production, a disadvantage common to employer and employe. We believe the demand contemplates the loading of impurities in small compass of great weight, constituting a double disadvantage and placing a premium upon such action.

Poverty the Effect.

It is an axiom, and applies to all avocations. Poverty is the effect; of the cause we have to say that here as elsewhere some are poor unfortunates whose sad condition is not to be charged to their vices or their faults, but here as everywhere, to the truth seeker will be disclosed the fact that the hand-maidens of independence are frugality, sobriety, ability and industry. Such poverty as exists can generally be traced to intemperance and the disregard of these essential requisites.

As has been well said by an observant and thoughtful writer, "We shall understand more thoroughly that the causes of vice and crime are the chief causes also of poverty and all other social evils."

Conduct of the Struggle.

Why should not organized labor, as exemplified by this organization, arise out of the fog of oppression and tyranny now enveloping it.

Recently the representatives of 400,000 of English workmen met to formulate plans and means to combat the evil effects which organized labor has brought on that country. Why should this union, by constant assaults upon production, and the means thereof, bring upon the country a condition which will sacrifice our ability to successfully compete with other nations? Trade inevitably gravitates to the cheapest market, other things equal.

The economic production in Germany threatens the existence of our commercial supremacy. Every member of the German family contributes his and her quota of endeavor, cheapening production. Last year our imports increased 10 per cent., and our exports decreased 7 per cent., and this notwithstanding our large exports of grain. How far the economic conditions of our home market and foreign trade will be able to sustain the ever increasing cost of production is a question of vital interest to both employer and employe. The cost of fuel enters largely into these considerations.

There need be no straining of the prophetic vision to foretell the results of a continuance by trade unions of the policy which characterized the conduct of this struggle. No government can long endure, or deserve to survive, which fails to protect the rights of its citizens against foes from without, or to preserve their constitutional rights from assaults from within, by whomsoever made or upon whatsoever account. Drunk with power, realizing the exigencies of the political situation, as viewed by the practical politician, the proximity of a state election more immediately vital to him than the graver considerations concerning the protection of the rights of a few individuals against the assaults of the many who held the franchise, the representatives of the organization timed their demands, and tempered the discipline of the politician to the exigencies requisite to the demands they had made. Therefore, we think that graver considerations than wages or hours of labor are involved in the controversy before this honorable commission, and at the proper time we expect to file requests for findings upon, not only the matters of lesser importance, but upon those of vaster significance upon the observance of which, in

a patriotic and law-abiding manner, we believe, depends alike the security of persons and property and the perpetuity of a nation, the example of which has driven from this continent all monarchial forms of government save two, and which is yet to blaze the way the world over to that form of government depending almost wholly upon the individual self-restraint, under a government in which every citizen is a sovereign.

At the close of today's session the commissioners and lawyers had a conference regarding the matter of arguments. The commissioners announced that they would limit the time for arguments to four days, and leave it to the lawyers to decide among themselves how the time should be divided. It was suggested that the big companies, the non-union men, the union men and the independents each take a day. Mr. Darrow objected to this apportionment. He claimed that it was a case of everybody against the union miners, and that the latter should have one-half the time. The lawyers are to get together later to discuss the question. If they do not agree, the commission will make the allotment.

Proceedings of Friday, Jan. 23.

[From The Scranton Tribune, Jan. 24.]

Philadelphia, Jan. 23.—With alacrity apparently very gratifying to the commissioners, the cases of the individual operators of the Lackawanna-Wyoming region were rushed through almost to completion at today's two sessions of the mine strike commission.

Attorneys Alfred Hand, H. C. Reynolds, I. H. Burns who are handling these cases concluded that the commissioners had heard about enough concerning restrictions, and impairment of discipline by the union, violence during the strike and the like, and accordingly put on the stand only the cream of the hundreds of witnesses who had been summoned to testify in behalf of their fifteen clients. They will rely upon their statistical testimony to convince the commissioners that they are paying wages as fair if not fairer than any in the region.

Mr. Darrow did not enter into any extended cross-examinations. He agreed that the wage statistics were the crucial things as far as the individual operators are concerned. The commissioners expressed themselves of the same opinion the day before.

The companies to put in evidence were the William Connell Coal company, of Scranton; the Clear Spring Coal company, of Pittston; the Black Diamond Coal company, of Carbondale; the Stevens Coal company, of Exeter; the People's Coal company, of Scranton, and Jermyn & Co., of Scranton.

Case of William Connell & Co.

The case of William Connell & Co., of Scranton was the first to be presented. Ex-Supreme Court Justice Alfred Hand, one of the stockholders of the company, was associated with Mr. Reynolds and Mr. Burns in the conduct of the case.

Only one witness was put on the stand. He was Howell Harris, the company's mining engineer, and assistant superintendent at the National colliery.

He testified that he has been a mining engineer for twelve years, and that he educated himself by studying nights after doing his day's work in the mines. His father is a miner, who began in the anthracite region, went to the bituminous region and then returned to the anthracite region, because the conditions in the bituminous regions were the less favorable. The witness also had worked in the bituminous region and considered the work much more arduous than in the anthracite region.

The witness knew positively there was no blacklist obtaining with his company and was not aware of its existence in any other company.

Discipline has deteriorated very materially, he said, since the 1900 strike. The boys are more insubordinate and the men more indifferent as to the regularity with which they work. If a miner feels inclined to lose a day, he stays away from work, without consulting his employer. No amount of complaining on the part of the employer seems to remedy this ill.

Miners, he said, have relatively as good an opportunity for self-improvement as any class of workmen. They have considerable idle time, which can be utilized in any way they may feel disposed to use it.

His company could handle much more coal than it gets from its men, he said. It has plenty of cars and is able to readily distribute them.

Asked what he thought of the proposition to pay miners by weight, the witness said the difference as to the merits and defects of per-car and weight systems has not been thought of sufficient importance to warrant serious consideration of a change. The employes of his company have never made specific complaint against the per-car system. Payment by the per-car system, the witness believed, is simpler, more direct, and on the whole, more equitable. Under the per-car system, the miner knows when he leaves his chamber what his earnings were for the day. He can tell whether or not there ought to be deductions for impurities.

There is no complaint about docking at this colliery. The docking boss, the witness understood, is a member of the union.

About Boycotting.

Asked about the boycotting of chambers, the witness said:

"I know of two or three instances that I can enumerate now. We have recently had one where there were four chambers in which the miners claim that we expected them to load four cars —hat four cars should constitute a days work for the miner and laborer. The men thought that four cars were too much, and they insisted that they would not load any more than three cars, and that three cars should constitute a day's work; and the chambers were stopped. The men found employment in another section of the mine as laborers. After working a week or so the superintendent decided that unless they would remove the obstacle to our putting anybody else in those four chambers, they should not work at the mines. We had a conference about two weeks ago, and one of the representatives from the district committee came with the men. The matter was argued, and they finally concluded that they would allow us to put men in the four chambers, and remove the condemnation of them. We did so; the men are working in other sections of the mine, and things are proceeding harmoniously."

"Are the men who took the places abandoned by these men making fair or average wages in those places" Mr. Reynolds asked.

"The are. Under our system of paying, where the coal is clean, quite frequently we pay the miner $2.47 for every three or four cars that come out clean, and we pay the laborer $2.09."

"We have two other instances," the witness went on to say. "One was in the summer of 1901. A man named Anthony Burk was working in the gangway at the price of $2.50 per yard. The local concluded that that was not enough for him and they stopped him from working, told the drivers not to give him cars. He was unable to work for a period of six or eight weeks. He decided that he would bring suit against the members of the local, although he was a member of it himself, and I think he engaged an attorney for that purpose; but they finally reconsidered their decision and allowed him to go to work. And we have had another instance of the same character recently."

"The place where he was working, then, was satisfactory to him?" said Mr. Reynolds.

"Yes, sir."

"But it was not satisfactory to the local to which he belongs?"

"No. sir."

"And they finally permitted him to go back to his place to work?"

"Yes, sir."

"How are boycotted places marked?"

"They put four holes in the face of the coal near the top of the roof, where they can be seen easily."

Commissioner Clark: Do you know whether this man made any complaint to the local as to the price he was getting for that yardage?

The Witness: No, sir; I am not aware he did; he said he was perfectly satisfied with the price.

"What, if any, objection is there to payment by lineal yard measure?" asked Mr. Reynolds. "Why would it not work in the northern anthracite field, where they are mining flat veins?"

"I think," said the witness, "there would be a great loss in the amount of coal that would be blown from the seam. If you attempt to pay men by the yard, I think the amount of coal that would be available for market purposes would be a great deal less. You would not get as much of the original deposit as under the present system, because the miner would have no inducement to load the coal on; his object would be to make yardage."

"If he made yardage the company could have a laborer to load the coal," suggested Judge Gray.

"I don't think that would be a very practicable scheme," said the witness.

"Why?" asked the judge.

"You would have two men independent of each other working in that chamber; there would be many circumstances arising in which there might be a lot of friction engendered between the two men. In the first place, suppose the laborer would complain that the miner put too much powder in a hole and blew it too far from the road?"

"But suppose he did not?"

"Then, I look at it in this way. If a man were paid by the yard, suppose he had a couple of cars lying a couple of feet away from the road. Suppose he is not paid for that coal, what inducement would there be to shovel it back to the car? Why could he not throw a couple of pieces of rock on it and leave it out of sight?"

Docking at the National.

The witnesses' direct examination concluded with the statement that the docking at the National colliery was less than two and seven-tenths per cent., despite the fact that the veins are thin and pretty well worked out.

Mr. Darrow asked Mr. Harris for an opinion on the plan of paying the miner according to the weight of the coal as it stands in the railroad car, ready for market. He replied that he did not think it an equitable system. It was not fair to the good miner. A miner who sent out practically pure coal might have to share in a rebate to the company, resultant from the dirty coal other miners sent out. The system was also objectionable, he declared, because it threw too much responsiblity on the judgment of the docking bosses, who would be called upon to pro-rate back to the miner the excess or lack of "full coal."

The trouble his company had about the four boycotted chambers, the witness admitted, had been settled amicably and in less than half an hour, through the instrumentality of W. J. Thomas, an executive board member of the United Mine Workers. He found Mr. Thomas to be just and reasonable.

Being further examined by Mr. Reynolds, the witness identified the due bills of three miners, which were offered to demonstrate that the differences in individual industry and efficiency are accountable for much of the variance in miners' wages.

The three miners in question worked in adjoining chambers. Louis Novack, who worked in the middle chamber, earned $65 in 24 days, with an expenditure of $13 for powder. Thomas Richardson, who worked to his right, earned $36.69 in 18 days, spending $6.30 for powder. George Jennings, who had the chamber to the left, earned $19.76 in 16 days.

The three men were equally experienced and had absolutely equal opportunities of making money. Personal indifference on the part of Jennings and Richardson, the witness believed, was accountable for their small earnings. He knew Novack to be industrious.

On cross examination, the witness said he did not know but that Richardson and Jennings might have been sick during a part of the month covered by the calculation. There was also a remote possibility, Mr. Harris further admitted, that one or the other, or maybe both of them, had encountered a "fault" in his chamber which was not encountered in Novack's chamber.

Judge Hand, at this juncture, put in further documentary evidence regarding health of miners, including a work by Prof. C. C. Abbott, of the University of Pennsylvania, in which it is stated that there is a very low mortality among coal miners.

Trouble at Clear Spring.

George O. Thomas, inside foreman for the Clear Spring Coal company at West Pittston, told that the number of cars per shift has been decreased by the coming of the union, and that, in his opinion, the restriction is for the purpose of gaining a raise in the price per car. As a result of the restriction, the company had to increase the number of its contract miners from 140 to 170. If the miners would work eight hours, he said, it would be of great advantage to themselves and the company. The earnings of the one would be increased, the cost of production to the other decreased. As it is, the miners do not average more than six and one-half hours.

Chambers have been boycotted at his mine because of the discharge of employes or disagreements between the foreman and the miner as to prices. The company took out the coal remaining in these chambers by driving an opening from the rear, with the aid of company miners, and no objection was raised.

The witness told of a number of petty strikes resulting from trivial causes. The driver boys were the most frequent strikers. If one of their number were disciplined, all of them would go on strike.

The dockage at this colliery was 2 7-10 per cent in 1901. The docking boss is an old-time miner and there has never been any complaint against him or his work.

Attorney Reynolds here offered in evidence an anonymous, threatening letter, received by the witness since the close of the strike. Mr. Darrow objected to its contents being disclosed, because of its being anonymous.

"I've received lots of similar letters since I came into this case," said Mr. Darrow. "I understand the commissioners have also received some."

"Yes," assented Judge Gray, "We've gotten them, too, any number of them."

Later, Judge Gray qualified this by saying the letters the commissioners received were not "threatening," but simply anonymous. The Judge sustained Mr. Darrow's objection to the introduction of the letter.

Semi-monthly Pay.

The witness was of the opinion that the semi-monthly pay was a rather undesirable institution, from every standpoint. As an instance of its undesirability he told that his company paid last Saturday and on Monday there were fifty-one contract miners absent from work. Some of them were also absent on Tuesday.

The weighing of coal, he asserted, would be impracticable at his colliery, because of the physical impossibility of installing a weighing plant in the breaker. To weigh the coal underground would entail a great expense, as hoisting is done from three levels. Three sets of scales, three weighmasters and three check-weighmen would be necessitated.

The weighing system of payment was also undesirable, he declared, because it would have a tendency to encourage the miners to send out more impurities than they now send out, and thereby increase the cost of preparation.

Payment by yardage was objectionable, he said, because it would encourage the miner to cut coal with no consideration of the kind of coal his chamber would produce. Under the per car system the miner sends out the biggest sizes possible. Under the yardage system it would be immaterial to him how much marketable coal was produced; and, as a consequence, he would have no object in avoiding the breaking up of the coal into fine pieces.

On cross-examination, the witness admitted that on one occasion, when the

driver boys struck for some trivial cause, an officer of the United Mine Workers sent them back to work the next day. He also admitted that since the issuance of the Mitchell circular urging the men to do all they can to relieve the coal famine, the men have worked ten instead of nine hours.

Louis Harrop, a fireman at the Clear Spring, testified that he and the six other firemen did not want to obey the call of the union to strike on June 2, because they had been granted an eight-hour day, and a bonus of 52 cents a day while the strike should last. They waited on the Central Labor union at Pittston and an officer of the organization telephoned their protest to President Mitchell's headquarters at Wilkes-Barre. The word came back: "Come out immediately," and they came out.

On cross-examination, Mr. Darrow contented himself with an admission that the engineers and pumprunners at this colliery had not been granted the eight-hour day.

David W. Evans, superintendent of the Stevens Coal company's colliery at Exeter, has been a miner for thirty-seven years in this country and a number of years in Wales. He has the distinction of having commenced his mine career at the age of six years and seven months, keeping candles lit for his father in a Welsh mine.

Does Not Approve Certificates.

The witness did not give his approval to the law requiring miners to have certificates.

"It keeps out good miners," said he. "The best miners from the old country came here before the passage of this law. Now they won't come here. They don't want to work as a laborer for two years before they can get a chamber. In the old days, they would have to work only four or five days before they could get a place."

"That's protection to American labor, isn't it?" queried Judge Gray. "I understand you believe in that sort of thing in Pennsylvania, don't you?"

"Yes it's a protection in some ways," answered the witness, without explaining.

Mr. Reynolds offered to show by the witness that since 1877, the companies of the upper region have granted increases of forty per cent. and imposed decreases of thirty-five per cent., leaving the net increase five per cent. while the cost of living has decreased by a very large per centage.

Mr. Darrow objected to going into a question of wages for a period prior to 1900, as it had been agreed that that year should be the basis of computation. Judge Gray agreed with Mr. Darrow that the offer was not relevant. Attorney McCarthy remarked that if the companies would grant the 1871 wages, the miners would withdraw every demand before the commission. "Give us the 1871 wages," said Mr. McCarthy, "and we'll shut up shop and go home."

Superintendent Evans told that of the eighteen young miners who were in his class at night school, when he first came to this country, twelve are mine superintendents, and two are doctors.

"If you want to see some of their sons," he added, "go to the court house in Wilkes-Barre." This was interpreted to mean that they are lawyers.

The dockage at his colliery is four per cent., he said, nothwithstanding that twenty-five per cent. of all the material sent out of the shaft goes to the refuse dump. The loss to coal in going through the breaker, he said, was between twelve and one-half and fifteen per cent.

The per-car system, he believed was the fairest and most satisfactory of all. He never heard any complaints against it and his men never asked for a change to the weighing system.

Mr. Darrow, on cross-examination, adduced some things, he would probaly just as lief have left unearthed. A team-driver refused to assist in spragging on a steep plane, as it had been customary for him to do. He claimed he ought to get runners' pay if he occasionally did spragging. The driver boss discharged him, and all the drivers struck. The contract miners' expostulated with the boys and they refused to work.

Mule the Cause of Trouble.

Only last week a foreman scolded a boy because he abused a mule. The boy told it about that he had been badly abused and insulted and the driver boys all decided to strike. The witness and the foreman tried to argue with them that they had no cause of complaint; that the boy had simply been scolded for gross negligence, and that he was not even threatened with discharge. The boys wouldn't listen to this line of reasoning. They were bent on striking and in a body they started for the shaft.

On the way, they encountered John Kelly an old miner. He inquired what the trouble was and learning the details, told the boys they had no "kick" coming, and that they had better go back to work. They went back to work.

"Kelly has more control over our men than we have," remarked the witness.

John Cook, outside foreman at the Jermyn No. 2 colliery in Old Forge, testified that the docking is four per cent., and the rock that goes to the dump is alone five per cent. The company will not employ boys who are apparently under the legal age, although they may have certificates from their parents, setting forth that they are of age.

The witness is a school director of Old Forge. Many of the teachers are graduates of normal schools. All of them are sons and daughters of miners. The miners have all to do with the spending of school funds. and most of the school taxes are paid by the coal companies.

The first witness of the afternoon was Henry Lubken, mining engineer for Jermyn & Co. He spent thirteen years in the bituminous region. Bituminous mining, he declared, was much more arduous than mining of anthracite. Even with machines, the bituminous miner must lie prostrate on one side to dig coal. Oftentimes he must lie in water, both in machine and pick mining. The work of the bituminous miner is so arduous, the witness declared, that only young men can do it. In the anthracite region there are hundreds of miners sixty years of age.

The witness has seen a soft coal mine opened up for $150. The average cost of opening a soft coal mine is $15,000. The average cost of opening an anthracite mine is half a million.

W. G. Thomas, superintendent of the Black Diamond Coal company, of Carbondale, testified his company pays by weight. The cars contain only thirty-eight cubic feet.

During the past two years discipline has been greatly affected at his mine. Since the close of the last strike, even, there have been innumerable petty strikes.

As an instance of the impairment of discipline, he related an experience he had with a union miner named Wize.

John Mitchell His Boss.

Wize called a non-union man a "scab" and made threats towards him while at the mine. When the matter was reported to the foreman, Wize was called to account. He told the foreman to "go to hell," adding, "John Mitchell is my boss."

Superintendent Thomas called the man into the office and told him he would have to apologize to the foreman and promise to him that he would not again molest any other workmen on the company's property, be he union or non-union man. Wize arrogantly told the superintendent he would do nothing of the kind.

"Then you can't work here any longer," said the superintendent.

"Oh, yes, I'll work, all right," said Wize.

"No, you won't, Tom," said the superintendent.

"Well, I'll load the coal I've got cut."

"No, you can't go into the mine till you agree to what I have proposed."

"If I can't go into the place, no one else can. I'll put the boycott mark on it."

"You won't do that, either. You can't go into the mines at all. We'll send your tools out to you."

"Very well, then, you'll have a strike here in a very few days."

A few days later the local met and a committee was appointed to see the superintendent about the case of Wize. Two of the company's employes and two district officers of the United Mine Workers waited on Mr. Thomas. The matter could not be compromised, and a strike was imminent.

Before the next meeting of the local, one of the miners, a close personal

friend of the superintendent, plead for the reinstatement of Wize. Superintendent Thomas insisted on Wize living up to the terms he had imposed. The next day the personal friend and Wize came around. Wize apologized, promised to refrain from molesting non-union men, and kissed the hands of Superintendent Thomas and the mediator.

Union Restrictions.

Regarding restriction, Superintendent Thomas testified that in December last he went to one of the company's best miners, George Millett, and asked him why he was not sending out more coal. Millett admitted he could easily send out more coal, but "dassn't do it." He explained: "The union won't let us."

"Yes," said the superintendent, "but President Mitchell stated to the mine commission that the union does not restrict output and that a man's capacity is not limited by the union."

"Your right he did," said Millett, and since then, Superintendent Thomas says, Millett has been sending out more coal.

A few days later, a committee of the local waited on Millett and admonished him against sending out more than seven cars. Millett did not heed the admonition. He is sending out as many cars as he feels inclined to load, some days as high as ten.

Superintendent Thomas told of a contract he had made with his miners and their failure to live up to it. They wanted to change from the per-car to weighing system and at considerable expense and inconvenience to the company, put in a weighing plant. June 16, 1901, the new system went into operation June 19, three days later, all except three of the miners in one of the veins repudiated the contract, and, without waiting for a possible adjustment, quit work. They claimed they were not making as much as they were making under the per-car system, and demanded a return to the per-car system. The miners in the other veins were satisfied with the new system and the company decided to maintain it.

Every man, including the watchmen, were members of the union. When the 1902 strike order came, all were called out, including the watchmen. Superintendent Thomas protested to National Organizer Henry Collins that it was not fair or just to prevent him from securing watchmen, as the insurance policy was nullified by their absence. Mr. Collins could do nothing about it. President Mitchell was appealed to, and he declined to interfere.

May 16, 1902, after the strike had been on a month, a miner went in for his tools. A cave occurred and he was imprisoned. Striking employes were summoned and the man was rescued.

Superintendent Thomas tried to get the men to clean up the cave and secure the place. They refused. Water was dammed up by the debris, and when it broke, of its own force, it swept out the drift in a mighty volume, flooding an adjacent lumber yard and doing about $5,000 damage to both the mine and the lumber yard.

A second fall occurred, as a result of the failure to have the place secured, and a second flood was threatened. National Organizer Collins was appealed to by Superintendent Thomas to give permission to seven or eight men to assist in relieving the threatened flood. Mr Collins very pleasantly said he would take the matter up. A day or so later Mr. Collins reported to the superintendent that the district board had considered the matter and decided it could not grant the request.

By strenuous efforts, the company gathered enough men to relieve the situation.

On cross examination, Mr. Darrow tried to minimize the effect of Superintendent Thomas' testimony concerning the contract that was violated in three days by pointing out that it contained no time limit.

The witness admitted that the union had never approved of any of the petty strikes with which his company had been inflicted. Invariably though the union officers would come around, after the strike was on, and send the men back to work. The witness admitted that what dealings he had with National Organizer Collins were always pleasant.

Superintendent Thomas does not approve of the weight system of payment. His experience has taught him that the per-car system is the best and most satisfactory, all around. His men, he said, are now of the same opinion.

Weighing Coal.

Regarding the plan of weighing the coal in the railroad cars and pro-rating back to the miners the excess or lack, as the case might be, Superintendent Thomas said, that the scheme had been tried by Jones, Simpson & Co., at Archbald, and had to be abandoned because there was never any excess, and the men always grumbled when they received due bills with subtractions, resultant from their not having sent out as much marketable coal as was presumably contained in their cars.

There was more than the usual attention from commissioners and others during the hearing of the case of the People's Coal company, which Mr. Reynolds next presented. The fact that this company succeeded in operating its colliery—the Oxford—on a larger scale than any other company in the whole region during the strike period, was generally known, and commanded attention.

The only witness the company put forward was John B. Hayes, the general superintendent.

He first told of the expense the company was subjected to in operating its colliery during the strike. A ten-foot high barricade was erected all around the property. Arc lights in profusion were installed to illuminate the plant at night, and a search light was placed on the top of the breaker to guard the approaches to the colliery, and prevent the possibility of surprise attack.

Armed guards patrolled the property day and night, and eating and sleeping quarters were provided within the stockade for workmen and guards.

The correspondence between President J. L. Crawford and Theophilus Phillips, president of the Oxford local of the United Mine Workers, was listened to attentively as it was read by Attorney Reynolds.

President Crawford wrote President Phillips that if he would withdraw the pickets who were attempting to prevent men from going to the Oxford to do repair work on the engines and the like, he, President Crawford, would not attempt to mine coal without first notifying the union. President Phillips' ostensibly consented to this arrangement but it was found the pickets were still doing duty.

Union Men Surprised.

Nevertheless, President Crawford kept his word and July 25 served notice on President Phillips that the colliery would be operated in a few days, and that any former employe who did not report for work would be considered as having resigned from the company's service. Three days later the colliery started up, much to the surprise of the union men. It continued in operation all through the strike, mining as high as 470 tons of coal and selling it for as much as $20 a ton.

When the 1902 strike was impending, Superintendent Hayes went to the men and endeavored to have them sign a contract to continue at work if a strike was ordered. The men, as a rule, said they had no grievance and were willing to continue at work, but were fearful that at the end of the strike, if the miners won, they would not be able to work, as the returning strikers would refuse to work with them. The company, to remove this objection, agreed that any employe who would continue at work would be paid regular wages for a period of one year after the strike ceased, whether he worked or not. Twelve men, most of them steam men, entered into this contract.

Mr. Reynolds explained to the commission that the existence of these contracts caused the company to hesitate to become a party to the submission agreement.

Superintendent Hayes next told, in detail, of the extra allowances for mining, the loss of time consequent upon pay days, the impairment of discipline, as a result of the coming of the union, and the absence of any discrimination against union men on the part of the company.

A man is employed, the witness said, to keep tabs on the time the contract miners work. His reports show that the average is 4 9-10 hours a day. The

union miners will not load more than six cars a shift. They say, "That's enough for a day's work." The non-union men send out from eight to twelve cars. About sixty per cent. of the company's present employes are non-union men. The company, in one vein, is blowing down the top ledge of a 16-foot vein. Sometimes with one blast a miner can bring down forty cars of coal.

Superintendent Hayes was excused just before adjournment.

Proceedings of Saturday, Jan. 24.

[From The Scranton Tribune, Jan. 26.]

Philadelphia, Jan. 25.—A rather dull session of the mine strike commission was brought to a close at noon yesterday, with a bit of excitement.

Just as the session was about to adjourn, Samuel Dickson, of counsel for the independent operators of the middle district, claimed the attention of the commission, saying he had a little matter to which he would like to direct the attention of the commissioners and Mr. Darrow. Then he read a telegram which had been received that morning by President Baer, of the Philadelphia and Reading, from the general superintendent of the company, R. C. Luther. The telegram was as follows:

"Thirty-one collieries working today. The men at the North Mahanoy colliery went home, refusing to wait until a frozen waste pipe could be changed to enable the breaker to start. The breaker was ready at 7.30 a. m."

"I also have a little matter which I should like Mr. Dickson to explain," said Mr. Darrow. "I have here a clipping from a Scranton paper of January 17, which I will read:

" 'Today nearly all the collieries of the Pennsylvania Coal company in Pittston and vicinity are idle because of the scarcity of cars, and yet the company's representatives are in Philadelphia telling the Anthracite commission that the output has been restricted by the union.

" 'At several collieries in this city the miners have not been able to make a full shift in three weeks because of the lack of cars. The local unions should pass resolutions denouncing the stories of the corporations.' "

Hostilities End Abruptly.

Mr. Dickson was about to reply, but General Wilson cut him short with a whack of the gavel and an announcement that the commission would adjourn.

The case of the independent operators of the Lackawanna-Wyoming region was concluded at adjourning time.

Some interesting and important testimony was given by John J. Gilligan, foreman for the Wyoming Land and Coal company.

The company was desirous of securing men to shovel culm and made a proposition to the local of the United Mine Workers that if the union would give the men permission to work, the company would pay the men ten hours' wages for eight hours work. The local promptly furnished the company with the following:

West Wyoming, Oct. 21, 1902.

This is to certify that John Gilligan and S. B. Williams have power to hire any number of men they need to work from this date, by permission of Local Union 1389. George Bertram, President.
S. M. Saunders, Secretary.

The union, at another time, gave the company "permission" to discharge men who failed to report for duty within two days following a pay day.

"Does the union rule your work?" asked Judge Gray.

"Yes," said Gilligan.

In the cross-examination the witness was asked if the company had ever stopped work of its own accord.

"Not since the flood," replied the witness. Judge Gray exclaimed: "Gentlemen, you must understand that there are limits to this investigation, and I must forbid any evidence that antedates Noah or the flood."

"Oh, I didn't mean the deluge," said the witness. "I meant an inundation of the mine."

Gilligan also testified that the breaker boys in his colliery had struck, delaying the work for days, because the company had neglected to give them their annual sleighride.

Attorney Reynolds' next witness was J. P. Wickeizer, a miner in the People's Coal company's employ.

He earned from $5 to $10 a day and worked from eight to nine hours.

"What do the miners do when they go into the mines?"

"Well," said the witness, reflectively, "the first thing they do when they get in is to examine their dinner pails; then they take a smoke, maybe blow a couple of holes, and then sit around and talk politics."

He said he was a union man, but not a member of the United Mine Workers.

T. P. McFarland, of Pittston, who said he had commenced his career as a miner in 1848, was called to testify to conditions in the early days of coal mining in this state. He is at present postmaster of Kingston, but said until three years ago he was connected with various mines. He declared that the general condition of the miners today is prosperous, far better, in fact, than it was years ago.

Because he worked during the strike C. W. Page, an outside foreman for the Dolph Coal company, was boycotted by his milkman. "He came to me a few days ago and wanted me to trade with him again, but I refused," continued the witness.

"One boycott deserves another," commented Judge Gray.

General Wilson questioned Thomas Richards, the next witness, a clerk for the Enterprise Coal company. H. C. Reynolds, counsel for the independent operators, sought to prompt the witness.

"Let him answer the questions himself, Mr. Reynolds," exclaimed the general.

Mr. Darrow raised a laugh a few minutes later by saying to the witness:

"Let me ask you a question suggested by General Wilson. You were in the lower region—I mean the lower coal fields? I am quoting Mr. Baer when I use the term 'Lower region.' "

Social Conditions.

Statistics showing social conditions in Lackawanna country drew a rebuke from Judge Gray. Charles E. Bradbury presented figures showing the county had issued 612 liquor licenses and the government 943 internal revenue licenses. In the mining districts there is one saloon to every 196 inhabitants, he said, and in rural districts one saloon to every 558 inhabitants. This led Judge Gray to exclaim:

"It looks as though there were a large number of the illicit places in that county. I hope the district attorney will take notice of this."

A little later it was brought out that many of these saloons were run by widows of men killed in the mines and that miners patronized these places liberally.

"They drink for sweet charity's sake," remarked Judge Gray.

Proceedings of Monday, Jan. 26.

[From The Scranton Tribune, Jan. 27.]

Philadelphia, Jan. 26.—In opening the case of G. B. Markle & Co., of Jeddo, before the mine strike commission, this morning, Attorney Samuel Dickson and George R. Bedford created a bit of a stir by calling as their first witness D. J. McCarthy, of Hazleton, one of the lawyers for the miners, who was also one of their witnesses at the Scranton session. Mr. McCarthy demurred at being called to the stand, but finally waived his right to refuse and submitted himself to be questioned.

When a witness in Scranton, Mr. McCarthy broadly intimated, rather than stated, that Markle & Co. make a profit out of the company doctors, by paying the doctors a meagre salary and pocketing the 75 cents or 50 cents a month collected from the employes. The fact of the matter being that the company simply collects the assessments free of charge, and out of its own pocket maintains a staff of trained nurses for sick or injured employes or their dependents, it was, as might be expected, not at all pleased with Mr. McCarthy's allegations, and determined before doing anything else in the way of defending against the miners' attacks, to find out just what grounds Mr. McCarthy thought he had for making these insinuations.

Mr. McCarthy Retracts.

As was expected by the company's attorneys, Mr. McCarthy retracted his charge, and in the face of his Scranton statement that the company doctor was an evil he freely confessed this morning that it was a good sort of an institution, and that he had nothing whatever against it.

His examination in part was as follows:

By Mr. Dickson:

Q. When you were at Scranton you testified? A. I did not.

Q. We will see if you did not. Testified quite freely. I think you were not called as a witness, but I think you testified, referring to page 1758 of the testimony (reading):

"Q. Now, state whether or not these doctors are young fellows who have just come from college. A. Yes, sir.

"Q. The assistants and doctors there? A. During my experience in Jeddo, we had a change of a doctor from every six months to twelve months.

"Q. Yes. These young doctors would come out from college and come to work among the miners, and then go off and practice for themselves?

"Mr. Torrey: I think that is going a little far.

"Mr. McCarthy: That is the inference.

"Mr. Torrey: Let the commission draw the inference.

"Mr. McCarthy: Are there any extra charges made by the doctors?

"The Chairman: You say these doctors were all young men?

"Mr. McCarthy: Yes, sir, who stay six months or—

"The Chairman: Fiat experimentum in corpore vili. How long had they been in practice?

"Mr. McCarthy: They had just come out of college. The witness may not make the statement, but I will make it, that these young men are assistants who have just come out of college.

"The Chairman: You do not mean to say that they are paid a thousand dollars a month?

"Mr. McCarthy: No, they are paid a salary by the resident physician.

"The Chairman: But they must collect their seventy-five or fifty cents a month, at least a thousand dollars a month, if they collect from every miner.

"Mr. McCarthy: We want to be fair about this and not mislead the commission. I will make a little statement. At Upper Lehigh there is a doctor who has been there now for fifteen or sixteen years—Doctor Neill—and he does the collecting and pays his assistants whatever he sees fit to agree with them. He sends to Jefferson college; he is of the Jefferson school, and he has Jefferson assistants. They come out of college, men who are not lucky enough to go to Blockley, or the other hospitals; they come here to the mines for experience, you see. Then Doctor Wentz has been there for over forty years, Buck Mountain, Eckley and with the Markles, and he did the collecting and had three or four assistants, young men of the same kind. About seven or eight years ago he quarreled with the Markles and he was then forced to leave. He was on a lease like the rest of them, and had to get out, too. And they built a house for him at Drifton, and he moved to Drifton, and Doctor Kalb came there and employed assistants. There was some misunderstanding between Kalb and the Markles, and he left. The arrangement between Deerdorf, Phome and Markle is not known to the people. It is intimated that Markle pays them a salary and makes the collections from the miners. I do not know that that is true."

Q. How much of that did you know?

Knew About What He Said.

A. Well, I know just about what I said, with the exception that all of the young doctors did not come direct from college. The larger percentage of them have a hospital experience of a year. I want to say, further, that the doctor system is the greatest blessing that ever struck the Lehigh region. The resident physicians are recognized able men and they give valuable service for the money received. There are some of the young men that have not had much experience. I do not know that the miners have any objection to the company doctor outside of possibly the fact that they are not consulted whatever in employing him.

Q. Do you mean that? A. I certainly do, as far as I know, and I have been there in that region for twenty-five years.

Q. Is it anywhere compulsory upon them to employ them; are they not at liberty to employ them or not, as they see fit? A. Well, I wouldn't like to say that, for this reason: It is frequently intimated you are not compelled, but there is kind of a under-duress that does not appear on the surface. They are given to understand it is the company doctor, and it would be pleasing to them if they would do it. The Drifton people do not make any collections for the doctor at all. The Upper Lehigh, J. S. Wentz & Co., and G. B. Markle & Company did up until quite recently. I understand since Co. and G. B. Markle & Company have even ceased to collect for the doctor. I do not know whether that is true or not. I think Pardee collects for a doctor, and I think the Lehigh Valley does.

Q. We are getting a little from the testimony that was given chiefly by yourself: "During my experience in Jeddo, we had a change of a doctor from every six months to twelve months." You answered, "yes," you adopted his answer. "These young doctors would come out from college and come to work among the miners, and then go off and practice for themselves?" That is to say, at the end of six months, or twelve months? A. I knew a doctor to be with Doctor Wentz, of Jeddo, for seven years.

Were you testifying in regard to Dr. Wentz at that time? A. Yes.

Q. You are testifying in regard to Markle at Jeddo. I want to know what you know about that on which you ventured to give information or testimony to the commission? A. Dr. Wentz lived at Jeddo for over twenty years. Had his home there, and at that time he sent his assistants to Eckley, to Highland, to Drifton, to Freeland and all around that country. Freeland was then only a very small place. In fact, he was in Jeddo before Freeland was dreamed of, and he had that entire field to himself, outside of one doctor at the Upper Lehigh and Dr. Mays. of Upper Lehigh and Dr. Wentz were the only physicians north of Hazleton at that time, and Dr. Dee was there for many years, assistant to Dr. Wentz, and Dr. Kaley, now a very prominent physician at Hazleton, is now with Dr. Wentz. Dr. Keller, superintendent of the miners' hospital, was an assistant of Dr. Wentz. Very able men, at the head of their profesison. They remained after Dr. Wentz left, and these other doctors came there, then the system of changing was more frequent.

All a Mistake.

Q. Let us recur to what was said. Do you repeat the assertion that they had a change of doctors from six months to twelve months? A. No, I don't know that to be true. Q. When you said that, that was a mistake. A. If I did say it, I certainly was mistaken. Q. Do you want to call the stenographer? A. Oh, no; I don't want to do anything like that. Q. We may assume you said that? A. I may have said that, but I did not mean it in that sense. I may have said that generally.

Q. Then at the end of your statement, occupying nearly a page, you say, "It is intimated that Markle pays them a salary and makes the collections from the miners?" A. Yes, sir.

Q. Will you please tell the commission what you meant by that? A. I meant it was common rumor among the people at Freeland and some of the employes, numerous employes of the company, that when Dr. Stoleman and Dr. Deerdorf came there they were paid a salary by G. B. Markle & Company, and the company made the collection of the men through the office.

Q. Did they pay over all they received? Did you not mean to imply that they made the collections at the rate of fifty cents and seventy-five cents a month, and then employed the men at a salary and pocketed the difference? A. The rumors that I heard circulated simply were, they charged the usual charge and paid the physicians a salary.

The Chairman: Without reference to the amount they collected?

The Chairman: Without reference to anything. They paid these physicians a salary—that was the rumor common in Freeland.

By Mr. Dickson:

Q. I am not asking you about the rumors; I am asking you about the meaning of the words you used and the meaning which you intended to convey to the commission, and I will repeat what you said. A. You may infer, draw deductions as you see fit from what I said.

The Chairman: Read what he said.

Mr. Dickson (Reading): "It is intimated that Markle pays them a salary and makes the collections from the miners."

By Mr. Dickson:

Q. Was not the innuendo you intended to convey there, that they pocketed the difference between the salary and the amount collected? A. You can draw such deductions as you see fit. I had no innuendo.

Q. I propose to, but I want to know what you intended the commission to understand. A. It is very plain language and they are capable of understanding and interpreting it.

Q. You are willing to stand on that? A. I am just willing to tell what I can, that this was gossip of Freeland.

Q. Had you ever taken the slightest trouble to ascertain whether it was or not? A. I did not, it was not any of my business.

Q. You thought proper, having begun with a preface, "We want to be fair about this, and not mislead the commission." You thought proper to come before the commission and repeat lying gossip of that kind without knowing whether it was true or false. A. I told you it was intimated at the time, I did not say that it was true, or that it was not, but that that rumor was afloat and it would not down.

Q. You know it had been contradicted? A. I do not know, sir.

Q. I thought I had the pleasure of handing you a copy of Mr. Markle's answer.

Mr. Darrow: That does not contradict it, does it? It is not a chancery case.

The Witness: I do not remember that that point is contradicted in Mr. Markle's answer, it may be.

By Mr. Dickson:

Q. You are content to stand on that answer without any further explanation? A. I have just given you this explanation, these rumors were in circulation and that is all I know about it.

Q. You thought proper to repeat them without making any inquiry whether they were true or false? A. The question came up through this witness and I just made that explanation. Q. Oh, no; that statement occurs, you will see, at the end of a speech that occupies a page. A. That was not a speech, Mr. Dickson.

Mr. Dickson: That is all, Mr. McCarthy, I may want to cross-examine you on some other matters.

The Chairman: Mr. McCarthy has already said that the general system properly carried out was a beneficent one.

The Witness: There is no question about that.

Mr. Brumm: That is as to the miners, but it is a system of preventing others from practicing their profession.

The Chairman: We are not concerned about physicians.

Mr. Brumm: You have gone into the sociological question all around.

The Chairman: You must not branch out too far in this investigation. Preventing other physicians coming in does not concern us at present.

The Witness: The resident physician always names the very best men possible and in my twenty-five years' experience there was no complaint with the company doctor.

The Chairman: Mr. McCarthy has been very frank.

Mr. Dickson: I wish you had given that at Scranton.

The Witness: I did, I said the doctors were very eminent men.

Mr. Dickson: If you think your testimony coincides with that which I have read, why, of course, let it go at that.

The Markle Leases.

Mr. McCarthy was also examined at length on the character of the leases for the Markle & Co. company houses. It was shown by him that the leases contain a clause to the effect that the tenant can be ejected at will by the landlord on six day's notice.

The witness averred that the papers on which the thirteen tenants were evicted at the close of the strike were gotten together at midnight in Wilkes-Barre and served the next morning, after he had served notice on the sheriff that he was about to move for an arrest of judgment. Mr. McCarthy further stated that the tenants told him they did not sign any such lease.

Sworn testimony was later introduced to prove the signatures of the tenants on the leases.

Miss Gertrude Martin, head nurse of the staff employed by Markle & Co. told that the physicians employed for the company's employes are thorough, and stand high in their profession, and none but the competent trained nurses are engaged. The witness and her two assistants made 5,500 calls in 1900. Medicines, broth, milk and the like which the nurses needed for their patients were furnished free from the company store.

She found very little pulmonary trouble among the miners and only a few cases of asthma.

Mr. Darrow, on cross-examination questioned the witness in rather offensive tones as to whether or not she had had any talk with Mr. and Mrs. Markle or any official of the company about what she was to testify to.

Judge Gray's Hint.

Judge Gray rebuked Mr. Darrow for this saying, quite indignantly: "Mr. Darrow, if you think this is manufactured testimony say so. It seems to me this lady's testimony is quite clear and free from any such suspicion."

William P. Meigs, superintendent of the company which built cars for Markle & Co. prior to 1896, testified that in twelve years their size had not varied. The miners at the Scranton session put in testimony that would tend to indicate that the size of the Markle car grew constantly. Aged "Jimmie" Gallagher said they were built of live oak and never stopped growing.

Wililam S. Johnson, of Berwick, general superintendent of the American Car and Foundry company, formerly the Jackson & Woodin company, testified that since 1896 his company has built all the cars for Markle & Co., and that in that time neither the size nor style of the cars has varied in any dimension or other particular. The cubical contents, of the car, he said, were 147 56-100 cubic feet. On cross-examination he said there were both larger and smaller cars built by his company for different operators.

Louis Ortner, of Jeddo, mechanical engineer in the employ of Markle & Co., gave measurements of the cars used by the company. The largest car, according to his measurements, contains 148 6-100 cubic feet. He measured two cars selected at random at Jeddo colliery. The difference in the contents of the two cars, he said, was less than four one-hundredths of a cubic foot. There is another car used by the company at some of its collieries, he said, which contains about 112 cubic feet. The old plank cars, which are in the minority now, differ in capacity only a small fraction of a cubic foot from the steel cars, by which they are being supplanted.

AFTERNOON SESSION.

Sidney Williams, who for three months past has been the general superintendent for Markle & Co., was examined by Mr. Dickson in the afternoon. He was first questioned about the alleged discrimination against men who were prominent in the union during the strike. Mr. Williams emphatically denied that any man had been refused employment because of his connection with the union. In every case where a man has not been re-employed the company had a reason therefor personal to the man himself.

Mr. Dickson wanted the witness to state the purport of these reasons. Mr. Darrow objected to this, claiming that if charges were to be made against these men the charges should be stated particularly and the sources of information given. Mr. Dickson declined to have the sources of information made public. The men who gave the information would have to be protected, Mr. Dickson asserted. Judge Gray decided that the "purport' 'of the information against the men could not be given, and Mr. Dickson allowed the matter to be dropped.

In the answer made by Markle & Co. it is set forth that the men in question had been discharged "not simply because of agitation, but because of personal aggressive acts."

When the strike was declared off, the company sought to have its men sign industrial agreements to abide by the finding of the commission. The men were urged to refuse to do this, and a delay in resuming operations was the result.

John Markle told the committee he was only asking them to agree to what they had already agreed to abide by at their convention in Wilkes-Barre. He was not a party to the convention, and many of his men had not even participated in the election of the delegates to the convention. For this reason he wanted the convention agreement individually concurred in.

Mischief Makers Persistent.

The committee left, promising to give an answer the next day. The committee failed to return at the appointed time.

In the meanwhile, Mr. Markle was informed that the same men who had been making trouble during the strike were leading in intimidating and threatening any one coming to the office to agree to return to work under the conditions specified, and in circulating false reports regarding the nature of the conditions.

After waiting for the committee two days, Mr. Markle, the witness went on to say, ordered notice to be served upon twelve of the chief offenders to qu't the company's houses. This was October 27. The leases required a six days' notice. The company waited ten for the houses to be vacated. The tenants bade defiance to the company, saying their lawyers had advised them they could not be ejected.

On the tenth day the company directed Superintendent Williams to have the tenants ejected and accordingly it was done. The work was performed by coal and iron police, under Mr. Williams' supervision. The goods were taken out carefully and placed in the street. The tenants were ejected because the company wanted the use of the houses for employes. They were legally ejected because of the fact that they violated their leases by failing to pay the rent. Every one of them was in arrears for all the months of the strike.

It was not raining the morning the evictions took place. At 4 o'clock in the afternoon there was a very slight drizzle.

The only request for an extension of time came from the sheriff. Nothing was said about an extension being wanted on account of sickness. The company's local attorney advised that no extension be granted, as the only purpose of it could be to get out an injunction to stop the proceedings.

Earnings of the Evicted.

The names of the twelve men evicted, together with their earnings for 1901 were given as follows:

Joseph Popcum	$1,026 76
Charles Keenan	688 59
Charles Jacquott	730 32
Andrew Kamjuck	714 77
John Dimshock	714 77
James Gallagher	779 07
Henry Coll	491 99
Paul Dunleavy (eight months)	510 29
Charles Helferty	494 07
Henry Shovelin	973 93
George Pollock	275 65
John Nohie	344 54

One of the evicted families, Mr. Williams said, had 70 bushels of potatoes. From another house the officers removed six barrels of sauer kraut.

On cross-examination, Mr. Darrow read from Markle & Co's letter to Commissioner of Labor Wright, recorder of the strike commission, in which John Markle told of the difficulty his company was having in getting the men to return to work, and further, that some of the men would not be taken back because they had been guilty of criminal acts.

Mr. Darrow tried to get Superintendent Williams to say that he heard John Markle allege that the thirteen men who were evicted were guilty of criminal acts. The witness was "not prepared to say."

"Why were these men evicted?" asked Mr. Darrow.

"Because they committed acts which Mr. Markle thought made them undesirable as employes," responded Mr. Williams.

"What were these acts?" asked Mr. Darrow.

"I am not prepared to say," replied Mr. Williams.

Mrs. Coll's Illness Not Referred To

The witness denied that the sheriff asked for an extension for the the Coll family because of the illness of Mrs. Coll and of Mrs. Coll's 100-year-old mother. The sheriff gave no reason whatever for the request from Coll. The witness never heard anything of the aged Mrs. Coll until some time later. What he heard was to the effect that the Colls abused the old woman, giving her no care and frequently allowing her to sit on the ground without anything under her.

Coll's wife, it will be recalled, died the month after the eviction and it was alleged by the miners' side that her death was due to exposure at the eviction.

Frank Walb, storekeeper for Markle & Co., at Jeddo, testified that ninety per cent of the employes dealt with the company until July, 1901, when the company store act, forbidding taking collections from wages, went into effect and forced the company to go on a cash basis. From this time on there was a falling off in patronage. The men were not required to deal in the store. Many from Hazleton, Ebervale and Freeland who are not employes of the company deal in the store.

The witness also told that the store makes collections for the doctor and the funeral fund. No one is required to contribute to the pay of the doctor. If he is unable to pay he is not permitted to contribute. Adult employes pay seventy-five cents a month and minor employes, fifty cents a month. A chief physician and three or four assistants are employed. Free medicines are also furnished. It is only such very expensive medicines as antitoxin that extra charges are made for.

The Chippie Case.

The mother of the Chippie boy, about whose case the miners' made such an ado, received $300 from the funeral fund to which the company contributed $50, at the time her husband was killed. The father's death, it was shown by the mine inspector's report, was due to his own gross carelessness.

On being cross-examined by Mr. McCarthy, the witness denied that on "five hundred occasions at least" he had told employes of the company it would be to their benefit to trade in the company's store. He specifically denied all recollection of having told this to one Patrick O'Donnell, or that it was his custom to tell the bosses to intimate to the men that they would get good places if they traded in the store.

He admitted that on several occasions he used his influence to get better places for store customers, but he denied he was prompted to do this by any knowledge he might have had that the employe was heavily in debt at the store.

Dr. William H. Deardorf, one of the company doctors, gave more of the details of the plan under which the doctors, nurses and drug store were maintained by assessment on the employes.

John Zeisleft, breaker boss at Jeddo, took the stand as the last witness of the day to deny that he ever struck a slate picker, named Mike Becker. The latter swore that the breaker boss often cuffed him and once hit him with a club. Zeisleft told further that it was against the rules of the company to lay hands on the boys.

Proceedings of Tuesday, Jan. 27.

[From The Scranton Tribune, Jan. 28.]

Philadelphia, Jan. 27.—At today's session, the commission heard more evidence from Markle & Co., and some brief testimony from Pardee & Co., the Upper Lehigh Coal company, Wentz & Co., and M. S. Kemmerer & Co.

Figures presented by Auditor P. Edward Ross, as the first proceeding of the morning session, would indicate that Markle & Co. pay their contract miners wages quite as fair as any of the other operators, to say the least.

Grouping the men who worked over ten months of the year it was shown that twenty earned an average of $1,528.20, and three hundred an average of $654.21. Of this last group 7 earned between $300 and $400; 29 between $400 and $500; 82 between $500 and $600; 84 between $600 and $700; 50 between $700 and $800; 29 between $800 and $900; 19 between $900 and $1,000.

Another statement was as follows:

Statement of Earnings.

Earnings of certain contract miners during eleven and one-half months ended 15th December, 1901, including eleven of the highest earners and five of the lowest:

Thomas Elliott	$4,402 61
Henry Hoffick	2 532 67
John Tyson	1,889 77
Frank Ray	1,735 54
Stanley Rowland	1,793 18
Frank Forasser	1,701 04
P. J. O'Donnell	1,297 45
William Vescevick	1,225 44
George Anoskie	1,190 82
Andrew O'Donnell	1,153 11
Mike Banjo	1,113 18
Mike Rushinskie	513 51
George Kotch	481 27
Barney Komikkey	456 97
Adam Glasbus	425 91
James McDermott	381 46

The men earning the largest wages, the auditor admitted, to Judge Gray's question, were heading men who employed as high as nine laborers.

When the miners' side was being heard in Scranton, the Markles were subjected to no end of adverse criticism as a result of stories told by Andrew Chippie, a small breaker boy and Mrs. Michael Burns a widow of a miner who lost his life in the Jeddo mines.

The Chippie boy testified that he worked for years for the company at four cents an hour without getting any money, his earnings being applied to the back debts of his father, who was killed in the mine.

To rebut this, Andrew Ross gave testimony from the company's books showing that the boy's father not only did not owe the company anything at the time of his death but had credit of $9.01. The window got this together with $321.50 from the funeral fund and a contribution from the company of $50.

The Burns Case.

In the Burns' case, the story of the miners' side was that Michael Burns was killed in the mines in 1888; in 1894 her boy began work for the company and in 1898 she received the first payment of money. The impression given or sought to be given was that Mrs. Burns, as a charwoman about the company's office, and her boy as a slate picker in the colliery worked for years and years paying off a debt to the company left by her husband.

The facts of the case as claimed by the company are that Burns was not in debt to the company at the time of his death in 1888; that the debt for rent and coal which accumulated between that year and 1894, when her son began to work, together with what Mrs. Burns owed at the store over and above her earnings as charwoman, amounted to $377.58, and that all except $40.88, the store debt contracted by Mrs. Burns, was forgiven her in 1898. The $366.70 which was charged off to profit and loss meant that the company gave the dead miners' widow free rent and free coal from the time her husband died until her son was old enough to give her assistance. The boy, it was admitted, was kept at school until he was fourteen years of age

Taxes for School Purposes.

Auditor Ross gave figures showing that the taxes raised for school purposes in the Markle settlement and that the company made up the deficits each year by direct contribution In 1899, the contribution amounted to $516.86; in 1900, $381.67; in 1901, $435.08; in 1902, $412.22.

The company also maintains four club houses for the use of its employes, one each at Oakdale, Japan, Ebervale and Highland. The club houses are supplied with books, amusements and the like, nicely furnished and thoroughly heated. The rent for each club house is one cent a day. The company charges this nominal rental to the real estate.

The witness was next asked by Mr. Dickson to explain how the ten per cent. advance of 1900 had been applied. In Scranton it was claimed by the miners that the full ten per cent. was not secured by the miners; that the company's system of figuring gave the men less than ten per cent. in some instances

Judge Gray interrupted the witness with the remark that the commission had figured the thing out to its own satisfaction. The fact that he did not care to have the Markle side of the story heard, indicated that the commissioner's computations satisfied it that the ten per cent. was being paid in full.

Regarding High Wages.

In cross-examining Auditor Ross on the wage statistics, Mr. Darrow brought out the admission that in the case of the men earning high wages it was possible that there were special circumstances not applying to the general run of contract miners. It was shown, for instance, in the case of Thomas Elliott, who earned $4,402,61, that he turned in 2,400 shifts for laborers, which would indicate that he had employed eight or nine laborers. The laborers, however, did not share in the $4,402.61.

In the case of James Gallagher, who is alleged in the Markle & Co. answer to have earned $779.07, it was shown that it was quite possible that the earnings of one of his sons, who helped him occasionally, without being recorded as an employe, was included in the father's account. The miners will claim this is the fact.

Mr. Darrow indignantly protested against the action of the company in sending forth to the public in the printed answer statements that men had earned such big wages, without explaining the special circumstances which distinguished their cases from those of the ordinary run of miners. Mr. Darrow made the claim that in every case where the wages were above $600 there were "special circumstances," such as obtained in the Elliott or Gallagher cases.

The witness concluded by saying he had been asked to testify to what the books showed, and that it was not his purpose to do anything more than that.

Judge Gray had considerable difficulty in trying to get from Auditor Ross an understanding of the manner in which the books proved the contentions of the company in the Chippie case. In desperation the judge, finally, declared: "Deliver us from the expert accountant. He can do anything with figures."

Could Not Get "Permission."

Another instance of a contractor for breaker construction vainly seeking "permission" from the United Mine Workers to fulfill his contract, was given by Henry K. Christ, of Mahanoy City. He made a contract prior to the strike to build a breaker at Keely Run and another at Crystal Run, in the Shenandoah region. The strike came on and his men began to desert.

The witness heard from some that the Hazleton convention included his class of workmen among those who were to obey the strike order, and others told him they were not included. He wrote to President Mitchell to find out what the facts of the matter really were. Mr. Mitchell replied as follows:

Hotel Hart, Wilkes-Barre.
June 6th, 1902.

Mr. H. K. Christ, Mahanoy City:

Dear Sir: Your favor, dated June 5, received and read carefully. Replying, wi l say that the Hazleton convention did not take any action upon the employment of men in building breakers, but the execu-

tive committees of the three anthracite districts requested that all persons employed in this work to cease until the strike shall be over, and I, of course, have no choice but to carry out, as far as possible, this policy. I am,

Yours truly,

John Mitchell,
President of the United Mine Workers of America.

The witness sought to get the local officials of the United Mine Workers to assist him in securing "permission" to have his work go on without molestation from the strikers. Two of the union men, Messrs. Banks and Gibson, laid his request before the strikers' sub-advisory board at Mahanoy City. This board referred it to the general advisory board at Shenandoah. The latter refused to pass upon it, and it was taken up to the United Mine Workers' executive board of the Ninth district.

Barred Out by Excitement.

About this time, the July convention of the mine workers was called at Indianapolis. Board Member De Silva promised to take the matter up with President Mitchell and the district presidents, when he got to Indianapolis. He failed to do so, giving as an excuse that there was so much excitement he could not get the motion before the officers.

When the convention was over the witness telephoned to President Mitchell at Wilkes-Barre, and failing to reach him made a trip thither. Mr. Mitchell was not in Wilkes-Barre, so the witness left for his consideration a proposition in effect, substantially, that if the union would let him go ahead with his contract, he would agree to hire strikers to do the laboring work; give preference to mine carpenters who were members of the United Mine Workers, contribute $10 a week to the strike fund; keep possession of the new breakers until the close of the strike, so that they could not be used in producing coal, and pay the laborers ten hours' wages for eight hours' work, providing they would work ten hours a day.

President Mitchell wrote to him, saying he had referred the matter to District President Fahy, and advising the witness to see Mr. Fahy.

Mr. Fahy was seen and made acquainted with the proposition. He objected specifically to the provision that the men should work ten hours, and generally to the whole proposition. His answer, substantially, was that if the union gave permission to men to build breakers, it would likely be called upon to give permission to pump water and eventually to mine coal. There was no telling where the thing would stop, and he could not approve of it. He agreed that it might be an injustice to the witness to hold up his work, but said he: "Some must suffer injustice that the majority may secure justice."

Threatened with Dynamite.

August 13, the few men who were working for him at Shenandoah waited on the foreman in a body and said they would have to quit, as they had been waited upon the night before by committees of strikers, and threatened with death and dynamiting if they did not cease working ten hours.

Rather than have the work entirely suspended, he agreed to establish an eight-hour day, with a minimum wage for laborers of sixteen cents an hour. He had been paying fifteen cents an hour for ten hours' work. The district executive committee would not agree to this arrangement, and, in disgust, the witness rescinded his agreement and decided to go ahead as best he could, without "permission" of the union, paying fifteen cents an hour for a ten-hour day.

Strikers Interrupt Work.

The strikers intercepted and intimidated his men, and as fast as he got new men they were frightened away. At one time he was left with only five men, where he needed eighty. With a varying force, averaging about thirty-five men, he continued operations as best he could until the end of the strike. As a result of the interference the one breaker was not finished until the early part of this month, and the other is not yet completed. If there had been no interference he would have had both breakers completed at the time the strike closed, and a thousand men would now be getting out 1,200 to 1,500 tons of coal to help relieve the famine.

"When you ask permission in a case of this kind," queried Judge Gray, "does it imply that you grant that the party petitioned has the right to forbid you doing that which you ask permission to do?"

"No, but they took it that way," replied the witness.

"They assumed then they had the right to grant or withold the permission?"

"That's just it."

"Whew," was Judge Gray's concluding comment.

Mr. Brumm on cross-examination asked the witness why he had not produced the second letter from President Mitchell in which he referred the case to District President Fahy. The witness explained that he had not been able to find the second letter. The first was found in a pigeonhole of his desk.

Mr. Brumm osked if it was not true that President Mitchell, in the second letter, said that the proposition was a fair one and ought to be amicably adjusted. The witness could not recall that this was contained in the letter. He did remember though, that President Mitchell said something about amicable adjustment.

Robert C. Thomas, president of the Thomas Coal company, controlling the Keely Run colliery testified that if the breaker was completed his company would now be employing between 100 and 150 contract miners and turing out between 600 and 700 tons of coal daily.

Pardee's Case Taken Up.

The case of A. Pardee & Co., was next taken up. Mr. Dickson called as the first witness, Aris Pardee Platt, purchasing agent for Pardee & Co., and the estate of A. S. Van Wickle, whose collieries the Pardees are operating.

Mr. Platt's testimony dealt in the main with the provisions made by his company to protect its property during the strike.

A week before the general strike, the pumpmen and engineers at the Cranberry collieries went on strike in a body because of the discharge of one of their number. The company filled their places with foremen. When the general strike order was isued all the men except the provisional pumpmen and engineers quit, and profiting by experiences in previous strikes, the company proceeded to establish a complete system of protection.

A "flying squadron" of 30 coal and iron police, was maintained at the Cranberry colliery. Two engines, constantly under steam, were kept in readiness to rush assistance to any of the collieries. Each colliery was surrounded with a five-strand barbed wire fence and a force of guards kept on duty day and night.

The witness was one of the coal and iron police. Another of them was the color-sergeant of the One Hundred and Forty-seventh Regiment, Pennsylvania volunteers. Another was a soldier just returned from China, and another was an ex-officer of the Prussian army. They were all men of high respectability, the witness averred.

There were two raids planned on the company's collieries but in both instances, they got information of them in advance, and had its "flying squadron" at the place appointed as the rendezvous of the raiders, and the raids were, in consequence abandoned.

An Assault on Hahn.

The only violence that took place on the company's property, he said, was an assault on John Hahn, a 65-year-old German, "a rather peculiar old fellow who would not stay in the stockade and insisted on going home every evening," as the witness put it.

"He must have thought he had a right to go home," remarked Judge Gray with only slightly "shielded satire."

The witness exasperated Attorney McCarthy, on cross-examination by making occasional allusions to incidents in which Mr. McCarthy figured when an agent for the firm of Coxe Bros. & Co. Mr. McCarthy was particularly exasperated when the witness volunteered thot he (McCarthy) was also a member of Sheriff Martin's posse commitatus, in the 1900 strike. Mr. McCarthy took great pains to explain the difference between a member of a posse commitatus and a deputy.

There was a general laugh at Mr. McCartthy's expense when the witness further volunteered information that Mr. McCarthy traded in the Pardee company store.

Mr. McCarthy was piqued to the extent of bringing out the fact that the witness was one of the deputy sheriffs in the posse which fired on the strikers at Lattimer in 1877, killing nineteen and wounding thirty-nine. He attempted to justify his course in bringing out this fact by saying that the witness had been held up as a fair type of coal and iron police. Attorney Dickson said, and the witness agreed that they were willing to have the Lattimer case aired before the commission if it was aired in its entirety. If the commissioners wanted to hear of the affair it should hear the whole affair, Mr. Dickson, argued, and not such fragments as Mr. McCarthy would want to parade for his particular ends.

No Bearing on Evictions.

Judge Gray said it had no bearing on the questions before the commission. "The state courts have passed upon it and we wont disturb their finding," the judge added.

Further in cross-examination, the witness candidly admitted there was not what he would call "a reign of terror" existing in Hazleton during the strike, and also, that the coming of the military failed to send any men back to work as far as he knew.

AFTERNOON SESSION.

Testimony in the Interest of Pardee & Co. and Upper Lehigh Co.

Willard Young, who had charge of the Pardee coal and iron police during the strike, related in detail the experiences they encountered during the five and a half months of the strike. It was a resume of all the acts of violence in and about that region, which came under his personal notice.

Albert Leisenring, general superintendent of the Upper Lehigh Coal company, at Upper Lehigh, told of conditions at his company's one colliery. There are five schools in the township. Those in the farming district are open six months in the year. Those in the mining district are kept open nine months a year. There are two churches in the town, and several denominations conduct services in the school house.

The company has put in practice a system of educating its miners to do work effectively and with the least possible expense to themselves, by sending a foreman to work with an inexperienced miner and instruct him by precept and example in the best and cheapest methods of driving holes, using powder, timbering and the like.

At Freeland, the witness told, incidentally, there is a free school of mining and engineering, founded by the late Eckley B. Coxe, at which the miners of that region can be schooled in the technical knowledge of mining and thereby fitted for positions as mine foremen.

Mr. Leisenring said the relations between his company and its employes had always been very pleasant, and even yet are quite cordial. That the growth of this feeling might not be hindered, the witness declined to recount any stories of strike violence. Judge Gray, with a most commendatory look, remarked: "That's right, Mr. Leisenring."

Soft Coal Miners Return.

Some of his employes went to the soft coal fields, some to the farming regions, some to the mills and shops of Philadelphia and some to the "old country," but all have returned. The men who have returned from the soft coal regions told him they did not like the work there, that it was "too hard."

On cross-examination, Mr. Darrow assumed to marvel that a company, which—as the miners admitted—had such friendly relations with its men, would deny them an eight-hour day for the steam men, when the denial meant the possible destruction of the property. Mr. Darrow tried to get the witness to admit that it was because of opposition by the other companies he had refused to grant the eight-hour day for steam men. The witness said the demand was refused as a matter of principle and expediency, and denied there was any coercion by other companies to restrain him from granting the demand.

Superintendent Krigler's Story.

Superintendent Fred Krigler, of the Sandy Run colliery of M. S. Kemmerer & Co., told the story of his granting and withdrawal of the eight-hour day for steam men.

The mine is an old one, nearly worked out, and if the pumps were idle for only a few days the mine would be flooded to such an extent that it would be a question as to advisibility of trying to reclaim it.

"It was like a case of a house afire," said the witness. "I granted the demand, on condition the men would say nothing about it, and with the plain understanding that the grant might have to be withdrawn, as he had made the concession without authority. The papers were told about the concession, and it was played up as the first victory for the miners, and the like. Then President Kemmerer published a statement that the concession had been made unauthoritatively, and, at that, provisionally, and on seeing this statement I immediately withdrew the concession. We arranged to keep some of the pumps going, but all except the top vein have been and still are flooded."

Vain Petition of Miners.

The employes of the company, the witness said, petitioned President Mitchell to allow the pumps to be worked, but the petition was not granted. Mr. Mitchell referred the matter to the district board, and the board refused the request. The men at the mine were told by the district officers that if the mine was permanently destroyed the union would take care of them.

The last witness of the day, Superintendent Weber, of J. S. Wentz & Co.'s Hazlebrook colliery, created some amusement in describing how President Duffy, accompanied by a large "reception committee," headed off a crowd of imports who were brought from Philadelphia to take the places of the steam men; how President Duffy callled them some names, of which "scab" was the mildest, when they refused to be bought off, and finally, how he referred to them as "You genelemen," and "These gentlemen" when they agreed to take free transportation back to Philadelphia, as an alternative to death, dynamite and a whole lot of other unpleasant consequences threatened by Mr. Duffy. and his "committee."

The witness concluded by telling how one mule boss after another was coaxed or driven away, and, finally, when it was no longer possible to hire a man to feed the mules, it was necessary to take off their shoes and send them out to pasture.

Proceedings of Wednesday, Jan. 28.

[From The Scranton Tribune, Jan 29.]

Philadelphia, Jan. 28.—At this morning's session of the strike commission, two important questions were interestingly discussed by Chairman Gray, Attorney Darrow and Attorney Dickson. One was the oft-discussed question of whether or not recognition of the union is at issue before the commission; the other was the extent to which the operator and the miner can rightfully go in the matter of restriction.

Mr. Darrow precipitated the discussion by asking if the commission intended to summon before it the operators of the soft coal region. The miners had requested that this be done, that it might be shown what a desirable thing for all parties is the recognition of the union. The commission has not as yet invited these soft coal operators, and as Judge Gray announced during the discussion, the matter of inviting them has not been decided upon. The fact that the question of inviting the soft coal operators has not been decided is, of course, positive indication that the commission has not as yet concluded that it is concerned officially as to whether or not recognition of the union is looked upon with favor by operators in territory where the union is recognized, and this being the case, it follows the commission, thus far at

least, takes the stand that recognition of the union is not at issue.

Mr. Darrow tried to force the commission's hand, but once again the commission refused to let its hand be seen. On five different and distinct occasions, Judge Gray, with rare tact and judgment, has done this very same thing. Today he went a little farther than on any previous like occasion. He permitted it to be adduced that, up to the present, the commission has not decided that "recognition" is one of the matters it must deal with.

Restriction Question.

The restriction question was introduced by way of a protest from Mr. Darrow against the miners' "laziness" being made responsible for limitation of output. He argued that the miner has as much right to say to the operator, "I will load only six cars," as the operator has to say to the miner, "You will be permitted to load only three cars." Judge Gray agreed that while this might all be true, the miner surely has no right to say to another miner, "You shall load only four cars because I do not want to load more than four cars." Mr. Darrow contended that the miner has a right to fix what is a reasonable day's work, not only for himself but for his fellow-miner, basing it on what he can stand himself, and on the conditions of trade. A reasonable regulation by the miners of what work they individually shall do, Mr. Darrow argued, is reasonable and does not tend to restrict output, but simply to equalize opportunities.

The discussion concluded with a demand on the part of the miners that the coal road presidents be summoned for examination as to the extent for which the companies are responsible for restriction. Chairman Gray said the matter would be taken into consideration. It was a matter of doubt, the chairman said, if "restriction" is really before the commission for official action.

The colloquy had some significant incidental features, as well as important generalities. It is given, in part, below:

Darrow's Demands.

Mr. Darrow: Early in this hearing, there was a request made that this commission write a letter to the soft coal people of Illinois and others working under a trade agreement, requesting them to come here, and I understood it would be done. Some how it seems to have been lost in the shuffle.

The Recorder: It has not been lost.

Mr. Darrow—They have been notified? Or am I not to know? If I am not, that is all right; I do not want to find out anything that is not my business. I would say, though, to explain myself a little further, that we have collected a large number of letters from large operators and from governors of states in these regions, all prominent men, and men, as we believe, of character, directed especially to this question, and unless the commission is to call those men I would like to read the letters. I supposed at the beginning that they were to call them.

The Chairman: I will state that it is in abeyance before the commission; we have been considering it in reference to the course the testimony has taken and as to our opinion as to what benefit it would have upon the general issues before us.

Mr. Darrow: I am entirely willing to leave it to the commission to decide, without pressing a decision now; except I, perhaps, ought to say that if they should decide they would not call them I would then want to read these letters as the next best thing.

The Chairman: We have had a number of letters, too; and we do not expect to call all the men we have received letters from.

Mr. Darrow: No; but a fair number; I understand there is a committee of the operators there.

The Chairman: We will take that question up at once, Mr. Darrow.

Mr. Darrow: Very well. There is just one other matter. There has been evidence offered here on the part of the operators for the purpose of showing that the miners have limited production in the past year. Now, we believe the facts to be that the coal roads have placed a limit on production for years and years. I have felt that each side might be left to call their own witnesses and have not wanted to disturb anybody in reference to it; but so long as they make the charge to this commission, for the purpose of influencing its decision, whatever it may be, that our people have been engaged in the business of limiting the production of coal for a year, I want them to bring into court for our examination the presidents of the roads, so that we may find out the situation. These charges have been passed on by investigating committees throughout the country at different times; they have been the constant talk of newspapers, and we have had at least one witness—Mr. Haddock—who swore the production was limited by the roads, and that he had gone to the Interstate Commerce commission about it.

The Chairman: Do you mean to charge or express the belief that there has been a limitation by the presidents of the coal roads other than the limitation that the market and demand of the market creates? Of course, there is a natural limitation.

The Economic Side.

Mr. Darrow: Well, now——

The Chairman: I mean, apart from the interest of the operators, apart from the interest of the miners, it would be a most lamentable waste to the country to keep on mining coal for which there was no demand?

Mr. Darrow: Yes.

The Chairman: Throughout this investigation, I have been looking on that question, which is really outside of any issues here; that is, the economic side of this question as to this deposit of anthracite coal, which is limited, of course, and which ought to be conserved. It ought to be conserved for the benefit of those who are to come after us, as well as for this generation, and a wasteful competitive output, everybody for himself, is a pretty serious thing, and I do not know but what, in some crude way, the consolidation of these interests has tended to a more economic management of this storehouse that Providence has given us in this region.

Mr. Darrow: Well, now, I have tried to look at this question reasonably——

The Chairman: That is an aspect of it that cannot escape us.

Mr. Darrow: I believe myself that the consolidation is best. That is not a matter that is in my judgment to pass on.

The Chairman: I am not passing on it; I am speaking seriously of a problem that confronts us for the future. So much depends on the coal supply of this country! We have seen here what a shortage for a few months will do; but the exhaustion of the coal fields is a matter within calculable limits—a generation, perhaps; fifty or sixty years, perhaps— and when we consider that our whole industrial fabric and organization depends on the coal supply, and, in a measure, our civilization itself, it is a very serious problem.

Mr. Darrw: My mind seems to have been running along the same line as that of the chairman.

Dangers of Waste.

The Chairman: And any wasteful competitive destruction of that supply is a serious matter. It does not concern the issues we have to decide, but it has forced itself on my mind as we have gone along, as I have been sitting here, thinking about this whole matter.

Mr. Darrow: I do not see that anybody could intelligently consider this case without considering that question, because this coal will be gone some day, and others are interested in it besides the mine workers and operators. But this is the aspect, if your honor please. But what I do say is that it is unfair to charge up to the miners, who, at least, could have little to do with it, that they have been restricting the output, when in fact, it has been done by somebody else. All I do claim is that it is unfair to charge us with a limitation of production over a series of years, and say that miners do not earn more money because they are lazy and have been limiting the supply, when, in fact, the operators have done it.

The Chairman, I do not think the matter is of sufficient importance for us to dwell upon it any longer. I do not think we have given it any thought. I think that, so far as we are concerned, we might eliminate the whole question of restriction.

Mr. Darrow: If the commission will consider that amongst themselves, and give an indication in any way, I am always willing to acquiesce. I do not want to act in the dark, however, and I can not afford to do so.

The Chairman: Of course not. I can only state this for the commission, that up to this time we do not find that it has been very clearly proved that there has been any systematic or concerted restriction. There have been intimations, of course, that it has existed.

A Dead Issue.

Mr. Dickson: It is a dead issue with us.

Mr. Darrow: My friend Dickson falls into the common way of viewing sociological questions from his clients' standpoint. When his client fixes a limitation, it is an intelligent discussion amongst themselves; and when we fix it, it is a criminal conspiracy.

Mr. Dickson: In the past we had to deal with the question; I say now that it is a dead issue.

Mr. Darrow: We have to deal with it now.

Mr. Dickson: Now it is a dead issue, so far as the operators are concerned. They are anxious to produce every ton of coal they can and to work every working day.

Mr. Darrow: I think it is fair for the commission to consider this question a little amongst themselves, and rather enlighten us about it. I do not want to give any more time to it than I have to.

The Chairman: I think they have considered it, within the limitation of my statement. Unquestionably it is the right of a miner to say that he will not produce more than six cars, or five cars, or four cars, but they can speak for themselves only. I do not think they have a right to speak for others. That is all.

Mr. Darrow: The same is true of the companies.

The Chairman: Certainly.

Mr. Darrow: If that is to be any part of the findings, I want the companies to prove that they have done it.

The Chairman: Have they prevented any other operator from doing the same thing?

Mr. Darrow: We wish the commission would ask Mr. Baer, and Mr. Harris and Mr. Thomas to give us testimony, bearing on this particular point. I do not propose to go into any other points with them at this time, but I want that information—and from Mr. Truesdale also.

Mr. Dickson: Who is Mr. Harris?

Mr. Darrow: Former president and now vice president of the Reading road. We would like also to have the chief of police of Pottsville requested to come.

The Chairman: What is his name?

Mr. Darrow: Hiram Davis, of Pottsville.

The Chairman: He can be called upon. We will consider the matter of calling the operators for the stated purpose. If we consider the issue is before us, we will do it, and if not, we will not do it.

Mr. Darrow, That is entirely satisfactory to me.

Mr. Darrow interrupted the proceedings of the morning session to read a published statement to the effect that the output for December was 5,100,000 tons, and that this was the largest output for December ever recorded.

"That is a tribute to the energy and aggressiveness of the operators, for which they are duly grateful," remarked Mr. Torrey, of the nimble intellect.

"It means," added Major Warren, "that the mines are working more days and more hours."

"Ach!" said Bishop Spalding, "it's due to the commission."

"I guess there's truth in that," remarked E. B. Sturges, one of the individual operators.

The last of the independent operators to present testimony, the Lehigh Coal and Navigation company, occupied the greater portion of the day. A few witnesses for the Upper Lehigh company gave cumulative testimony at the opening of the morning session, and then Thomas Whildon, inside foreman of the Lehigh Coal and Navigation company, was put on the stand.

Mr. Whildon's Testimony.

Mr. Whildon was asked by Judge Gray what a miner for his company could make in a month. The witness said they had different classes of miners. One man could make $100 a month in a place, while another would not make more than $60 in the same place. It depends in a great measure on the miner himself. It was possible for a good miner to make $100 a month, the witness averred.

He told that he asked a number of miners to testify before the commission as to their wages and the relations between the company and the employes. Some of the men refused outright, saying, "We could not live here if we did it." Others said they would testify if the company insisted, but added they hoped that the company would not insist.

It was explained to the men that the company would not ask them any questions bearing on the union, but simply as to what they earned and how they were treated. The men, however, would not agree to take the stand. The witness said he could appreciate their position, and did not insist on them coming.

Mr. Whildon explained in detail the manner of working the pitching veins of that region, and the system of payment by yardage. On account of the heavy pitch of the veins it is impossible for the miner to "gob" his refuse, and it must be sent out with the coal, to be separated in the breaker. Forty-six to forty-eight percent. of the material hoisted is marketable coal, that is, chestnut and above.

The men are paid by the lineal yard. The other dimensions are practically constant, as the width of the chamber is fixed at 24 feet, and the heigth of the seam remains about the same for the distance a chamber extends.

The price per yard is fixed by agreement between the foreman and the man who takes the contract for the chamber. They have very little trouble in arriving at an agreement. To the best of the witness' opinion, there are fifty different prices for chambers in his company's mines alone.

About one hundred men were refused re-employment after the strike. It was not because of any connection they might have with the union, but for reasons personal to themselves. Their chief offense was abuse of men who attempted to continue at work.

Workmen Annoyed.

Since the strike closed, no less than a dozen non-union men have quit work because, as they said, they could not stand the annoyances they were subjected to by their fellow-laborers who are members of the union.

At one of the collieries a strike was threatened in 1901 because three carpenters refused to join the union. The witness reasoned with the men and persuaded them not to strike. The three men, however, were boycotted and no end of trouble ensued. The principal difficulty was in getting them up and down on the carriage. The men are hoisted and lowered in squads of ten. When any of the three non-union men got aboard the carriage, no others would get on.

One morning, when the men were to be lowered, Superintendent Whildon, having heard of the difficulty that was being experienced, appeared on the scene to personally supervise the loading of the cages.

Two of the three non-union men got aboard. A motor boss got on with them. At this the loading stopped. The one hundred or more men waiting to be lowered gathered about the opposite cage and ignored the waiting cage in the opposite shaft.

Superintendent Whildon told the men that some seven of them would have to get on the carriage or it would not go down. There was no response from the men.

Gus Gildea Speaks.

Again the superintendent spoke to them, using conciliatory tones such as "give over the nonsense" and the like. Finally, Gus Gildea—who was pointed out by Mr. Whildon from among those seated at the miners' table—said "I'll not go down on that carriage as long as those two fellows are on it."

Superintendent Whildon said: "That carriage won't go down until there are ten men aboard, if it never went down."

There was another silence of some minutes.

"Well, if you are not going down, you had better go home," suggested the superintendent. The men shifted about some, but did not move away.

"I knew then I had them," said the witness, at which there was a general laugh.

Finally, Gus Gildea, a prominent member of the union, got aboard the carriage and motioned to the crowd to follow. The ten was made up, and the carriage went down.

Gomer James and Gomer Jones.

While the carriage was slowly loading up, Mr. Gildea, according to the witness, said: "You are arbitrary, Mr. Whildon. Do you remember Gomer James and Gomer Jones."

The witness explained that Gomer James was a mine superintendent who was murdered by the Molly Maguires. Gomer Jones was a superintendent for the Lehigh Valley company, whose house was dynamited the night after the Lattimer shooting. Each of the Gomers were accused by the miners of being tyrannical. Gomer Jones was removed by the Lehigh Valley company because of the objections of the employes to his actions as superintendent.

The union men who heard Mr. Gildea's ill-disguised threat, the witness said, were very angry with him, and did not hesitate to rebuke him. Mr. Whildon called upon them to remember what Mr. Gildea had said.

On the way down in the carriage, Mr. Gildea said to Superintenrent Whildon:

"I suppose I might as well go home. You'll send me home soon anyway." Superintendent Whildon told him to go to his chamber and do his work, and he would not be molested. He continued to work for the company until the 1902 strike. He was not re-employed because of his conduct during the strike.

Did Not Employ Gildea.

"We did not re-employ Gildea," said Superintendent Whildon, showing considerable feeling," and I'll guarantee the commission would not hire him if they knew what we know. Why, he administered an oath to one of our men who was caught and marched two miles by the strikers, that he would not return to work. A man who could stand up to me and remind me of a superintendent who had been brutally murdered ought not be taken back.

On cross-examination, Mr. Gildea, through Attorney Brumm, tried unsuccessfully to get the witness to admit that Gildea did not mention Gomer James, but only Gomer Jones.

"He told me to remember both, as sure as there is a God above me," declared the witness.

Mr. Brumm argued, by means of questions propounded to the witness, that the miners had a right to refuse to ride on a carriage or in any other way associate with persons against whom they, to their minds, had reasonable objections.

An effort was made to get Superintendent Whildon to admit that he restricted, or rather regulated, the output of his company's collieries to conform to the alleged allotment of product made by the joint companies. The witness knew nothing of any allotment except what he read in the newspapers.

Mr. Brumm started in to examine Superintendent Whildon as to alleged failure of the company to give a full ten per cent. increase in 1900. The witness was proceeding to tell "how it was," when Judge Gray interrupted with:

"Oh, that's that old powder question again. Never mind. We had that figured out for us by Mr. Gallagher."

The examination concluded at this.

Anent the act requiring two years' apprenticeship and a certificate of competency before a man can work as a contract miner, the witness said:

Case of Political Pull.

"The law is pretty much of a farce. The applicant is asked only four or five simple questions by the board of examiners. The principal question is, 'Have you got a dollar and a quarter to pay for the certificate?' Why, I have heard of Hungarians presenting certificates made out in the name of Thomas Kearney. It's often a case of political pull."

James McCready, chief clerk of the Lehigh Coal and Navigation company, presented the following statistics:

Statement of earnings of contract miners, classified according to the requisition of the commission:

Earnings.	No. of men.	Ten-hour days.
$1,000 or over	16	Over 211
900 to $1,000	16	Over 211
800 to 900	90	Over 211
700 to 800	140	Over 211
600 to 700	166	Over 211
500 to 600	114	195
400 to 500	105	160
300 to 400	49	121
200 to 300	32	93
100 to 200	18	67

Statement of earnings of inside company men, exclusive of foreman and all boys earning less than $1 a day.

Earnings.	No. of men.	Ten-hour days.
$900 to $1,000	13	Over 257
800 to 900	34	Over 257
700 to 800	28	Over 257
600 to 700	200	Over 257
500 to 600	454	Over 257
400 to 500	662	234
300 to 400	289	207
200 to 300	61	217

Statement of earnings of outside company men, exclusive of foremen and boys earning less than $1 a day:

Earnings.	No. of men.	Ten-hour days.
$800 to $900	4	Over 301
700 to 800	18	Over 301
600 to 700	29	Over 301
550 to 600	115	Over 301
400 to 500	97	Over 301
300 to 400	302	252
200 to 300	301	216

On cross-examination Mr. Darrow adduced the fact that the most of the best-paid contract miners are those engaged at No. 9 shaft robbing pillars. He also emphasized the further fact that the "Number of men" were composite men; that is, a succession of men in the one position for a year would be counted as one man.

Other items from the statistics are as follows:

No. of employes	6,000
Average earnings of contract miners per each ten-hour day	$3.14
Inside skilled laborers	$2.31
Inside unskilled uaborers	$1.83
Inside boys	$1.00
Outside skilled laborers	$1.96
Outside unskilled laborers	$1.28
Outside boys	.77
Average annual earnings of 2,361 adults employed inside	$534.20
Average annual earnings of 1,884 adults employed outside	$379.28
Average annual earnings of 114 boys inside	$210.00
Average annual earnings of 761 boys outside	$160 73
Outside value of real estate of employes	$2,871,946

Owing to heavy rains in August and December, 1901, there was a resultant loss of working time amounting to thirty days for all the collieries. This practically means the tabulations are for eleven months.

In the banks of Mauch Chunk, Lansford and Tamaqua, where the employes of this company comprise a goodly part of the population, the total deposits are $2,530,000, of which, it is estimated, the company's employes own $1,000,000. Eight hundred and seventy of the employes live in their own homes, and in 483 of these homes are found pianos or organs.

Beneficial Fund.

The company has established, in cooperation with its employes, a beneficial fund. The only expense of administering the fund is the cost of stationery. Between 1884 and 1902 the company contributed to this fund $192,616.39, and the employes $150,681. The expenditures in this period were $308,613.70 in sick and funeral benefits, and $15,310.40 for doctors and like expenses. The association now has a balance of $39,884, of which amount $35,000 is invested in the bonds of the company.

A number of the company's mine superintendents told briefly of strike conditions and effects. One of them, Archbald Reeves, stated that the men from his colliery who went to the soft coal regions during the strike declared openly when they returned that it was in the bituminous, and not the anthracite, region that the strike should have occurred.

"Be patient," remarked Attorney Dickson. "We may have one there before long."

"Let's hope not," said Judge Gray.

"We will take that strike up when we get through with this," jokingly remarked Mr. Darrow.

In cross-examining Assistant Superintendent Lauer, Mr. Darrow showed that the 187 pianos owned by employes of the company were owned for the most part by the bosses. He also suggested that some of the organs which it is alleged are owned by employes are harmonicas.

Proceedings of Thursday, Jan. 29.

[From The Scranton Tribune, Jan. 30.]

Philadelphia, Jan. 29.—The case of the Philadelphia and Reading coal and iron company is now being heard by the mine strike commission. It was opened this morning and occupied all except half an hour of the morning session, in which the case of the St. Clair Coal company, the last of the independents, was presented by President W. H. Taylor.

The Reading is the biggest company in the anthracite field producing twenty-one per cent. of the total output and employing between 25,000 and 26,000 men at twenty-five collieries. Its case was conducted by Hon. Simon P. Wolverton, of Sunbury.

The Reading claims to pay the best wages in the region and that its men enjoy conditions more favorable than those of any other company. The fact that George F. Baer is president of the company commands for its case attention that would likely be wanting to the case of another company at this late stage of the hearings.

General Superintendent Veith and three of the division superintendents were on the stand. They told generally of the conditions obtaining in the Reading collieries and specifically of a number of incidents of unreasonable interference by the union officers, two of the instances resulting in the total destruction of valuable mines and the idleness of hundreds of men.

It was shown by General Superintendent Veith that the weighing of coal is an impossibility in the Reading collieries because of the steep pitch of the veins, and at the noon recess, at a conference between Secretary George Hartlein of the Ninth district, United Mine Workers, and General Superintendent Veith and the respective attorneys of the opposing side, it was agreed that the demands for weighing of coal should be withdrawn as far as the Ninth district was concerned. The agreement was reached in a fifteen minute informal talk. Mr. Wolverton announced it to the commissioners at the opening of the afternoon session.

The commissioners and many of the parties before the commission wore pink carnations as a mark of McKinley day.

The Morning Session.

Attorney Wolverton opened the case of the Philadelphia and Reading Coal and Iron company without any formal address. He handed up copies of a large pamphlet, containing in chronological order all the correspondence between the union and the companies, between both these and the president, minutes of mine workers' conventions, a resume of strike violence, and pretty much everything else of interest pertaining to the strike.

Mr. Wolverton called as the first witness John Veith, of Pottsville, the company's general superintendent. Mr. Veith was first called upon to explain the nature of the veins and character of mining in the Schuylkill region.

The company, he said, employes 25,000 men and has thirty-seven collieries. All the collieries are in operation, except two, which had to be abandoned by reason of flooding during the strike. The veins are all pitching, some of them having a slant of 76 degrees. Because of this peculiarity of the coal deposit, payment must be made by the yardage system in all except three collieries and an occasional stretch between slanting pitches.

It is impossible to take out all the coal as fast as it is cut. A certain proportion must be left in a lower level until all the coal is taken from the levels above it, as a matter of protection against caving. As a usual thing, there is a million or a million and a quarter tons of cut coal remaining in the mines. Some of it has been cut for more than twenty years.

It was admitted at the Scranton sessions by the miners that payment by weight was impracticable in the Schuylkill region. Mr. Wolverton brought out testimony to show this for the purpose of having it on the record.

Miners work two in a breast. They employ no laborers. The cleaning and loading of coal is done by company laborers. The contract made with the miner is simply for cutting coal. The miner is paid whether or not the coal is ever taken out. He simply goes ahead driving his chamber as far as he can, with no regard for what becomes of the material.

The rate per yard is fixed by agreement between the mine boss and the miner. There is a minimum price and the agreement price is fixed at or above this, according to the nature of the vein.

If the man does not make good wages for two weeks, the company allows him $2.32 a day, the wage of a company miner, and makes a new agreement with him for the driving of the chamber, increasing the allowance to a satisfactory figure. If the miner makes unexpectedly large earnings out of his contract, the company does not reduce the agreement figure.

Important Declaration.

The witness made the important declaration that the miners who are working in flat veins, and who are paid by the car, cannot be induced to let the company pay them by the yardage system. The witness was free to admit that the miners were wise in this. Sometimes, he said, a flat vein will run fifty feet high in places, and, of course, the miner would make slow progress forward. Mining by the car, however, he can, in a place like this, blow down tons upon tons of coal with every shot.

In some places it is necessary to pay by the "buggy." The "buggy" is a small wagon used for carrying coal out of the breast to the point where it is dumped into the "battery," which slides it down to the road where it is loaded. In the collieries of this company, the witness averred, there are three different systems of payment in vogue in the same vein. It is an impossibility, or at least an impracticability to successfully introduce any one system of payment in a mine.

The witness then went into further details of how the methods of mining in the Reading collieries differ from those of the upper and middle districts. One expensive thing his company has to contend with, and which the upper and middle district collieries do not, is the "jigging" of coal; that is all the material is taken out and sent to the breaker, and with the aid of "jigs," the slate is separated from the coal, which latter has only one-half the specific gravity of the other.

In describing the generally favorable conditions of the Reading miners, Mr. Veith told that it is made possible for them to live in the towns and avoid settling in "patches" around the collieries, by trains run for their convenience in all directions morning and evening. Only nominal fares are charged.

The witness is 71 years of age and has spent fifty-two years of his life in and about the mines. Two of his old "butties," one seventy-three and the other seventy-five years of age, are still working in the mines. The only asthma he knows of is among the old miners who worked in the days prior to the installation of modern systems of ventilation.

Judge Gray asked: "Does your company own the houses at Hickory Ridge?"

The witness was not sure about it and Attorney Wolverton, who evidently had anticipated the question said that the company does not own these houses.

"The men, themselves, own these houses," explained Mr. Wolverton. They were their own architects and builders and found their own timber."

"They didn't find much,' remarked Judge Gray as his mind went back to the spectacle presented by the row of shacks at Hickory Ridge which the commission encountered on its tour of investigation.

Mr. Veith had stories to tell of impairment of discipline following the 1900 strike, similar to those told by witnesses for other companies.

Instance of Ingratitude.

A rare instance of ingratitude—as the company regarded it—was related by Mr. Veith. Preston No. 3 colliery was flooded almost to the top of the shaft

by an accident. This was prior to the strike of 1902. In February 1902, a miner fell down the shaft. The company put on a big force of men with the best adapted apparatus for emptying the mine of its water that the body might be recovered in the least possible time. The strike came but the pumpmen kept at work. July 8, the body was recovered, and the next day the president of the local ordered the pumpmen to quit. They quit and the mine filled up again. It is still filled and likely will be permanently abandoned. It cost the company $50,000 to recover the body.

The witness told of the vigorous efforts made by the officers of the union to call out the men at the Gilbert water shaft, which drains two collieries at Gilberton, and which collieries would be drowned in a short time if the operations were stopped. Between 5,000,000 and 6,000,000 gallons of water are hoisted at this shaft every twenty-four hours. Two immense buckets, each having a capacity of 2,400 gallons, are used to lift the water. They can be hoisted and emptied at the rate of 100 an hour.

Denial of Blacklist.

Mr. Veith concluded his direct examination by making specific denial of the existence of a blacklist in his company and of any restriction on the part of the company, of the amount of work a miner shall do.

On cross-examination, Mr. Darrow had the witness listen to the reading of some testimony he gave before the industrial commission, in which he declared that the foreigners were good fellows; that they gave little trouble, and while it was true they had quarrels they were always among themselves.

The witness admitted he knew of an allotment of output and that his company's portion was 21 per cent. of the whole. He heard little or nothing of any allotment since 1900, as the good condition of the market made allotments quite unnecessary. He would not attempt to speak authoritatively, he said, on this subject, because it was no concern of his department.

In answer to a question by Commissioner Watkins, Mr. Darrow said the miners were satisfied that the system of paying by weight was not practicable at the Reading collieries and were not asking for it. It was possible, he said, that in some few collieries where payment is made by car, the miners would want a change to payment by weight. He would ask that the matter be left to the company and its employes. If it was impracticable, Mr. Darrow added, he was sure the miners would not ask for it.

John McGuire, former mine inspector, now division superintendent for the Reading, told of the duties of the various officials of a mine and of the details of mine operations. He declared he knew of no blacklist, and positively declared he had never discriminated against a man because of his connection with the union.

Mr. Brumm, in cross-examining the witness, asked him concerning his views regarding collective bargaining. Mr. McGuire said collective bargaining was all right until some one came between the company and the men, who had never as much as been inside an anthracite mine. Mr. Brumm asked for the name of one man who came between the company and the men, who had never been inside an anthracite mine. The witness answered that President John Mitchell was one, and District President John Fahy, of the United Mine Workers, another. Mr. Fahy, he said, had not, unless it was very recently, seen the inside of a mine.

Mr. Brumm asked the witness to give an instance when either of these men came between the company and the men. The witness replied that he thought the 1902 strike was a striking instance of the result of interference by these men.

Dennis Curley, of Girardville, a former member of the United Mine Workers, told of having been expelled from his local for taking a contract to sink a shaft at the Hammond colliery, at a "flat" price of $4 for a twelve-foot hole, and $3.75 for an eight-foot hole. Executive Board Member Terrence Ginley, he said, was present at the meeting and approved of the action. The contract was taken at an open competition, in which all the miners were permitted to enter. It developed later that the secretary of the local and others who voted to expel him were among those who made bids.

Treatment of Curley.

Curley's story of the treatment accorded him after his expulsion was as follows: "Everybody called me scab," said he. "Even the goats were trained to call 'sk-a-a-b.' When I got on an electric car, nobody else would get on. I had lots of room wherever I went. Even in church I had plenty of elbow room. Nobody would go into the same pew with me."

The witness denied, on cross-examination, that he took the contract at a price lower than the minimum yard rate plus the 16 per cent. advance of 1900. He got a better price, he said, than any man working in a chamber. The mine was tied up for a considerable period, because the company would not annul the contract.

Patrick Hoarey, who was Curley's partner in working the contract, told that at the meeting at which they were expelled, it was admitted that the district executive board member from Shenandoah had a similar contract. The union tried to get their laborers away from them and succeeded to some extent.

David Price, of Ashland, division superintendent of the Reading company, whose jurisdiction extends to the Hammond colliery, testified that the contract in question was let to the lowest of nine bidders, and that the prices were very fair. The contractors were very well satisfied, they said, with their side of the bargain.

The witness also told that the drivers, loaders and headmen refused to handle the material sent out from the shaft being sunk by Curley and Hoarey, and the colliery was tied up.

Mr. Brumm tried to show, on cross-examination, that District Board Member Ginley attempted an amicable adjustment of the strike, and that Superintendent Price refused to negotiate with him. Superintendent Price said Mr. Ginley came to him and announced that Curley and Hoarey had given up their job, and the miners would return to work. He did not care to act on Mr. Ginley's information and did not. At once the pumpmen were called out. Two days later, when it was seen the colliery was threatened with flooding, the mules were hoisted and the colliery abandoned. It is still abandoned.

Superintendent Boyd's Testimony.

Adam Boyd, of Shenandoah, another division superintendent, was the last witness of the day. He told some of the details of the destruction of Preston No. 3, which was touched upon at the morning session by General Superintendent Veith.

The colliery was flooded by a freshet in December 1901. It was a large colliery but almost worked out and it was a question in the company's mind as to whether or not it was worth reclaiming. When computations showed it could produce coal in paying quantities for eighteen months more it was decided to remove the water.

A small force of men with ordinary pumping apparatus was put at work. February 8, 1902, one of the workmen fell into the shaft and was drowned. The company at once put on extra men and installed better apparatus that the body might be quickly recovered.

On July 8, 1902, when the big strike had been on more than three months, and when all but fifty feet of the 238 feet of water had been pumped out, the body was recovered. Before the body was taken to the surface, John Green, president of the local ordered the pumpmen to quit work. Superintendent Boyd tried to reason with him that this was ungrateful, as well as an unwise thing, but President Green was not to be reasoned with.

Superintendent Boyd pointed out that the company had spent $50,000 up to that time to get the water out; that with very little more pumping the mine would be reclaimed and the drowned pumps recovered, and that if the mine filled up again, as it surely would if operations were not pushed without interruption there was a strong possibility that the company would abandon it altogether.

President Green answered that he didn't care. The men must quit work. Superintendent Boyd reminded him of the Hammond colliery which had to be

abandoned because of the pumpmen being called out and which abandonment left four hundred hands idle and dealt a severe blow to the town of Girardville. President Green's answer was that they had gotten along without the Hammond and could get along without the Preston.

The pumpmen did not want to obey the order, but at a meeting of the local that night their protests were overruled and they had to quit. The mine flooded up, is still filled up and the company is not likely to again attempt to reclaim it.

St. Clair Coal Company's Case.

The case of the St. Clair Coal company, of St. Clair, Schuylkill county, was presented at the morning session by its president, W. H. Taylor, of Scranton. He read an extended opening address, discussing the demands of the miners and setting forth facts and figures, concerning hours, wages and general conditions at his colliery.

The following is the statement presented:

In presenting to this commission the following facts and figures it is to be understood that they particularly relate to the St. Clair Coal company and its employes, while they may no doubt, in many instances, befound applicable to the entire anthracite mining industry.

We believe it may be safely stated, and we shall try so to prove, that the miners' statement as filed with the commission was drawn up by parties quite unfamiliar with the actual conditions existing in the anthracite fields, or else it is, in the main, a deliberate misstatement of facts.

Increase in Wages.

In answer to the reasons as set forth in the miners' statement demanding an increase of 20 per cent. in wages, we offer the following:

Mine Workers' Reason No. 1.—"The present rate of wages is much lower than the rate of wages paid in the bituminous coal fields for substantially similar work."

Answer.—As we are not interested in the mining of bituminous coal, we can only state that this reason appears to be denied by the fact that almost all of the miners who left for work in the bituminous fields during the late strike, have either returned to the anthracite fields or have expressed their intention of returning.

Mine Workers' Reason No. 2.—"The present rate of wages is lower than is paid in other occupations requiring equal skill and training."

Answer.—The present rate of wages, as shown by the facts and figures already presented to this commission, is not lower than is paid in other occupations, requiring equal skill and training, for, so far as it relates to the actual mining of coal and the labor connected therewith, any reasonably intelligent man can learn to do in about one year's time (the law prescribes only two years) all that any miner or his laborer is called upon to do in the ordinary course of his work, and intelligent laborers, who cannot hold a miner's certificate simply because they have not been at work for the two years' time as specified under the terms of the law, are perfectly able and, at times, are allowed by the miners to do certain parts of the miners' own work.

Where is the trade or occupation involving so little time for training that can show the earning powers of the anthracite miners?

The commission will no doubt note that the exhibited earnings of the miners and their laborers do not show their earning capacity nor opportunity; they simply show what they were willing to do and earn, and not what they were able to do or what they could have earned.

Mine Workers' Reason No. 3.—"The average annual earnings in the anthracite coal fields are much less than the average annual earnings in the bituminous coal fields for substantially similar work."

Mine Workers' Reason No. 4.—"The average annual earnings in the anthracite coal fields are much less than the average annual earnings for occupations requiring equal skill and training."

Answer.—These are practically repetitions of Reasons No. 1 and No. 2, and the same answers will apply.

Mine Workers' Reason No. 5—"The rate of wages in the anthracite coal fields is insufficient to compensate the mine workers, in view of the dangerous character of the occupation in relation to accidents, the liability to serious and permanent disease, the high death rate and the short grade life incident to this employment."

Answer—Modern methods have so largely decreased the dangerous character of mining, that the death and accident rate does not now equal that of many other so-called hazardous ocupations, and would be much less if the miners themselves would habitually use even ordinary care to prevent accidents.

The number of aged men throughout the anthracite coal fields who have spent their lives in and about the mines, and who are still hale and hearty, is in itself a sufficient refutation of the "short grade life" theory advanced by the Miners' union.

Mine Workers' Reason No. 6—"The annual earnings of the mine workers are insufficient to maintain the American standard of living."

Answer—The annual earnings of the mine worker can easily be made, by himself, sufficient to maintain the "American standard of living" if he wishes to maintain such a standard and is willing to do those things, both during and after working hours, that are consistent with such a standard. It is, therefore, entirely a question for him to determine for himself.

Again, where you have seen the greatest poverty; i. e., among the so-called "foreign element"; will you not have put before you, through the proper postoffice, banking and steamship agency channels, a statement showing the amount of money which has been sent every two weeks from the anthracite fields to foreign lands, and this will show the true reason for the failure on the part of so many of the members of the United Mine Workers of America to live up to the "American standard of living."

Mine Workers' Reason No. 7—"The increased cost of living has made it impossible to maintain a fair standard of life upon the basis of present wages, and has not only prevented the mine workers from securing any benefit from increased prosperity, but has made their condition poorer on account of it."

Answer—Had the miners been faithful to themselves and to the companies for whom they worked, then the net increase to them through the advance given them in 1900, together with the opportunity for steady work since that time, could and would have added to their earnings an amount in excess of any increased cost of living during that time.

Mine Workers' Reason No. 8—"The wages of the anthracite mine workers are so low that their children are prematurely forced into the breakers and mills instead of being supported and educated upon the earnings of their parents."

Answer—It is not true that "the wages of the anthracite mine workers are so low that their children are prematurely forced into the breakers and mills instead of being supported and educated upon the earnings of their parents," but, on the contrary, it is a well known fact that children of miners are sometimes put to work to support the parents in idleness.

As to many of the younger lads being at work in the breaker, if every member of this body had had the experience which I believe some of you have had, and which we have had; to have the widow come, the widow left in need of support through causes entirely beyond her control, you would not wonder that some boys were found at work in the breakers.

It is also a well known fact that many of the boys will not go to school, but prefer to work.

Employment of Children.

The facts at St. Clair as to the employment of children of the employes of St. Clair Coal company are as follows:

Out of 485 children, under twenty-one years of age, of the workmen in and about the mine of the St. Clair Coal company, there are but the following at work:

	Boys.	Girls.	Total.
Under the age of 16 years	19	4	23
Between 16 and 21 years	35	10	45
Grand total			62

And their ocupations are as follows:

Males under 16 years of age—		
In breaker	17	
In mines	1	
In silk mill	1	
		— 19
Females under 16 years of age—		
In silk mill	1	
In factory	1	
Clerking	1	
Servant	1	
		— 4
		— 23
Males 16 to 21 years of age—		
Pump runner	1	
Head of shaft	2	
Inside of mines	11	
Locomotive helper	1	
Breaker	6	
Outside laborer	4	
Miners	5	
Clerking	1	
Telegrapher	1	
Steel mill	2	
Railroader	1	
Reading law	1	36
Females 16 to 21 years of age—		
Silk mill	2	
Factory	4	
School teacher	1	
Servants	3	
		— 10
Total males and females 16 to 21 years of age	46	
		— 46
Grand total		69

The actual net earnings (exclusive of the earnings of the children), for the year 1901, of the fathers of these children are as follows:

Age of Child	Net Earnings of Father for 1901	Total Number of Times the Father Entered the Mines *	Outside Men No. of 10-Hour Days Worked by the Father
12	$526.60	244	...
13	817.67	247	...
13	701.75	...	357
13	568.20	...	306
13	381.47	...	284
13	140.49	79	...
13	54.16	19	...
14	806.75	258	...
14	600.45	234	...
14	568.20	...	206
14	525.60	244	...
14	519.42	211	...
14	467.65	199	...
14	299.11	139	...
14	113.69	47	...
15	923.27	222	...
15	772.92	246	...
15	655.60	292	...
15	562.09	310	...
15	551.10	...	348
15	272.08	188	...
15	233.76	129	...
15	113.69	...	47
15	87.31	...	87
16	536.85	...	374
16	433.26	...	273
16	298.53	...	177
16	258.93	...	189
16	210.98	96	...
16	140.49	79	...
16	81.07	49	...
16	54.16	19	...
17	936.90	...	429
17	923.27	222	...
17	726.48	...	347
17	655.60	298	...
17	535.70	...	244
17	397.93	237	...
17	381.47	284	...
17	299.90	...	117
17	113.69	47	...
17	57.62	15	...
17	30.11	18	...
18	721.60	...	328
18	628.72	...	372
18	450.98	252	...
18	402.73	...	284
18	349.85	251	...
18	210.98	...	96
19	914.88	249	...
19	753.10	...	376
19	728.48	...	347
19	595.65	...	346
19	536.70	...	244
19	519.42	211	...
19	467.65	199	...
19	258.93	...	189
19	235.16	...	171
19	150.62	64	...
19	133.44	75	...
19	87.31	...	87
19	30.11	18	...
19	14.30	12	...
20	920.01	239	...
20	721.60	...	328
20	623.72	...	372
20	210.98	96	...
20	57.62	15	...

*The number of days he worked, based on ten hours, would be much larger.

Schooling of Children.

As regards sending their children to school, while the married mine workers with families in St. Clair constitute 60 per cent. of the whole number of married men with families in St. Clair, the percentage of their children attending school in 1901 was 69 per cent. of the whole, and the mine workers were the only class who had children 13 years of age attending school in St. Clair during 1901.

These figures are, in themselves, a sufficient refutation of the mine workers' claim that "wages of anthracite mine workers are so low that their children are prematurely forced into the breakers and mills instead of being supported and educated upon the earnings of their parents."

Mine Workers' Reason No. 9.—"Wages are below the fair and just earnings of mine workers in this industry."

Answer.—This statement is not borne out by the facts which have been presented to this commission.

Mine Workers' Reason No. 10.—"The ten-hour day is detrimental to the health, life, safety and well-being of the mine workers."

Answer.—The average time for hte miner at St. Clair colliery does not exceed eight hours, and the time actually devoted by him to work does not exceed six hours.

This statement will apply to the present time, when the public is in need of coal, as well as to previous years, and, according to the statement made by Mr. Mitchell before this commission, this short time is the result of orders from the United Mine Workers' headquarters as to the amount of coal their members should prepare.

Mine Workers' Reason No. 11.—"Shorter hours improve the physical, mental and moral condition of the workers."

Answer.—It is true that shorter hours would improve the physical, mental and moral condition of the workers, providing their spare hours were properly spent; but we state, without fear of successful contradiction, that they are not so spent, and this commission in its travels throughout the anthracite coal fields did not find the ground surrounding the homes of the idle miners "blooming like the rose," notwithstanding five months of idle hours had passed, but on the contrary, where it had previously existed, you found the same shiftless, uncultivated "patch," with its unkempt appearance, that has been there for years.

You can present the opportunity for the man, but you cannot make the man. That remains for himself to accomplish.

The above does not apply very largely to St. Clair, for in that town of miners' homes you will find many places worthy of notice, and when we tell you that unencumbered real estate in St. Clair of the assessed valuation of $104,134.00, and actual value about $300,000.00, is owned by miners or relatives, the property being purchased with money made in or about the mines, and some of the parties owning not only one house, but two, three, four, five and six houses, you will agree with us that in St. Clair there is not so much shiftlessness and improvidence; neither is there the net result of the same.

Mine Workers' Reason No. 12.—"Shorter hours increase the intensity and efficiency of labor."

Answer.—Past actual experience denies, and has disproved the statement that shorter hours increase the intensity and efficiency of labor, so far as it relates to the anthracite mines and employes in and about the mines.

Again, it will not do to state that any increase in pay will be compensated to the operator in the increased efficiency of the men owing to the settled condition of affairs for whatever term this commission might agree these wages should continue, because: First, a very large proportion of the men are doing such class of work that their earning efficiency to the company cannot be increased; second, the natural disposition of the miners to be content with certain earnings will prevent any material gain to the operator in that direction; third, the conditions under which any advance would now be given them would, if history repeats itself, have the tendency to decrease the desire for work on the part of the men, and thus entail on the part of the operators, the increased expenses of additional help to accomplish the same work.

Weighing of Coal.

In view of the fact that the weighing of coal in the Schuylkill region is not a practical matter, we do not believe that it is necessary for us to discuss the same.

Mine Workers' Reason No. 13.—"The tendency of national and state government, of organized trade and of production generally, is toward shorter hours."

Answer.—This can truthfully be better stated, that the tendency of national and state politicians, and of organized trade unionism, and of incompetent producers generally, is to destroy all ambition of the true workman and, as one of the labor leaders expressed to us, inculcate the sentiment that the good workman must carry the poor one and both be equally paid, regardless of whether or not the good workman could do the work better and in much less time than would be required by the poor workman.

Wage Agreement with the Union.

Mine Workers' Reason No. 1.—"The anthracite mine workers should not be compelled to make or sign individual agreements, but should have the right to form such organization and choose such agents as they desire to act collectively instead of individually when they deem their best interests are subserved thereby."

Answer.—We do not deny the right of men to organize, but we do deny the moral right of the miners of any one colliery being placed in position by their vote, through superior numbers or otherwise, to shut down another colliery where no grievance nor cause for grievance exists.

Mine Workers' Reason No. 2.—"Unions of workingmen tend to the better discipline of the man and to the improvement of their physical, moral and mental conditions, and to the preservation of friendly relations between employer and employe."

Answer.—We deny that unions of workingmen, as now organized and conducted, tend to the better discipline of the man and to the improvement of their physical, moral and mental condition and to the preservation of friendly relations between employer and employe, but, on the contrary, affirm that the entire line of teaching of the union as now conducted tends to absolutely destroy all sense of discipline; tends to a moral disregard of any sense of true improvement of the physical conditions; tends, through socialistic and anarchistic teachings, to a depravity of the moral and mental conditions, and tends to absolutely destroy that friendly relation which should exist between employers and employe.

Mine Workers' Reason No. 3.—"Experience shows that the trade agreement is the only effective method by which it is possible to regulate questions arising between employers and employed in large industries, and that a trade agreement is the only possible way to establish the relations between employers and wage-workers in the anthracite fields on a just and permanent basis and as far as possible do away with any causes for the recurrence of such difficulties as those you (the anthracite coal strike commission) have been called upon to settle."

Answer.—Experience shows that trade agreements do not regulate questions arising between employers and employes in large or small industries unless both parties to the agreement honestly desire to carry out the same, and in those countries where trade unionism is at its best strikes are not infrequent.

Therefore, while we are not opposed to unionism properly conducted, and while we believe that "in union there is strength," yet we also believe that the union as organized and conducted today is a menace to our American government, and whatever is a menace to our government is a menace to every workingman, as well as to every employer.

Every dispute between employer and employe should be settled between themselves, and when this cannot be done, then arbitration, without cessation of labor, should be called upon to deal with each particular case.

Policy vs. Principle.

It has been said that both sides to this controversy believe they are fighting for a principle.

We deny this.

The United Mine Workers of America know they are fighting for a policy; not a principle.

They are fighting for the privilege of controlling the action of every person, whether a member of the union or not.

They are fighting for the privilege of arbitrarily fixing the wages and earnings of incompetent, lazy, shiftless men at the expense of the competent, energetic and thrifty men.

They are fighting for the privilege of arbitrarily fixing the hours of labor regardless of the needs or desires of the man, the employer or the public.

They are not fighting for the right to organize, for that has never been denied them.

They are fighting to give to their organization the power to enforce their unreasonable, un-American, non-liberty policies.

What would be the logical outcome of the United Mine Workers' policy?

Would it not be to eventually change our national system of government if by any method of force they take from your sons or the sons of the humblest workingmen, the right to develop to the highest possible extent his God-given abilities?

Is not this what they are doing in fact when they state that a man shall not work for whom he pleases, at what wages he pleases, when he pleases (consistent with the laws of the land), and give to his employer his very best efforts upon a basis mutually agreed upon between him and his employer?

Is not this what they are doing when they say to any man, when he proposes to work according to the dictates of his own conscience, "Thou shalt not," or when they say to any employer of labor, "Thou shalt not employ this or that man?"

Is not this what they are doing when they practically say to any man, "You shall do so much work and no more for a day's labor," and also limit the number of days on which he shall labor?

Is not this what they are doing when they measure the standard of wages for the poorest workman somewhat beyond his honest earning capacity and compel the best workman to accept this same wage, even though it lessen his earning capacity?

What the Operators Want.

The operators are fighting for a principle.

Namely, individual rights, the rights of every individual, whether a member of a labor organization or not, to labor for whom he chooses, when he chooses (consistent with the laws of the country), on whatever terms he and his employer may mutually agree upon.

The operators are fighting for the right of any person to quit work, and the equal right of any employer to discharge.

The operators are fighting for the right of any employer to employ, consistent with the laws of the country, any person he may desire on terms mutually agreeable, without interference or dictation from any disinterested party.

Rate of wages is not a part of this question of principle, for any difference as to wages could at all times be adjusted.

It is a question of control. The right of any employe, and the equal right of any employer to control, consistent with the laws of the country, his own actions and property.

Finally, gentlemen, as we view it this commission has not been called upon to decide a question alone of wages; you have not been called upon to decide a question alone of hours; you have been called upon to do a far greater work, namely, to again set forth clearly before the people of the United States a true interpretation and an emphatic reiteration of the great fundamental truth that a man's personal liberty in the exercise of his just and proper rights must never be interfered with nor curtailed.

Commissioner Gray suggested that Mr. Taylor might file the statistical part of his address, and defer testimony in consideration of it until the miners' accountants chose to challenge its averments. Mr. Taylor acquiesced in Judge Gray's idea.

Proceedings of Friday, Jan. 30.

[From The Scranton Tribune, Jan. 31.]

Philadelphia, Jan. 30.—All of the direct evidence the mine strike commission will hear has at last been presented, excepting for some general statistics to be presented jointly by the operators and which can be presented in a very few hours.

At 4.45 o'clock this afternoon the commission heard the last of the Philadelphia and Reading company's witnesses, and adjourned until Monday morning, when the general statistics of the operators will be submitted and the miners' case in rebuttal opened. Mr. Darrow told the commission he can finish with his rebuttal testimony by Thursday. It was agreed that adjournment should be taken from next Thursday until the following Monday, when the arguments will be opened. No definite arrangement was made regarding the time to be consumed by the arguments but the commission rather broadly intimated that it expects to have a full week of it.

Some witty exchanges took place between the commissioners and lawyers while the apportionment of time for arguments was being discussed. The usually silent commissioner, Parker, scored heaviest during the exchange.

A recess from Thursday till Monday, Judge Gray suggested would probably result in the arguments being more concisely arranged.

"Yes it will give you time to put a condenser on them," remarked Bishop Spalding.

"An air condenser, I would suggest" came from the far end of the bench where Mr. Parker was seated alongside the bishop. It was not believed for some time that Mr. Parker was the guilty one, but all doubt was set aside by Bishop Spalding denying he had said it.

The commission has now been in session forty-six days, taking testimony. Of the 490 witnesses heard, 174 were called by the union miners; 154 by the non-unionists; 8 by the commissioners, and 154 by the operators. The sessions began in Scranton, November 13 and have had two interruptions one of ten days, when an unsuccessful effort was made to settle the controversy out of court, and one of two weeks during the Christmas holidays. The testimony covers 8,000 pages of typewriting, averaging 300 words to the page.

Railroad Earnings.

Much of the discussion prior to and during the strike regarding miners' wages, centered around the earnings of the Philadelphia and Reading employes. President Baer's statement that it averaged $1.84 a day for all classes of workmen was analyzed by President Mitchell, with a resultant deduction that for the normal working days of a year this would be $1.01 a day. Each of the disputants alleged the other's presentation of the facts of the case was unfair and misleading, and his own the only just and accurate presentation.

Consequently, much interest attached to the detailed statistics of the Reading company as presented this morning by J. P. Jones, the paymaster. They were very elaborate, comprehensive and ex-

haustive. All the original pay-rolls were brought in and submitted, and with them were summaries neatly and conveniently arranged. Mr. Darrow was content with the summaries. The original books had been examined by the miners' experts, Mr. Marwick and Dr. Weyl, and they attested the accuracy of the summaries. The miners were given the privilege of going to the company's office and inspecting any and all books and papers bearing on the question of earnings.

The summaries showed that average earnings of all of the 26,000 men and boys employed by the company, excluding contract miners, bosses, clerks, inspectors and the like, were $1.66 2-10 a day for 242 1-10 days, or $402.31 for a year.

Average for Contract Miners.

The general average for 5,386 contract miners, at all of the thirty-seven collieries, who worked, substantially, the full number of days the breaker started, was $652.82. This was for 260 days.

To summarize the earnings of all the contract miners of the thirty-seven collieries according to the form stipulated by the commissioners after the hearings had begun, would have been a stupendous task and could not have been finished for several months. Accordingly, the commissioners, after making inquiry on their own account, selected nine of the thirty-seven collieries to form the basis of the wage statements. These nine collieries, it was calculated, are fairly representative by average of the average of the whole. The statements of wages at these collieries were as follows:

Summary of annual earnings of contract miners at Bear Ridge, Good Spring, Kohinoor, Potts, Draper, Indian Ridge, Preston No. 3, Richardson, Turkey Run —Philadelphia and Reading Coal and Iron company collieries—these being the nine collieries selected by the commissiaon from the thirty-seven (37) Reading operations, for the purpose of preparing wage statements:

	No. of men.	Average shifts worked per man.
$1,000 and over	24	265.8
900 to $1,000	32	254.3
800 to 900	46	249.7
700 to 800	86	244.7
600 to 700	130	230.9
500 to 600	188	214.8
400 to 500	140	180.7
300 to 400	136	143.5
200 to 300	160	103.2
Less than 200	901	281.

SUMMARY OF DAYS WORKED.

	No. of men.	Average earnings per man.
300 days and over.....	3	$384 99
275 to 300	7	1,016 84
250 to 275	128	806 07
225 to 250.	206	661 38
200 to 225	148	568 28
175 to 200	99	493 16
150 to 175	90	417 90
125 to 150	84	336 20
100 to 125	108	288 21
75 to 100	118	208 84
Less than 75	852	52 75

Average Day Wages.

Some of the average day wages of company hands (composite men) were as follows:

Repair men	$2 25
Road men	2 03
Bottom men	2 00
Car runners	1 86
Spraggers	1 25
Door boys	0 95
Pumpmen	2 02
Drivers	1 71
Loaders	1 96
Day miners	2 32
Day laborers	1 93
Miners' laborers	2 06
Carpenters	2 20
Blacksmiths	2 27
Hoisting engineers	2 10
Pumping engineers	2 02
Firemen	1 79

On cross-examination, Mr. Darrow sought to show that the figures were really nothing more than estimates, because of the fact that they dealt with composite men, instead of actual individuals. Mr. Wolverton contended that the "composite man" system was the only fair way to get at earnings. Judge Gray said the commission would not be led into false deductions by reason of the method employed in framing the statistics.

Discharge of Clark Explained.

John E. Davis, foreman of the Potts colliery, who discharged James Clark, a miner, who testified for the union side at Scranton, explained that Clark was discharged because he went to Scranton without giving the foreman any notice. Another man was put in his place, when after three days he did not put in an appearance.

Judge Gray said he thought the discharge of Clark was not justifiable and hoped no man would be hurt by reason of his having given testimony before the commission. Turning to General Superintendent Veith, Judge Gray personally requested that Clark be reinstated. Mr. Veith said he would see to it that Clark was put back at work.

Judge Gray was very plainly displeased at Clark's dismissal.

James Wilson, superintendent at Hammond and Preston No. 3 collieries, told of some strike violence and gave it as his opinion that a reduction of the working day from ten to eight hours would restrict output and earnings proportionately.

Patrick Brennan, district superintendent, expressed a similar opinion. Prior to 1900, he said, the output was restricted by market conditions. Now the demand for coal is such that the companies can not supply it.

Damage at Henry Clay Colliery.

Mr. Brennan told of the Henry Clay colliery, near Shamokin, being thrown idle by flooding during the strike. There was 100 feet of water in the 800-foot shaft when the strike broke out. The regular force of pumpmen quit and their places were filled with imports. National Organizer Dougherty and others of the officers of the United Mine Workers succeeded in getting the new men to quit. The consequence was that the water rose to a height of 500 feet. Since the strike the water has been reduced 400 feet. It will be two months, the witness said, before the mine can be reopened. The lowest level, it is estimated, will not be cleared for eight months.

July 1, an attempt was made to wreck the pumping apparatus in the shaft by loosening heavy timbers at the head of the shaft and allowing them to drop down on the hoisting tank. A second attempt was made to do this same thing, a few weeks later, but a watchman had been stationed there and he drove off the attempted wreckers by firing upon them.

The engineers at the Henry Clay colliery were working eight hours when they struck. They were compelled to quit because the firemen were not granted on eight-hour day.

Mr. Darrow elicited from the witness that before being made a boss he was a member of the Knights of Labor, and tried to get an admission from him that he then advocated the eight-hour day. The witness said he favored an eight-hour day under some conditions, but not under the present conditions in coal mining. If the day was shortened, the output would be decreased, the cost of operation increased, the public compelled to pay higher prices for coal.

Mr. Darrow suggested that more men could be hired. The witness replied that this was easier said than done, and that, at all events, the hiring of enough more men to make up for the loss of output resulting from a shorter day would necessitate the added expense of new openings and new breakers.

Wanted to Continue Work.

Edward Morgan, who was a pumping engineer at the Henry Clay colliery before the strike, told that he wanted to continue at work because he had the eight-hour day granted him and was receiving the highest wages paid engineers in that region, and induced President Williams, of the Henry Clay local to accompany him to see Superintendent Brennan and talk it over.

While at Mr. Brennan's house, President Williams agreed that the engineers should be allowed to work. On the way home with the witness, President Williams told him that while he might work, as long as he had eight hours and good pay, but he would do well to remember that the firemen were on strike for eight hours and the steam at the colliery was being made by non-union men. The witness wanted to know if this meant he couldn't work. President Williams told him he must not use any "scab" steam. The witness, of course, could not work.

"You quit work because the union wanted you to quit, didn't you? complacently queried Mr. Darrow.

"No, sir, I——" the witness started to say, when Mr. Darrow, to the accompaniment of general laughter interrupted with:

All right, I guess I won't go into that, if that's the case."

"Well, I won't press it, either," said Mr. Wolverton, good-naturedly refusing to take advantage of Mr. Darrow's slip.

Irving Edwards, of Shamokin, watchman at the Henry Clay, corroborated the story of the attempt to wreck the shaft.

John Colson, who was an engineer at the Gilberton shaft, told of being assaulted during the strike.

A Showing of Wages.

Mr. Wolverton, at this juncture entered upon another branch of his case, presentation of testimony showing wages paid in occupations other than mining.

George M. Smith, of Mt. Carmel, general manager of the Shamokin & Mt. Carmel Street railway testified that trackmen received 12½ cents an hour for ten hours; engineers, $55 a month, for ten hours; firemen, $45 a month for ten hours, and motormen and conductors, 15 cents an hour for ten hours.

P. J. Campion, of the firm of Smith & Campion, general contractors, of Mahanoy City, said he paid common laborers, $1.45 a day for ten hours. On cross-examination, Mr. Darrow brought it out that the witness is interested in a small coal mine. Then he got him to testify that powder used on railroad work cost him from $1 to $1.75 a keg. He could not be gotten to tell, however, what it cost for the powder use in his mines. He explained that he did not actively interest himself in the operations of the mine.

William McAdams, of Pottsville, general contractor, testified he paid laborers $1.35 for a day of ten hours. Some few men are paid $1.50. In all his twenty years experience as a contractor in the heart of the anthracite region he never could succeed in inducing mine workers to do outside work. Henry Everett of Mt. Carmel, another contractor, testified he paid laborers $1.50 for a day of ten hours. Jerome Reed, superintendent of the Shamokin & Edgewood Street Railway company testified he paid laborers $8 to $12 a week for ten hours a day labor. Daniel Heins and Joseph Kessler, other contractors from Shamokin gave similar testimony.

Mr. Darrow showed on cross-examination that most of the contractors' laborers were "floating" foreigners, admitted they were secured through agencies, and only remained while a job lasted. In a number of other instances, as in the case of the Mt. Carmel trolley road for instance, it was shown only a few men were employed at the different occupations.

Tabulation of Wages.

George Scheuman, general manager of the Reading Iron company, which employed nearly 5,000 men, presented a tabulation of wages paid different classes of workingmen by his company, to show that the mine worker's comparatively speaking receive better wages than iron workers expending substantially similar energy and time.

Mr. Darrow brought it out on cross-examination that President Baer, of the Reading railroad, was president of this company up till a year ago.

George R. Tracy, clerk of the roadway department of the Philadelphia and Reading Railroad company, gave figures to show that the laborers in that department work ten hours a day for an average wage of $464.47. Grant F. Hanley, another Philadelphia and Reading clerk, gave figures showing wages paid shopmen and hours worked by them.

Bayard Halberstadt, mining engineer and geologist, presented maps showing the formation of the coal deposits of the anthracite region. He also told that he worked in both hard and soft coal mines, as an engineer, for many years, and was free to say that the anthracite miners, as a whole, were better off socially than the soft coal miners.

The last witness of the day, and last witness for the operators, was E. C. Brown, superintendent of the Beach Creek Coal and Coke company, of Patten, Cambria county.

He testified that his company employs 1,700 men in sixteen collieries, and that the average wages of miners, loaders, drivers, trackmen and machine helpers are substantially the same and average between $500 and $600 a year. This is for 245 days of nine hours each.

Proceedings of Monday, Feb. 2.

[From The Scranton Tribune, Feb. 3.]

Philadelphia, Feb. 2.—The case of the operators closed at noon today with the presentation of a great mass of statistics bearing on wages, hours and general conditions. The bulk of them was presented by the Philadelphia and Reading Coal and Iron company, through an expert statistician, H. T. Newcomb.

The miners began their case in rebuttal this afternoon. R. J. Beamish, a North American reporter, as their first witness, told of having spent the whole strike period in the coal regions on an unsuccessful hunt for anything savoring of outrages, and nine Philadelphia "lads," who served as coal and iron police, went on the stand to exhibit themselves as corroboration of the allegations the miners have made against them. They were not wholly unsuccessful.

The Morning Session.

The morning session was given over entirely to the presentation of general statistics. Mr. Wolverton, of the Philadelphia and Reading company, occupied most of the time. Some few documents were offered by Mr. Torrey, Mr. McClintock and Major Warren.

W. W. Ryley, of Philadelphia, who is the leading statistician of the anthracite coal industry, was the first witness to be presented by Attorney Wolverton. He has gathered and published statistics bearing on this industry for thirteen years. The coal companies pay the expenses of the work.

Maps and tables, showing output and geographical distribution of prepared coal, the location of coal beds, and collieries, the range of prices for coal at tidewater for ten years and so on were presented and explained in detail by Mr. Ryley. The material has all been published in reports. The government of the United States, he said, uses his statistics in its departmental reports. Commissioner Parker, who is chief statistician of the United States Geological survey, is the official to whom he sends his reports.

Mr. Darrow brought out the admission that the demand for smaller sizes has relatively increased in ten years, with a corresponding increase in price.

Commissioner Clark was appealed to, generally, to give testimony explaining an item in the statistics to the effect that 4-100 of 1 per cent. of the anthracite coal product goes to the Pacific coast. The witness could not tell how it went there or what was done with it when it got there. The witness thought it went by boat around the horn and was used for domestic purposes. When asked if he knew anything about it, Commissioner Clark said there was some anthracite coal from Pennsylvania sent by rail across the continent to the Pacific and was used, as he understood it, to heat railroad cars.

Washery production was made the subject of an extended cross-examination. Mr. Darrow showed that up to the end of the '80's thirty-five per cent. of the coal taken out of the mines went to the dump. The washeries began operation in 1890 and in that year 11-100 of 1 per cent. of the total production was from the washeries. The growth of this output was rapid. In 1894 it had jumped to 1 55-100 per cent; 1895, 2 32-100 per cent; 1900, 4 75-100 per cent, and 1901, 4 57-100 per cent. This represents only the amount shipped in cars to market, taking no consideration of the amount sold locally or used for steam about the collieries. The total shipment from washeries in tons was 2,500,000 in 1901.

Reading Statistics.

A. C. Wilson, of Pottsville, general land agent of the Philadelphia and Reading company, submitted a mass of statistics showing that the company pays the bulk of school taxes in the anthracite counties in which it operates, and that the schools of the coal towns excell in buildings, equipments, length of term, and pay of teachers, the schools in the immediately adjacent agricultural districts.

In telling of the Reading's company houses, Mr. Wilson testified that 7 per cent. of the 25,000 employes live in them, and that 46 of the tenants, who are poor employes, are given house rent free. The average rental is $3.90 per month. The number of employes owning real estate is 2,384. The company never evicted a tenant.

Statistics were next introduced showing that school teachers in the coal towns and boroughs of Schuylkill and Northumberland counties are paid 33 1-3 per cent. higher wages than those in the adjoining agricultural districts.

Some interesting statistics were given in regard to tax exonerations. When it was shown, for instance, that, in Cass township, 1,141 of the 1,170 taxable inhabitants were exonerated, and in Mt. Carmel 901 out of 922 exonerated, Judge Gray was moved to remark "You call the tax collector a tax collector, I suppose?"

Mr. Brumm informed the commissioners that in these towns where there are so many exonerations the Reading company owns practically the whole town. The inhabitants pay only state and county taxes, and often do not pay those.

Mr. Wolverton said he had in mind twenty resident property owners of Mt. Carmel who should pay taxes but who are on the exoneration list. Yet in Mt. Carmel only twenty-one parties outside of the Reading company pay school tax.

Mr. Brumm, on cross-examination, tried to show that the Reading company does not pay as much tax as it ought to, as its land is assessed by the acre when it should be assessed by the lot, and that when a piece of the land is sold it brings a price far in excess of the assessed valuation.

Figures were also given comparing the number of hotel licenses in coal districts and country districts. In one coal settlement it was shown that there is a liquor license for every fifty-four inhabitants, to say nothing of speakeasies.

Boys Well Paid.

John C. Michler, manager of the telegraph office in the Reading terminal, gave statistics to show that boys in and about the mines are better paid than boys of similar ages working as messengers for telegraph companies, office boys, cash boys in stores, and the like. Messenger boys earn $12.60 per month and pay out of this earning $8.80 twice a year for uniforms. Boys in large department stores get 58 cents a day and the older boys, whose ages range from 16 to 20 years, average about $6 a week.

Mr. Darrow contented himself with showing that these boys do not have the hardships to undergo that the mine boys have, and that besides they have many opportunities for advancing themselves.

H. T. Newcomb, an expert statistician, who compiled the Reading's statistical statements, next took the stand and laid before the commission a great array of figures on earnings culled from the twelfth census and Pennsylvania bureau of industries. Generally speaking the figures tended to show that the mine worker is better paid than any other class of employes doing anything like similar labor.

Two of his summaries were of particular interest. One showed the earnings of workmen employed in all the principal industries in the cities in and immediately adjacent to the coal regions, exclusive of coal mining. Another statement showed a summary of earnings in twenty-five leading industries of Pennsylvania.

	All Employes.	Men Over 16.	Women Over 16	Children Under 16.
Scranton	$410	$514	$184	$152
Wilkes-Barre	383	496	213	127
Reading	394	449	253	133
Shenandoah	422	446	240	119
Easton	388	472	211	179
Harrisburg	401	477	189	116
Allentown	373	472	233	118

Total for 25 leading industries of Pennsylvania—

Number of wage earners	478,780
Total wages paid	$221,138,148
Average annual earnings	$462
Average day wage, on a basis of 275 day	$1.68
Average day wage of all Philadelphia and Reading employes.	$1.92

Figures were also given to show that the average number of home-owners in the anthracite region exceeded the general average for the state and that the percentage of encumbrances was much less than the average.

Mr. Wolverton and Mr. McClintock both had exhaustive statistics to present on the matter of saloons in the coal regions and the cost of living now as compared with immediately preceding years.

The Saloon Question.

Anent the saloon question Judge Gray said the commission had personally investigated the matter and was prepared to say there was more than a sufficiency of saloons in the anthracite coal region. The judge, himself, found that in the Scranton region the number of saloons paying internal revenue were largely in excess of those licensed by the local court, and he was thereby led to infer that there were some speakeasies in addition to the drinking places which come under ordinary notice.

"It is the fault of the people themselves," said the judge, "if there is cause of complaint on the score of too many saloons, and no finding this commission can make, will relieve you. I am ready now to announce an unofficial finding of this commission to the effect that there are too many saloons in the anthracite coal region."

Regarding cost of living, Judge Gray said the commission was not anxious for any figures from the contending parties, as an expert engaged by the commission has been at work for three months obtaining data on this matter.

Attorney Torrey presented statistics secured from the Prudential Life Insurance company showing that miners are not included in the twenty-one classes of workmen who are compelled to pay extra premiums on policies of less than $500. On policies of over $500 the extra premium paid by miners is $2.50.

Mr. Torrey also presented the minutes of the joint convention of Districts 1, 7 and 9 of the United Mine Workers, held in Hazleton, March 11-16, 1901. He called particular notice to two resolutions adopted at this convention, one petitioning the governor and board of pardons to pardon eight violators, and another stipulating that any man failing to produce a union working card to the inspection committee, should be asked "to join the union or give up his work."

Mr. Torrey was asked by Mr. Darrow to explain in what way the pardon resolution was germane to work of the commission.

Discipline After Conviction.

Mr. Torrey said that President Mitchell and other witnesses for the miners had declared the reason they did not discipline their members for lawlessness was because it would prejudice their cases when they came to trial. From this, it was to be inferred, Mr. Torrey went on to say, that the union disciplines them after they are convicted. This resolution, he added, would tend to contradict that inference.

"Well, Mr. Torrey," said Mr. Darrow, "our fellows are willing to shoulder all responsibilities for asking for clemency for a fellow human being—yes, even though he were a coal operator."

President Baer, of the Reading, was heard from individually at this morning's session. In the earlier days of the hearing President Mitchell declared, and it had been reiterated, that President Baer and Mr. Markle told President Roosevelt that twenty-one murders had been committed in the coal regions during the strike by the union men. Several times representatives of the miners challenged the other side to bring in Mr. Baer and Mr. Markle and have them prove this assertion.

This morning, as the operators' side was about to close, Attorney Wolverton announced that in justice to Mr. Baer he would like to have this matter corrected. Mr. Baer, Mr. Wolverton declared, never used the language at-

tributed to him. To corroborate this, Mr. Wolverton called attention to the stenographic report of the meeting at the white house, which is printed in the pamphlet furnished the commissioners on Friday.

Judge Gray read what Mr. Baer and Mr. Markle said on this subject. Mr. Baer's words were: "He (Mitchell) must stop his people from killing and maiming Pennsylvania citizens." Mr. Markle said: "A record of twenty-one murders, etc., etc., shows this condition of lawlessness existing there."

Mr. Darrow said he would not misquote either gentleman. He would use their exact language where he had occasion to deal with the matter.

At 12.40 the operators rested their case and a recess was taken until 2 o'clock, when the miners began the presentation of their rebuttal testimony.

Mr. McClintock's Statistics.

The statistics presented by Mr. McClintock were as follows:

Table of comparative bank statistics of the anthracite, bituminous and agricultural sections of

PENNSYLVANIA.

Anthracite, four counties — Luzerne, Lackawanna, Schuylkill, Northumberland population, 714,790; National bank deposits, $31,205,220.12; National bank per capita, $43.65; savings banks deposits, $27,056,115.07; savings banks per capita, $37.85; total bank deposits, $58,261,335.19; total bank per capita, $81.50.

Bituminous, eight counties—Cambria, Clearfield, Elk, Fayette, Jefferson, Somerset, Washington, Westmoreland, population, 689,696; National bank deposits, $32,400,693.12; National bank per capita, $46.98; savings banks deposits, $9,419,918.42; savings banks per capita, $13.66; total bank deposits, $41,820,611.54; total bank per capita, $60.64.

Agricultural, seven counties—Lancaster, Montgomery, Lehigh, Northampton, Bucks, Crawford, Delaware, population, 721,411; National bank deposits, $35,204,755.26; National bank per capita, $48.79; savings banks deposits, $20,584,486.04; savings banks per capita, $28.53; total bank deposits, $55,789,241.30; total bank per capita, $77.32.

The above data is obtained from the report of the comptroller of currency, United States, 1901, volume II, pages 1015 to 1135, inclusive, national banks, and from the commissioner of banking, Pennsylvania, part 1, pages 3 to 803, inclusive, as to savings banks.

The Statistics.

Table of comparative tax statistics of the anthracite, bituminous and agricultural section of Pennsylvania. From the report of the secretary of internal affairs, Pennsylvania, 1901, parts I and II.

Anthracite, four counties, Luzerne, Lackawanna, Schuylkill, Northumberland—Population, 714,790; number of taxables, 223,685; value of property taxable, $215,589,152; value per capita of population, $301.61; (assessed valuation as adjusted by the commissioners). Amount of money at interest, including bonds, judgment notes, etc., $26,070,203; same per capita of population, $36.47; aggregate amount of state tax assessed, $104,433.57; same per capita of population, $1.63; tax collected on percense, including liquor licenses, $761,803.63; same per capita of population, $1.20; tax on real estate of railroad corporations, $171,273.65; same per capita of population, $.2396; tax collected on real estate of other corporations, $997,521.01; same per capita of population, $1.63; tax collected on personal property, $131,204.16; same per capita of population, $.18.

Bituminous, eight counties, Cambria, Clearfield, Elk, Fayette, Jefferson, Somerset, Washington, Westmoreland—Population, 689,696; number of taxables, $199,670; value of property taxable, $244,583,136; value per capita of population, $354.62; (assessed valuation as adjusted by the commissioners). Amount of money at interest, including bonds, judgments, notes, etc., $27,330,409; same per capita of population, $39.62; aggregate amount of state tax assessed, $109,847.19; same per capita of population, $.1593; tax collected on license, including liquor licenses, $225,290.09; same per capita of population, $.32; tax collected on real estate of railroad corporations, $8,286.91; same per capita of population, $.012; tax collected on real estate of other corporations, $595,925.57; same per capita of population, $.86; tax collected on personal property, $142,029.48; same per capita of population, $.21.

Agricultural, seven counties, Lancaster, Montgomery, Lehigh, Northampton, Bucks, Crawford, Delaware—Population, 721,411; number of taxables, 239,576; value of property taxable, $386,016,208; value per capita of population, $511.20, (assessed valuation as adjusted by the commissioners). Amount of money at interest, including bonds, judgments, notes, etc., 84,211,433; same per capita of population, $116.73; aggregate amount of state tax assessed$337,120.01; same per capita of population, $.4673; tax collected on license, including liquor licenses, $421,392.09; same per capita of population, $.58; tax collected on real estate of railroad corporations, $11,006.68; same per capita of population, $.0152; tax collected on real estate of other corporations, $150,463.15; same per capita of population, $.21; tax collected on personal property, $360,554.25; same per capita of population, $.50.

Comparative school statistics of the anthracite, bituminous and agricultural sections of Pennsylvania. Data taken from the reports of the United States commissioner of education for 1901, and from the state superintendent of schools of Pennsylvania for 1901, and from the report of the superintendent of schools of Wilkes-Barre.

Population	714,790	689,696	721,411
Number of children, 6 to 16 years	155,808	142,918	135,425
Value of school property	$6,074,365 39	$4,807,250 00	$7,147,414 08
Average monthly salary, male teachers	$51 74	$42 55	$50 52
Average monthly salary, female teachers	$36 06	$35 92	$38 43
Average annual salary, male teachers	$454 93	$351 21	$435 25
Average annual salary, female teachers	$315 82	$269 98	$329 13
Number of scholars, male	71,260	73,784	68,512
Number of scholars, female	71,820	74,267	66,513
Average number of months taught	8.76	7.51	8.5
Per cent. attendance of enrollment	68.96	70.13	73.74
Per cent. total population enrolled	20.02	21.57	18.88
Per cent. attendance to population	13.81	15.05	13.83
Average days attended each pupil enrolled	120.8	106.1	124.8
Parochial scholars	13,618	8,569	6,37
Per cent. attendance parochial schools to population	1.91	1.24	.83
Per cent. attendance, parochial and public schools to population	21.93	22.41	19.59
Average No. days public schools open annually.	175.2	153.3	170.1
Average No. days attended by each pupil enrolled in public schools in United States	98.8		
Average No. days attended by each pupil enrolled in public schools of Pennsylvania	120.8		
Average No. days attended by each pupil enrolled in compared lists	120.8	106.1	124.8

In 1901 .701 of 1 per cent. of the total population of the United States were in the high schools. In Wilkes-Barre in that year, 1.5 per cent. were in the high school.

In 1901 3.48 per cent. of all school children enrolled in the United States were in high schools. In Wilkes-Barre 9.5 per cent were in the high school.

5.5 per cent of all children of mine workers enrolled in Wilkes-Barre are in high school, or about one in eighteen, but in the United States only about one in twenty-nine are in high school.

Miners' Rebuttal.

The miners began their case in rebuttal by calling Richard J. Beamish, who was correspondent for the North American in different parts of the anthracite region during the strike. He was first induced by Mr. Darrow to make the admission that his father was at one time a coal operator, and that he himself was an ex-lawyer.

Without much leading from Attorney Darrow, the witness told of his experiences in Hazleton, Shenandoah and the Panther Creek valley. He minimized the incidents of violence which he had investigated, and told of personally having witnessed officers of the United Mine Workers prevent violence and disperse mobs. The quiet and peaceful conditions of the middle district, the witness said, was due, in his opinion, to the activity of the union officers. There was no reign of terror, he said, as far as he could see.

In regard to General Gobin's declaration that Mr. Beamish had told Colonel Clement to be careful what he said, as he (Beamish) had been sent to Shenandoah "to put the soldiers in a hole," Mr. Beamish said he never made such a statement to Colonel Clement or anybody else. The most he said to Colonel Clement was that he should remember in his answer to his (Beam-

ish's) questions, that he would be quoted.

The witness said he did not allege that General Gobin's "shoot to kill" order was intended to apply to women and children. What he did say was that the general declared the provision regarding the arrest of stone throwers should apply to women and children.

On cross-examination by John T. Lenahan, Mr. Beamish denied that the North American was hostile to General Gobin and that the paper minimized every wrong done by the strikers. The only real outrage he had encountered in his travels was a case of dynamiting in West Hazleton. Mr. Lenahan asked if he had heard of this, that or the other incident of violence in and about the Lehigh region, which the non-union men had testified to. Mr. Beamish had as an unvarying answer:

"I was not there at the time that is alleged to have taken place."

"I thought you said you were sent up there to find out what was going on?" remarked Mr. Lenahan.

Mr. Beamish laughed as keenly as the other auditors.

Mr. Darrow thought to show by Mr. Beamish that he knew personally of "recruits of the slums" of Philadelphia being engaged to do work as coal and iron police. Mr. Beamish could only say he had encountered half-a-dozen or so of Philadelphians acting as coal and iron police in the Hazleton region.

A Serious Charge.

Major Warren had misunderstood Mr. Beamish to assent to Mr. Darrow's allegation that these men were from the "slums," and was proceeding to cross-examine Mr. Beamish, as to the extent of his knowledge in this regard, when Judge Gray set him right with the remark: "The worst charge Mr. Beamish makes against these men is that they were from Philadelphia."

"Oh, all right," said the major. "Then we are to understand they were eminently respectable, except in that they were from Philadlphia."

Attorney McCarthy next began the presentation of "exhibits" of imported coal and iron police, recruited by detective agencies in Philadelphia. Nine of them were put on the stand, asked a few questions and allowed to go. Their appearance, on the whole, indicated that they were not quite as bad a lot as the miners representatives had painted them. A person of only ordinary precaution would trust any one of them if he had him covered with a six-shooter.

They told that they went up into the coal region at the solicitation of representatives of detective agencies to assist in the laudable enterprise of helping to preserve the peace and earn $2.50 a day and free board and lodging. Only one of the nine was asked for a recommendation. He was a China-packer for Lit Bros. and got a "character' from his employers.

As a rule they were sworn in as coal and iron police, furnished with a rifle and put on duty guarding colliery property. Some of them were sworn in as deputies. One of them told that he was in a squad of twenty-eight sent up from Philadelphia; that there were men from Chicago, New York and even Camden in the party, and that these men were made deputies by the sheriffs of Luzerne and Schuylkill counties.

Mr. McCarthy was starting in to get admission from his witnesses that they had "done time,' but Judge Gray would not stand for this. "You can not discredit your own witness," the judge declared.

One of the witnesses said his occupation was "canvassing from house to house." He did not volunteer the information as to whether it was first or second story canvassing and Mr. McCarthy ventured to ask him if he had ever been locked up. Judge Gray either did not or pretended not to hear the question and the witness was allowed to answer.

"Oh, maybe I'se been locked up a few times just like any o' youse ud be"—indicating the lawyers and commissioners with a sweep of his hand—"but it wasn't never for no depurdations—just for havin' a little fun."

Even Bishop Spalding did not resent this imputation of the frailty of all human nature.

Mr. McCarthy took especial pains to bring out from each of his witnesses that they were never molested and saw no violence around the collieries they were protecting. Mr. Lenahan contented himself on cross-examination with emphasizing the fact that they were not molested because they were always in force and heavily armed.

At the outset of the examination of Mr. McCarthy's gents from Philadelphia, Mr. Torrey objected to them giving any testimony bearing on lawlessness as it was not rebuttal.

No Lawlessness.

Mr. McCarthy insisted it was relevant, saying to Judge Gray "Why your Honor, I want to rebut this presumption that there was lawlessness and a region of terror in the coal regions."

"Well go ahead and do it if you can," remarked the judge with a smile.

The last witness of the day was 'Squire Daniel J. McKelvy, of Hazle township. He went on the stand to vindicate himself. At the Scranton hearings, August Scheuch, a mine foreman, who was assaulted and stabbed by a crowd of strikers, testified that 'Squire McKelvy was one of the mob and that he incited the assault by saying as Scheuch approached: "Here comes the old —— — - ——; give it to him."

The 'Squire Was for Law.

'Squire McKelvy, of course, denied this and to show that he was for law and order during the strike, read a letter from the Lehigh company complimenting him on his work in preventing an attack on a trolley car, supposed to contain non-unionists. The 'squire apparently satisfied the commission that old man Scheuch was mistaken as to his identity. The 'squire admitted he was present at the row, but averred that his only participation was to attempt to prevent the assault and rescue Scheuch's son, who was threatened with the same treatment his father had received.

Proceedings of Tuesday, Feb. 3.

[From The Scranton Tribune, Feb. 4.]

Philadelphia, Feb. 3.—Today's session of the mine strike commission was devoted mainly to the hearing of testimony from the miners' side rebutting the allegation of the operators that restrictions by the union were responsible for the coal famine. Delaware & Hudson and Delaware, Lackawanna & Western miners' went on the stand and stated that they have been unable—especially since the close of the strike—to get a full shift of cars, and further that the miners have been idle on various ocasion, since the strike, by reason of the shortage of railroad cars and the usual breakdowns of machinery.

Each witness also was gotten by the miners' lawyers to declare that he, and his fellow workmen were anxious for a change from the per-car to per-weight system of payment. The reasons they had for favoring the change were not given in a very lucid manner, but all were satisfied in a general way, that payment by weight was more fair and satisfactory and less liable to engender disputes than the per-car system.

Morning Session.

'Squire Daniel J. McKelvy, of Hazle township, who was on the stand at adjourning time last night, vindicating himself, was re-called at the opening of this morning's session for cross-examination by Attorney John T. Lenahan. The 'squire, it will be remembered, was arrested for participating in an assault on August Scheuch and his son, William, who were badly used up by a mob of sixty or seventy, while on their way to work. The older Scheuch alleged that 'Squire McKelvy led the attack on

him, saying, "Here comes the old ——; give it to him."

On direct examination, yesterday, the 'squire did much to give the commission the impression that he was the victim of mistaken identity. After John T. Lenahan finished with him this morning, it is questionable if the commissioners' good impression of the 'squire was not a bit shattered.

The 'squire admitted he was very active during the strike, but insisted his activity was solely in the direction of conserving the peace in Hazle township. Mr. Lenahan had a typewritten list of some of the 'squire's alleged activities, and examined him in detail as to the accuracy of the list.

The 'squire denied he had done any of the things alleged on the list. He admitted, however, that he made speeches in English, Slavish and Italian for the strikers during the strike, and that he once went to Scheuch's house and tried to persuade young Scheuch to refrain from working.

Judge Gray put the 'squire on the rack for half an hour, plying him with questions which tended to show that the chairman did not quite see how the 'squire's story of the Scheuch assault dovetailed. Finally, in desperation the judge tilted back in his chair and said: "I give it up."

Attorney Lenahan let the 'squire go after calling attention to the fact that he did nothing in the way of issuing warrants for those who committed the Scheuch outrage.

E. J. Curry, who conducts a credit store at Freeland, in the immediate vicinity of G. B. Markle & Co.'s store at Jeddo, testified that he had compared the prices on the passbooks of his own and Markle customers and found his own prices were 12½ per cent. lower than those of the company store. He also told that he knew of an incident of a Markle & Co. employe being coerced into trading in the company store.

Saw Real Violence Once.

William L. McLoughlin, of Shenandoah, correspondent for a number of press associations and metropolitan newspapers, gave his town practically a clean bill as to peace and order during the strike. The only real violence, he said, was the riot of July 30, in which Beddell was killed. He never heard the citizens say anything unkind of the soldiers, except on one occasion, when some persons cried "shame," as a troop of cavalry marched along the street, escorting three aged men in shackles, who were arrested for picking coal from a dump. Colonel Clement, of the Twelfth regiment, told the witness he and his soldiers were well treated by the people of the town.

Soldiers were frequently arrested, the witness averred, for disorderly conduct in Shenandoah. On one day the civil authorities arrested five and the provost guard, about eighty.

On cross-examination by Attorney Joseph O'Brien, the witness was led to tell the story of the riot in which Beddell was killed, and which he witnessed from close range. He said there were about 200 persons in the mob immediately surrounding Beddell at the time he was clubbed to death, and that on the sidewalks there were fully 2,000 more.

Only three men, the witness said, made any attempt at rescuing Beddell, as far as he could see.

"Then there were three men in that great crowd?" said the judge, with emphasis on "were." "Let us have their names, if you know them. They ought to be published. Don't you think so?" added the judge, turning to his colleagues. The colleagues assented, and Judge Gray, addressing himself to the press table, said: "I hope the press will take note of these names and print them on their roll of honor."

The Roll of Honor.

The witness then gave the names of Edward McGinnis and Michael Durkin. The name of the third man he could not remember, but knew he was a Polander. Durkin is a miner. The other two are teamsters.

At this juncture, the miners began the introduction of testimony calculated to show that it is the employer and not the employes who was responsible for the coal famine.

"All witnesses coming from or I should say going for the Delaware & Hudson company will please come forward," called out the facetious Mr. Darrow.

The first of them to be sworn was William Ruthledge, a miner from the Pine Ridge colliery, at Miners' Mills.

The regular shift at this mine, he said is six cars a day. He works seven hours and his laborer nine. Since the strike, he averred, he has not averaged more than four and one-half cars a day. He was always anxious to get in a full shift but could not get the cars to load. He frequently asked for more cars, but could not get them. Since the close of the strike the colliery has been idle six days because of the inability to get railroad cars. He never refused to load all the cars he could get and knew of no miner who refused to load the full shift.

On cross-examination, Mr. Torrey secured an admission that the miners refused to work on Mitchell Day, Thanksgiving Day and New Year's Day, and that on the day following Christmas the breaker had to shut down at noon because of a scarcity of coal. Mr. Torrey also secured an admission that the Pine Ridge local of the miners' union passed a resolution forbidding its members from taking contracts for heading work.

John Durkin, a miner from the Laurel Run colliery, at Parsons, also testified that he could not get all the cars he was desirous of loading since the close of the strike. He asked the foreman and the driver boss to give him the full shift of cars but without avail. The mine was idle several days, he said, on account of the want of railroad cars.

Mr. Torrey got the witness to say that the only time the mine was wanting railroad cars was in November when there was a heavy snow storm, which caused delay in distribution of railroad cars.

Henry Carver, of Plymouth, a miner at the Boston colliery was put on the stand to dispute the company's wage statistics. It was represented by the statistics filed with the commission that he was paid $2,877 in 1901. Mr. Darrow proposed to show that this money was divided among six or eight men.

Mr. Torrey Objects.

Mr. Torrey objected to this testimony as not being rebuttal. Said he: "The Delaware & Hudson company frankly admitted that in some few cases, where it was represented by the statistics that the earnings were those of a miner and laborer, the earnings might be for a miner and several laborers. It was also pointed out that in hundreds of instances there were earnings put down for a miner and laborer, when it was a certainty that no laborer had been employed; that the cutting and loading had both been done by the miner. The books of the company were thrown open to the expert accountant of the miners with the request that they correct any inaccuracies of this kind. They should have done this instead of coming in on rebuttal to discredit our figures in a few instances and thereby possibly give grounds for the erroneo s inference that all the figures were discreditable."

Mr. Darrow half agreed that Mr. Torrey's position was well-grounded and said he would possibly not question the figures in this way. Judge Gray suggested that the witness be heard. The commission would not be led into wrong inferences, he intimated.

Earned About $70 a Month.

The witness then went on to tell that the $2,877 was earned on a gangway contract. He employed from six to eight men on the job. The miners were paid $2.50 a day and the laborers, $2.20. He could not remember just what share of the $2.877 fell to him but he thought it was about $70 a month.

Commissioner Parker, who had been doing some figuring, asked the witness how many days he worked on the contract. The witness did not know but was quite sure it was upwards of 200 days. Commisioner Parker pointed out that six men averaging $2.35 a day for 200 days would earn more than $2,877, and wanted to know where the contractor got $70 a month. The witness couldn't help him out.

Mr. Torrey assisted in clearing up the mystery by having the witness admit that in obedience to the decree of the Hazleton convention, he was limited to two laborers during the latter part of his contract period. The witness

also admitted that the local had cut down the number of cars to be filled by heading men to five a shift, although chamber men were allowed to load seven.

Mr. Darrow adduced the explanation that the shift for heading work was made smaller than that for chamber work, because heading work was much harder.

Baldwin Edwards, of Edwardsville, who is a miner at Boston No. 6 colliery in Plymouth, testified that for thirty years the regular shift at this mine has been six cars, but since the strike, despite the fact that he never refused to load all the cars he could get, he has not averaged more than three cars a shift.

The Scarcity of Cars.

The mine was idle three or four times since the strike, he said, on account of there being no railroad cars, and a couple of times it had shut down because of breaks in the machinery.

Mr. Darrow here took up the matter of weighing coal. Mr. Torrey protested that this was not rebuttal; that the thing had been threshed out thoroughly, and that it was not regular to allow the miners to introduce new testimony on this or any other point.

Quickly replying, Judge Gray said: "We want all the light we can on the subject of weighing. We want it at any time, and in any way."

Mr. Torrey contented himself with: "Very well."

The witness told that the miners want their coal weighed. A main objection to the per car system of payment, he said, is the difficulties arising from "topping." Men have been suspended for three days for short topping, although they were positive they had properly topped their car before it left the chamber. He also told that there are four different sizes of cars at this mine, although the company pays only one price for cars.

Latest Cars Were Small.

The latest cars introduced at the mine, he admitted, were the smallest cars, and the largest size cars were few in number. He further admitted there never had been agitation for a change to the payment by weight system, and not even a suggestion to the company that the men were dissatisfied with the per-car system, until the union came. The witness himself had worked at Delaware and Hudson collieries where payment was made by weight, but had never complained during his fifteen years at the Boston colliery of payment by car.

As regards the alleged restriction by the company since the strike, Mr. Torrey brought out an admission that the mine had worked more steadily since the strike than ever before, and that the company seemed anxious to get out all the coal it was possible to produce.

Judge Gray reverted to the union's restriction of gangway work, and asked:

"Is it not essential to the good of the company and the miners that gangway work shall be pushed as rapidly as possible."

"Yes, it is," slowly admitted the witness.

Mr. Darrow asked if it was not possible to put in three regular shifts instead of one big shift, in working a heading.

The witness shook his head dubiously, and then said that while it was possible, it was not desirable to the miners. He would not want to work a heading on a three-shift plan, he said.

Martin Murphy, a Grassy Island miner, who is credited in the statistics with having earned $1,928.51 in 1901, testified that this money was divided among four men. His actual net earnings, he said, were a little over $500. His "number" was taken by Mr. Torrey, with a view of inquiring into the case and cross-examining him later.

Murphy's Statement.

On cross-examination, of Mr. Murphy, Attorney Torrey sought to vindicate the Delaware & Hudson company's statistics by showing that the division between miner and laborer had been made on 67-37 per cent. basis approved by the miners' accountants and Dr. Neill the assistant recorder of the commission. Mr. Murphy's contract netted $1,928.51. The company accredited him with earnings of $1,200. It was for the miners to show that the Murphy contract was worked by two miners and two laborers. Instead of correcting this in the statistics, the miners side chose to show in rebuttal how the money was divided. The witness presented a statement of the distribution which stood without question. He admitted he was prevented from working one whole month by a flood, and that he worked only such days as the breaker worked. He could not tell how many days this was. His own statement of eleven month's earnings for himself, his partner and two laborers is appended:

Tons of coal loaded during the year and allowances:

Receipts—	
2,758 tons at 74c	$2,040 92
13 yards cross cut at 78c	10 14
Allowances for cleaning rock one-(half to laborers)	9 00
Opening chamber	9 03
Bailing water ((all to laborers)	3 50
Total	$2,072 59
Expenditures—	
70 kegs of powder at $1.50	$105 00
139 gallons of oil at 18c	25 02
Blacksmithing	14 06
Total	$144 08
Two miners received each	$574 13½
Two laborers received each	390 12

Averaged Only Three Cars.

George Hobbs, a miner at the Von Storch, testified that he never refused to load all the cars he could get, and that he has averaged only three cars a shift since the strike. He made requests for more cars.

On cross-examination, it was shown that he is cutting two feet of rock in addition to his coal. This was offered in explanation of why he does not get out more than three cars of coal.

J. C. Allen, a Delaware, Lackawanna and Western carpenter, who was refused employment, told that while the strike was on the carpenters, masons and masons' helpers formed a union, framed grievances and were called out on strike by District President Nicholls. When the strike was over, he was not re-employed. Superintendent Phillips told him there was no place for him.

Examined on the weighing question, he stated that it will not be a very difficult or expensive matter to adjust the Delaware, Lackawanna and Western breakers to the conditions consequent upon a change from the per-car to the weighing system. At only two collieries, he said, would there be any considerable expense entailed in installing weighing plants.

Got the Strike Fever.

On cross-examination, Major Warren showed that Mr. Allen was one of a small gang of carpenters employed regularly to repair breakers. The gang got the strike fever and quit while the miners were out. They are part of a local composed of mine carpenters, masons and masons' helpers. May 15, 1902, the new local was organized. They at once went on strike. August 1, the Bellevue washery of the Delaware, Lackawanna and Western company was destroyed by fire. The company hired forty carpenters in addition to those secured in the place of the regular gang and rebuilt the washery in twenty-five days. The washery being completed, the company was compelled to discharge thirty-five carpenters. When the strike ended, the witness went around to see Superintendent Phillips with a view of getting his job back. The superintendent told him that the company had more carpenters than it needed; that it couldn't displace men who had stood by the company during the strike. Allen did not ask for any other employment. He is now working as a company hand for the Green Ridge Coal company.

The witness admitted that the demands of the Carpenters, Masons and Masons' Helpers' union were never presented to Superintendent Phillips or any other representative of the company, but instead were sent to District President T. D. Nicholls, of the United Mine Workers. Absolutely no notice was given to the company of the intention of the men to strike. When their grievances went into the mine workers' headquarters, they were called out.

C. T. Gallagher, a miner from No. 5 colliery of the Delaware and Hudson company at Plymouth, told that he could cut six cars in five hours, and

that seven cars was a shift in a chamber, and five in a gangway. The union fixed this as the shift in 1901. Prior to January of this year, and since the close of the strike, he said, he has not been making much better than one-half time. In January he made twenty shifts. He never refused to load all the cars he could get.

Attorney Torrey sought to have the witness give the commission a lucid account of the miners' objections to the per-car system, and some details as to how the per-weight system might be substituted, but it was beyond Mr. Gallagher. He knew, in a general way, that payment by weight would work greater justice to the miner.

Pay by the Day Would Be Unfair.

As to the scheme of paying miners by the day, the witness admitted it would be unfair, as some miners would soldier and the good, industrious miner would suffer in consequence, as well as the company.

Asked how much, in his opinion, a contract miner ought to receive for the day's work exacted of him in his colliery, the witness said $3 to $3.50. Mr. Torrey then showed that the witness and his laborer had earned $6.16 a day and that out of this should be subtracted $2.20 for laborer.

In answer to questions by Commissioner Watkins, the witness said the yardage system could be applied to the whole region, but admitted that the great variation in conditions in different mines would make it a matter of great difficulty to readjust wages on an equitable basis according to the per-weight system.

Rev. P. J. McMahon, of Minersville, testified that a committee of the United Mine Workers addressed a petition to the clergymen of his district, in the early part of the strike, asking them to urge their people to abstain from violence. There was no violence in his town during the strike, and, in his opinion, the troops were not needed.

Six Cars the Shift.

Stephen Ludrey, a Delaware, Lackawanna and Western miner from the Woodward colliery, at Edwardsville, told that six cars was the shift at his colliery, but that, since the strike, he has not been receiving six cars. He was in favor of payment by weight, as it would eradicate the disputes about topping.

In answer to questions by Major Warren, he said this was the only reason he could put forward for favoring the change. He also admitted that in 1901 the average dockage for light loading and impurities was only a little over one per cent.

The men did not work on Mitchell Day, Thanksgiving Day or New Year's Day, he admitted, although the company wanted them to work, and, in previous years, when no coal famine existed, the men at this colliery worked on Thanksgiving and New Years.

Benjamin Thomas, a Delaware, Lackawanna and Western miner from the Bliss, stated, in reply to questions by Attorney James L. Lenahan, that six cars constituted a shift, but the men have not been able to get six cars since the close of the strike. He never refused to load all the cars he could get.

Proceedings of Wednesday, Feb. 4.

[From The Scranton Tribune, Feb 5.]

Philadelphia, Feb. 4.—The cross-examination of the Reading's statistician and rebuttal testimony from the miners' side to show it is not true that the miners restrict output by refraining to do even the regular shift, took up the time of today's session of the strike commission.

The witnesses called in rebuttal were all from the Lackawanna-Wyoming region. Each in turn declared he was not furnished with all the cars he could load; that he never refused to load cars, and that as a rule the men can not get the regular quota of cars, even since the close of the strike.

Some Delaware, Lackawanna and Western witnesses were put on the stand to explain that the high wages with which they were credited on the statistical statement furnished the commission by the company were not their own net earnings, but represented the earnings of a place at which sometimes as many as four men worked.

Major Warren protested against the introduction of this testimony, attacking the statistics generally, with a few exceptional cases, and alleged it was in violation of an agreement arrived at between the company and the miners, and approved of by the commissioners' statistician. A heated colloquy followed, in which Mr. Darrow contended that Major Warren's representation of the provisions of the agreement was not a correct one. Dr. Neill, the commissioners' statistician, was put on the stand and corroborated Major Warren.

Morning Session.

The first two hours of the morning session were occupied by Mr. Darrow's cross-examination of the Reading company's statistician, H. T. Newcomb. It was very exhaustive and did considerable violence to Mr. Newcomb's figures. There was no disturbing of their accuracy, however, because they were all taken from government reports, and every deduction was plainly set forth.

There were frequent tilts during the cross-examination between lawyer and witness, and several times Judge Gray was moved to censure Mr. Darrow for excited utterances.

Once when Mr. Darrow succeeded as he thought in getting the witness to orally contradict his figures, he blurted out, "Do you want us to believe it is you or your figures that is lying?"

"You have no right to ask such a question," angrily retorted the witness. "It is insolent and impudent."

"You are overstepping the limits of cross-examination, Mr. Darrow," interposed Judge Gray.

Mr. Newcomb was giving an extended answer to one of Mr. Darrow's questions, when Mr. Darrow remarked: "Have you ever given lectures?"

"I am giving a kindergarten lecture now," quickly responded the witness.

"To the commission?" asked Mr. Darrow.

"No, to you," replied the witness.

"I doubt," said Mr. Darrow, "if you are qualified even to give kindergarten lectures."

"This cross-examination is not a duel," again interposed Judge Gray. "It is for the information of the commission. When it ceases to be that, it must cease altogether. I have no doubt but that the witness is a competent statistician."

"Well, I have," retorted Mr. Darrow, bent on having the last word.

What Darrow Would Infer.

Some little time later, Mr. Darrow made reference to some deductions made by the witness and asked:

"What am I to infer from these figures?"

"You would infer just what you preferred to infer," replied the witness.

At the close of the cross-examination, Attorney Wolverton put in another big raft of statistics showing comparative wages, among them a comparison showing that rolling mill hands working a full year, or 313 days, earned on the average only as much as mine workers, who are employed only a little more than half that time.

Commissioner Clark asked if it was not true that mine workers, even if able and so disposed could not work a full year. Mr. Wolverton admitted that the operators could not give them a full year's work.

Mr. Darrow suggested that the companies might store coal in dull seasons. Mr. Wolverton said this was impracticable. Mr. Darrow contended that it was necessary to the operation of anthracite mines to either store coal or store men. In busy seasons a large force of men are needed, he went on to say, and because of this necessity the company must provide enough wages during the busy seasons to keep the men during the idle seasons.

Mr. Wolverton argued that this was

not good reasoning. The companies are not desirous of having the existing surplusage of men. They are there, however, and the work is divided among them. It would be a good thing all around, Mr. Wolverton declared, if twenty-five per cent. of the mine workers in the anthracite region could be induced to emigrate to some other locality. Then, Mr. Wolverton contended, the remaining 75 per cent. could be assured of steady employment.

Judge Gray could not understand why there should be a surplus of men in the anthracite region. "It surely isn't the scenery that keeps them there," said the judge.

Mr. Wolverton's explanation was that the men found the work the most desirable they can possibly get, and although they all understand there are too many men for the places available they insist on "hanging around" hoping to get the best places. He also pointed out that many of these men "hanging around" are men who have worked in the bituminous regions.

Incident of Local Interest.

An incident peculiarly of local interest transpired at the close of the morning session. Evan Thomas, a typical Welshman, was one of a number of miners from the Woodward colliery of the Delaware, Lackawanna and Western company, at Kingston, who were put on the stand to explain that the big wages with which the statistics credited him were earned at "narrow" work, and divided with more than one laborer.

When he had concluded his testimony, Judge Gray asked in his most pleasant tones if the witness was not a Welshman.

"Oh, yes," replied Mr. Thomas, with seeming surprise that anyone should have to inquire as to his nationality.

"How long have you been in the country?" queried the judge.

"I have been in this country twenty-one years," the witness replied.

The judge then went on to engage the witness in a conversation about Welshmen, when the witness shrugged his shoulders and intimated that he could not quite follow the judge's questions.

"I'm a wee bit nervous yere," said Mr. Thomas, "but if you will talk to me in Welsh, h'ill talk to you all you want."

"You talk Welsh in this country, too?" remarked Judge Gray.

"'Deed yes," said the witness. "I'll teach you Welsh hif you'll teach me hinglish."

"If I could talk Welsh as well as you talk English," said the judge, "I believe I would be able to get along pretty well in Wales."

Some ladies who were occupying the seats in the rear of the bench alloted to guests of the commissioners, were close listeners to the colloquy, and evinced an interest in Mr. Thomas which would indicate they never before had seen a son of Gwalia.

"Have him talk some Welsh," one of the ladies whispered.

A Sample of Welsh.

"Say to me in Welsh, 'I have been twenty-one years in the country.' I have never heard the Welsh language spoken," requested Judge Gray.

"Yn yr wlad un blynedd ar egan," promptly came from the witness box.

"What's that?" came with a snap from the official stenographer.

"Oh! I guess you won't need to get that on the record, Mr. Stenographer," suggested Judge Gray, at which there was a general laugh.

As the witness was leaving the box, Judge Gray thanked him profusely.

Mr. Thomas' testimony was to the effect that the $1,690.25 which the statistics credited him with earning in 1901, was divided among four men, two miners and two laborers. This was the money earned on a contract for an airway. He got the money for half the coal, and all the yardage and timbering allowances. His partner got paid for half the coal. All the money was put together and equally divided between them, after laborers and supplies were paid for. His net earnings, he said, were about $700.

Daniel Evans, another Woodward miner, was credited with $1,520. He explained that this was earned for the most part working four-handed. For three months of the year he had a miner and two laborers working with him. The rest of the time, except for a few days when he worked single-handed, the place was worked by himself and a laborer. The miners averaged about $15 a week. The laborers were paid $2.53 a day when they worked four-handed and got out nine cars. The witness could not tell how much the laborers' pay would amount to in a week, as he could not remember how many days were worked.

Major Warren brought out the fact on cross-examination that all the chambers are worked two-handed, except for those in which the miner does the cutting and loading unaided.

Shadrach Lewis, also a Woodward miner, told that of the $1,984.53 credited to his "number" on the Delaware, Lackawanna and Western statistics, his net earnings were $661.58. Sometimes, he said, he worked with another miner and four laborers.

A Day's Work.

The witness was asked how long he had to work to earn this money.

"A nine-car shift will keep a miner in all day," said the witness.

"What do you mean by all day?" asked Judge Gray.

"Oh, seven or eight hours," replied the witness.

Superintendent Reese A. Phillips, of the Delaware, Lackawanna and Western mining department, took a hand in the cross-examination of the witness, and showed that in 1901 the Woodward worked less than two hundred ten-hour days, and that the witness never worked on days the mine was idle.

Major Warren tried energetically to have the witness tell how many days he actually worked, but the witness had no record of it, and would not give any estimate better than that it was between two hundred and two hundred and fifty days.

Afternoon Session.

At the opening of the afternoon session, Attorney James L. Lenahan continued the calling of Delaware, Lackawanna and Western men, who were credited by the statistics with wages of over $1,000. They explained that they were working with more than one laborer, and sometimes with a miner and two laborers, and that their share of the combined wages amounted to only $700 a year or thereabouts.

John Apple and William Gregory, of the Woodward; Frank Richards, of the Avondale; John J. Williams, of the Bellevue; Samuel Gibbs, of the Hampton, and Peter Meager, of the Hyde Park, had given testimony along this line, when Major Warren reiterated an objection made at the morning session to the presentation of this kind of testimony alleging it to be unfair and in violation of an agreement made with the miners' representatives.

When the company's statistics were in course of preparation, Major Warren went on to explain, it was intended to make a distribution of the earnings of a contract on the basis of two-thirds to the miner and one-third to the laborer. The representatives of the miners protested that this was not a fair distribution and at their own suggestion it was changed to 64 per cent. and 36 per cent. respectively. Then, it was understood, Major Warren declared, that this would be accepted by all parties concerned as a fair basis of distribution. The fact that there are some four handed places and as far as averages go they would be counterbalanced by single-handed places was mentioned and agreed to. This being the case, it was unfair, Major Warren contended, to bring in the few four-handed exceptions to the general two-handed rule and have them throw discredit on all the statistics.

Commissioner Watkins agreed that the exceptions one way or the other ought not affect the general averages for distribution.

Mr. Darrow emphatically repudiated the agreement as stated by Major Warren. His understanding of it was that 64-36 distribution should be made to apply only to contracts which were worked two-handed.

Contract with Every Miner.

Judge Gray asked if there was any way of telling how many of the items represented four-handed places.

Major Warren explained that unlike some other companies, which have but one contractor in a place, the Delaware, Lackawanna and Western makes

a contract with every miner. Some one of the two contractors is accounted with for the extras, such as yardage, bailing water, timbering and the like, but both appear on the pay roll and in the statistics, the one for the extras and half the coal and the other for only half the coal.

This was news to Judge Gray. He had understood that when a miner in a four-handed place was credited in the statistics with say $1,200 he had to divide that among four men. The fact that the other miner also appeared on the roll and the statistics credited him with one-half the coal sent out or something in the neighborhood of $700 or $800, was not known to the judge. This new light, he said, put a different phase on the case.

Commissioner Parker, who it will be remembered, is chief statistician of the United States geological survey, gave it as his opinion that even in as small a number as one hundred men, taken at random, the average would be correctly obtained by the method the Delaware, Lackawanna and Western company pursued.

There was some further exchanges between the lawyers concerning the agreement in question, when Judge Gray asked Dr. Neill, assistant recorder and chief statistician for the commissioners, to take the stand and explain what the agreement was as he understood it, he having been present when it was made. Dr. Neill said:

"When the first statements were handed in concerning the wages, one-third of the gross earnings was deducted from the net earnings of each miner, and was supposed to give the actual amount left for each miner. That was accepted by all sides, and was figured in open court by Judge Gray in Scranton. Two months after this began, a claim was made that that was not high enough. Some of the representatives on the miners' side claimed that it ought to be 37 or 38, and some even said it might be 40 per cent.; and the companies were then requested to refigure on the new basis of something like 37 or 38 per cent. One of the representatives of the miners said that they would be satisfied with 38 per cent., and at a meeting up-stairs, at which I was present without any authority from anybody, except as an on-looker, it was suggested that they decide on 37 per cent.

"I said in that meeting, as Judge Gray said a moment ago, that the commission would not accept any agreemnt entered into by two gentlemen two or three hundred miles away from the mines; and I suggested to Mr. Baker, of the Lackawanna and Western, that he go down to his mines and send his foremen through every colliery in the mines, and ask every miner in the mines, in the presence of his laborer, what he paid his laborer last year, and how many laborers he had, and how long they worked with him.

"It was understood then that this 33 1-3 per cent was wrong—not, as Mr. Darrow says, because part of the deductions were made—but because the 33 1-3 per cent. is figured on the gross earnings of the miner before he has taken anything out for deductions; and the difficulty came here—that in the strike of 1900 the miner gave his laborer a flat increase of ten per cent., but the miner's gross earnings only increased 2½ per cent. Therefore, the laborer's proportion to the gross earnings was a little more than 33 1-3 per cent.

As to Laborers.

"It was then figured out that some miners had more than one laborer; some might have two, or some might have three. On the other hand, there were miners who had no laborers, and there were other miners who had a laborer for two, three, four, five, six, or maybe ten months in the year. The idea then was for Mr. Baker to have an investigation made, and find what miners had more than one laborer, and those that had one laborer for part of the year. That was done. These figures were brought down and submitted to some representatives of the miners' side. They went over them, and found that, as a matter of fact, counting in those that had one laborer and one laborer for only part of the year, the relation of the gross was about 35 and a fraction per cent., or practically 36; it was made 36 per cent.

"It was then decided that the fairest thing to do would be to take every miner from the top down, whether he had two laborers or one laborer, or half a laborer, and deduct 36 per cent. Now, the cases that have been presented here today are cases in which men had more than one laborer, and the deduction should have been more than 36 per cent. But, according to the statements that Mr. Baker brought down, there are other cases in which the deduction would only have been 20 per cent., or perhaps even less than that; and the 36 per cent. has been deducted straight along. So that for all the cases it was assumed that in proportion, as there were cases whose earnings were placed too high, there were other cases in which the earnings were placed too low.

"And, if I have been able to follow the testimony correctly, though I may be mistaken in the name of the man, the case the chairman spoke about a moment ago, for example, there was one case in which the earnings appear as $1,200, where the miner says he only got $660. That was the case of Shadrach Lewis. Now, he says that his assistant miner there, the man who worked with him was Evan Griffith. I did not find any Evan Griffith on this roll that I had: but there is an E. P. Griffith here, and if he is the same man he is put down there for $144, whereas he got the difference between the $661 and the $1,200 with which Lewis is credited, which would have brought him up from the $144 column into the $650 column."

"They would average about $800 apiece?" suggested Commissioner Parker.

"No," said Dr. Neill: "they would average about $675, or something like that, apiece. That was my understanding. I was not present at the time this agreement was reached; but it was reported to me the next day by both sides that they had agreed on 36 per cent. as about a fair deduction to be taken off every single name, irrespective of whether the man had one laborer or half a laborer. In other words, it would about equalize.

"It would be true that there would be men whose earnings would appear too high, but, on the other hand, there would be men whose earnings would appear too low, and they said that the two things would about equalize themselves. As I said before, my understanding was that that was based on as careful an investigation as could be made by the Delaware, Lackawanna and Western company, and was submitted to the representatives of the miners' side, who agreed that it was a fair estimate, and as near the fact as it was possible to get."

"I utterly repudiate," said Mr. Darrow, thoroughly nonplussed, "that we agreed not to investigate how many cases there were of men working four-handed or three-handed, as the case might be, or how many men among these high-wage men were doing contract work on airways or the like, where the earnings are larger than in regular chamber work."

"Yes," assented Judge Gray. "You may show this. It is probably important to know whether or not they are a negligible proportion."

More Car Witnesses.

A number of witnesses were called during the afternoon to show that they can not get the full shift of cars; that they are willing and anxious to load them, but the company will not furnish them, and that they never refused to load all the cars they could get. Each also told that he would prefer to have the payment by weight system substituted for the present per car system.

John A. Davis, of the Brisbin; Griffith Powell, of the Cayuga; John Kelly, of the Central, were Delaware, Lackawanna and Western witnesses who gave this sort of testimony. Mr. Powell created a hearty laugh by calling out: "Here, Phillips, you sit down; one at a time is all I can handle," when Superintendent Phillips stood up alongside Major Warren to suggest a question.

Richard Llewellyn, of the Forest City slope of the Hillside Coal and Iron company, said he has averaged only three cars a day on a six-car shift since the close of the strike, because the company will not furnish the cars. He was proceeding to tell, also, of a man being blacklisted, when Major

Warren objected on the ground that it was only hearsay. Judge Gray sustained the objection, saying blacklisting was too serious a matter to be dealt with in that way.

Anent the coal famine, the witness told that the two breakers at Forest City were idle a total of five days in January by reason of a scarcity of railroad cars.

Morris Keefe, of the Consolidated colliery of the Pennsylvania company at Dupont; Richard F. McHugh, of No. 10 colliery of the Pennsylvania company at Pittston; William Hopf, of the No. 5 colliery of the Pennsylvania company at Dunmore, and John Shananski and Thomas Jennings, of Babylon and Forty Fort collieries, respectively, of the Temple Iron company, told of the company failing to furnish them their full shift of cars.

Proceedings of Thursday, Feb. 5.

[From The Scranton Tribune, Feb. 6.]

Philadelphia, Feb. 5.—After a sitting of exactly fifty-one days, the anthracite coal strike commission concluded the hearing of witnesses at 5 o'clock this afternoon, and adjourned until next Monday, when it will begin to hear the arguments of counsel representing the several sides. The arguments will take up five and a half days, the operators having been assigned three days, and the miners the remainder of the time.

Today's sessions were taken up in hearing the last witnesses presented by the miners in rebuttal. Much of it related to the alleged unequal distribution of mine cars, nearly a dozen witnesses testifying that they could load more cars than the companies furnished them.

In all, the commission heard 566 witnesses. Nine of these were called by the commission, 244 by the union miners, 155 by the non-union miners and 158 by the operators. The stenographers took down approximately 9,250 typewritten pages of testimony, or 2,300,000 words.

A considerable period of the morning session was occupied by a discussion of alleged discrimination at a Moosic colliery of the Erie company, in favor of two men who had worked during the strike. General Manager May was called to the stand by Judge Gray and questioned at length concerning the allegation. Mr. May knew nothing of the affair, except what he learned from the miners' witness, but told how such a thing possibly could have taken place without being an injustice.

"Jimmie" Gallagher, one of the victims of the Markle evictions, who was "half-killed twice," by mine accidents, according to his testimony in Scranton, was re-called to rebut some Markle statistics, and, again, provoked no end of merriment by his witty answers.

None of the district presidents was called to the stand, although President Mitchell intimated they would all be called to testify. Ex-District President Duffy took the stand to clear himself of the charge that he led a mob at Hazlebrook, which turned back some imports, by the use of violence and threats. He admitted he turned back the imports, but insisted he used no violence or threats, and prevented others from doing so. It was brought out on cross-examination that he became an American citizen only last month. District President Nicholls was present at the sessions since Monday, but District President Fahy did not put in an appearance. The railroad presidents and bituminous operators were also wanting as witnesses.

The Morning Session.

The morning session was opened by Attorney James F. Shea with a renewal of the repulse of the operators' allegation that the miners do not load all the cars they can get.

Philip Clifford and John Sheridan, a laborer and miner at the Central shaft of the Pennsylvania Coal company at Avoca, told that they can not get the regular shift of cars.

William Atwell, a miner at the Consolidated colliery of the Hillside Coal and Iron company, near Moosic, testified that he was one of a committee which went to see the foreman to complain of unequal distribution of cars. Some men, he said, received only eighteen cars, while others received eighty-nine. The foreman said he would redress the grievance. He failed to keep his promise and when the committee went to him again, he told them if they didn't like it they could get out.

On cross-examination, Major Warren developed the fact that the only complaint the men presented was that the heading men were receiving more cars than the chamber men, and that the foreman told them as long as he was in charge the heading men would continue to get the preference whenever it is necessary to push this class of work. He admitted that the cars are divided equally among the chamber men.

Later the witness said the men were satisfied that the heading men should receive the preference in cars when necessary, but what they objected to particularly was that the number of cars to heading men was being increased by widening the headings to eighteen feet, which the men considered unnecessary.

The witness had an incidental complaint to make of discrimination in favor of Jimmie Johns, the father-in-law of the inside foreman. Jimmie always got a full shift of cars, and the boss said he would continue to get them.

The witness produced a schedule showing that the foreman's father-in-law and another non-union miner, both of whom worked during the strike, got out about forty per cent. more tonnage since the strike than the union men.

Judge Gray studied the schedule for a while and then asked General Manager May to take the stand and explain, if possible, how there were such discrepancies. Mr. May admitted that he did not know anything about the details of the matter, but said there were a number of ways in which such discrepancies might come about.

The men with the big tonnage might be heading men, or the men with the small tonnage might have had rock to take out, and their coal tonnage, in consequence, would be small. It was also possible, he said, that the driver boss took especial care to see to it that the drivers and runners did not discriminate against the two non-union men in question and in that way they were more than well taken care of.

Cars Were Ordered.

It was a further fact, Mr. May said, that at this particular colliery there is a shortage of mine cars. Orders for new cars have been placed since last year . but on account of the big demand for material all over the country it has been impossible to have the orders filled. There has also been a scarcity of railroad cars, he said, which would be a factor in accounting for the general low average of the daily cars sent out.

The capacity and energy of the men, Mr. May said, also became a factor in explaining the unequal distribution of cars.

The runners and drivers sometimes are at fault for unequal distribution, Mr. May further said.

"Can't you discipline them and compel them to make an equitable distribution?" asked Judge Gray.

"We attempt to discipline them," the witness answered, "but our attempts are unsuccessful, owing to the deterioration in discipline due to tne union."

"The unequal distribution is due to insubordination, you say," interrupted Commissioner Clark, "and although it is objectionable to both the miners and the company, it still goes on?"

"Yes, that's true," assented Mr. May.

"A pretty condition, surely," remarked Commissioner Clark.

"Why is it the drivers give to non-union men more cars than to union men?" queried Commissioner Spalding.

"This is the first I have heard of such a thing being done," replied Mr. May. "I do not know that it is done. If it is, it can be, accounted for possibly by the non-union men having places that must be driven rapidly to reach air. Possibly, as suggested before, the driver boss looks after the non-union men more carefully than the others, because of the likelihood of their being

discriminated against if not specially looked after, and in that way they get more than the average share of cars."

"In an effort to do them justice," suggested Judge Gray, "you do the others an injustice. Isn't that it?"

"Possibly," said Mr. May.

"Isn't that a bad condition, Mr. May?"

"It is a bad condition," he candidly assented.

"I trust you will see that it is remedied."

"I certainly will," said Mr. May.

"I know you will," remarked the judge.

Never Heard Complaints.

In answer to a question by Major Warren, Mr. May stated that he had never heard of any complaints about unequal distribution at this mine until this very morning.

Judge Gray reverted to the instances of the non-union men receiving more cars by far than the union men and suggested it was possible they were being favored intentionally, because they were non-union men.

"I do not know that that is so, but if it is I want to say for the foreman that it is a pretty hard thing to go back on those who stood by you when you were in need."

"It's bad management in this case, though. Don't you think so?" asked the judge.

"I would not say it is good management. I do not know it is being done."

After leaving the stand, Mr. May sent out immediately to have the foreman at the colliery to telephone his explanation of how these things came about that the miners, on the face of things, have justly complained of.

James O'Garrah, a miner from the Delaware and Hudson colliery at Jermyn, told that he could not get all the cars he wanted, and that the heading men were given the preference in the distribution. Mr. Torrey contented himself on cross examination with showing that there are vastly too many men for the available places at this colliery, and that the colliery has worked to its full capacity ever since the strike.

Richard Stevenson, a 60-year-old miner from the same colliery, who has worked in the mines since 1866, testified that he loads all the cars he can get. On cross-examination, he said he had little complaint to make of the treatment he has received from the company. He generally gets through work, he said, at 11 o'clock in the morning.

Patrick J. Toolan, from the Delaware and Hudson company's Coalbrook colliery at Carbondale, would load more cars if he got them, but the company gives him only a partial shift of cars. He presented weighing sheets for twenty days, to show discrimination in the distribution of cars. Joe Wilson, John McAndrew, John Battle, Mike Bull and John Bull, he said, could get all the cars they wanted, for years past, while others were not able to get a full shift.

Mr. Torrey showed on cross-examination that not one of these men is a chamber miner; that each of them is either on headings, airways or road widening work, and that it is necessary that men on this class of work should have the preference in cars.

Too Many Men.

"Isn't it a fact that there are too many men at that colliery?" asked Mr. Torrey.

"Yes, that's all of the trouble," the witness admitted.

"That very thing has been running through my mind for a couple of weeks," said Judge Gray. "It seems to me one of the great troubles is that there are 100,000 men trying to make a living out of work that 75,000 can do."

"Why," asked Mr. Torrey of the witness, "do you not go to some of the collieries in the Wilkes-Barre region where your men testify they are shorthanded?"

"I would," replied the witness, "if I could get a good job."

Anthony Murphy, of Delaware and Hudson colliery No. 2, at Olyphant, told that he could not get all the cars he wanted, and admitted on cross-examination that there are far too many men at this colliery.

One of the operators' contentions is that "Demand No. 3," of the miners' union, is simply an additional demand for increased wages. President Mitchell denied that this was so, and averred positively the only purpose was to change from a system which causes misunderstanding and dissatisfaction.

Patrick J. Ford, a Lehigh Valley miner from the Heidleberg colliery near Pittston, testified he wanted a change from the per-car to the per-weight system, and was cross-examined by Attorney Franklin I. Gowen.

"Why do you want your coal weighed?" asked Mr. Gowen.

"Because," said the witness, "it is a better system."

"Why is it better?"

"Well, I send out three cars at 97 cents a car and there are three tons in each car. Now I don't think that very good."

"Then you want a change in system so as to get an increase in wages?"

"Well, it is this way—"

"Now, isn't it a fact you want to get increased pay by the change?"

"Yes, that's it," reluctantly said the witness.

"I thought so," remarked Mr. Gowen. "That's all."

Peter Lavelle, John Lally and Anthony Cain, from the Lehigh Valley company's colliery at Centralia, denied the allegation made by Superintendent Robert S. Mercur that he could not induce them to get out a full shift of cars, even during the coal famine. They could not get what cars they wanted, they declared.

Mr. Gallagher's Testimony.

Mr. Lavelle admitted in answer to Mr. Gowen's questions, that he earned $61.62 in December, and $37.65 in the first half of January.

James Gallagher, more familiarly known as "Old Jimmie Gallagher," whose humorous answers at the Scranton session made him one of the characters who will live in the history of the commission, was next called by Attorney Darrow to attack the statistics of George B. Markle & Co.

Mr. Gallagher is one of the thirteen Jeddo men refused re-employment by Markle & Co., and one of the twelve who were evicted from the Markle company houses. The company says these men were guilty of conduct during the strike which made them undesirable as employes. The men, themselves, claim they were discriminated against because they were officers of the union, or active in furthering the strikers' cause.

The statistics submitted to the commission show that Mr. Gallagher earned $776 in 1901. Mr. Gallagher averred that this figure represents the earnings of himself and his minor son, who was his laborer.

The statistics were further attacked by Mr. Gallagher with a statement to the effect that the company charges on the miners' account as merchandise, a lot of articles which should be figured as expenses, such as oil, cotton, tools, squibs and the like. He figured that these supplies amounted to $5.50 a month.

For oil he paid 35 cents a gallon at the company store. He could get a better quality of oil for eighteen cents at William Boyle's store in Freeland. The company charged him five cents a foot for blasting barrels. At Boyle's store he could get them for three and one-half cents a foot.

In the Markle & Co. answer there is a table showing wages earned by the eleven best paid men in the company's employ. At the head of the list is Thomas Elliott, who is credited with having earned $4,402 in 1901.

"How about this miner?" asked Mr. Darrow.

An Operator.

"Sure, he's no miner at all," said Mr. Gallagher. "He's an operathur."

When the laughter died out, Mr. Gallagher proceeded to explain that Elliott has been handling big headings, gangway, cross-cut and airway contracts for fifteen years, and usually employes three miners and six laborers. The $4,402, the witness averred, was divided among ten men.

It would be impossible, he said for a man to make that much money for himself. He would have to drive eighty-five yards a month, the witness said, and that is impossible, the year around.

Attorney Samuel Dickson and General Superintendent Sydney Williams, of Marke & Co., in answer to ques-

tions from the commissioners, asserted that Elliott earned $4,402 net; that this was his actual profit for the year, and that none of it went to anybody else. The pay roll for November, 1901, was produced, and it showed that Elliott drew in cash, as his share of the earnings of the contract, $206 for two weeks.

In the cases of the ten other high-wage men, Mr. Gallagher insisted that they were all special contract men and that the wages with which the statistics credited them were divided among several men.

Mr. Dickson denied that the statistics represented anything other than the actual net earnings of the different men. He asked that the commission send its expert statistician, Dr. Neill, to Jeddo to verify this statement.

Mr. Gallagher was next examined as to the desirability of paying by weight. For twenty years, to his "known and knowledge," the miners have wanted a change from the per-car to the per-weight system. It would put the operators to a big inconvenience, he thought, but in the long run it would be better to pay by weight or else pay by cubical contents of the car. Then, said he, the company could send in any sized car it saw fit.

"What, in your opinion, is the most satisfactory and fair way for paying?" asked Judge Gray.

"Payment by weight," answered the witness. "If you pay by weight, the car won't grow, or if it does grow, the miner won't care."

Mr. Gallagher then made the allegation that he is being blacklisted.

"I can't get a job," said he. "John Markle has put me down as a criminal, and nobody wants to hire a criminal. He's deprived me of my means of living."

"What criminal act does he charge you with?" asked Mr. Darrow.

"I don't know. I met him one day and bein' as I knowed him since he was in short pants, I called him John. 'John,' says I, 'why did you throw me out?' 'For the same reason as the others,' says he, 'for criminal acts.' 'Where and when,' says I, 'did I commit any criminal acts?' 'It's how your memory must be short,' says he. That's all I could get out of him. He wouldn't discuss it with me."

"In the company's office," continued the witness, "there's a book with a black stroke forninst the name of every man who committed a criminal act. Mr. Williams there, I don't know him very well, but I think he's a gentleman, and he'll tell you there's no black stroke forninst the name of Jimmy Gallagher.

"There was no cause for us to commit any criminal acts at Jeddo," the witness went on to say. "We had no one there to contend with. There was no one working and no non-union men around. There was no one to have trouble with, even if we were willing to have trouble."

On cross-examination it was shown that Elliott, the star wage-earner, worked his nine men in three shifts, of eight hours each, and that in the first two weeks of August they drove fifty yards of gangway and fifty yards of cross-cut. Mr. Gallagher admitted this was quite possible if they worked in three shifts.

Commissioner Watkins asked the witness what he thought of the day wage system of paying miners. Mr. Gallagher thought it was all right and that the miner ought to get between $4 and $5 a day. Commissioner Watkins asked him how he would protect the company from imposition by lazy or incompetent miners. The witness said that if a man did not cut his regular shift of cars he could have his wages cut down proportionately. The commissioner pointed out that this was getting back to the contract per-car system. The witness had to admit that it was.

Commissioner Clark suggested that if the miners were paid by the day, the company would likely see to it there was no shortage of cars.

Afternoon Session.

Superintendent Sydney Williams, of Markle & Co., was called to the stand by Attorney McCarthy for cross-examination on the matter of the company's pay rolls. The lawyer was unsuccessful in an attempt to show that the high wage men previously referred to had to divide with a number of laborers the earnings accredited to them by the statistics. Mr. Williams also testified that the oil sold at the company store was of a special quality made for the company by the Atlantic Refining company.

James J. Burke, of Dorrancetown, who was serving as a coal and iron policeman at the William A. colliery of the Lehigh Valley company at the time Luiggi Vinazzi was found dead just outside the stockade, admitted, in answer to questions by Attorney John J. Murphy that a fellow coal and iron policeman named Bailey admitted to him that he shot Venazzi..

In telling of Bailey's admission, the witness said:

"I was eating my lunch at the time, and I thought the shot came from my post. I had left another man to my post, while going to lunch, and when I went up there I asked him was it he fired the shot. He said no, it was Bailey. Bailey came up afterwards and I says, 'Did you fire that shot?' He says 'Yes.' 'Did you kill him?' He says, 'No, I don't think I did.' I says, 'How was it?' So he said, 'I saw the fellow passing by, the chief and myself—Chief Kline he had reference to—passing by the fence, and I found a barrel, and, while I was getting up, he exploded a revolver.' I remember distinctly the five shots fired, two bang, bang—bang, bang, bang. Bailey got up on this oil barrel and looked over the fence, and he says to Kline, 'Will I kill him? Kline says 'No, scare him. So I pointed the gun in his direction—I first saw he moved in close to the fence, so I just pointed my gun in his direction and let it go.' I says, 'Did you kill him?' He says, 'No,' I don't think I did.' 'I says, 'Did you hear him run?' He says 'No.' I says, 'We will find a dead Italian in the morning.' So when morning came, along we went—the five of us—and found Venazzi's body."

On cross-examination, Attorney John T. Lenahan brought out the fact that the witness hase been having a very hard sort of a life at Doranceton, since the close of the strike, and only last Monday morning, while on his way to work, was set upon by two miners and given a brutal beating.

Dr. W. M. L. Coplin, professor of pathology in Jefferson Medical college and bacteriologist of the state board of health, exhibited five jars containing lungs, one of them a normal lung, which was almost white, and four of them lungs of miners, more or less blackened, by inhalation of coal dust, one of them being as black as coal itself. He also exhibited to the commissioners with the aid of microscopes sections of a normal lung and a miner's lung seriously affected with anthracosis or discoloration and poisoning from anthracite coal dust. Anthracosis, the doctor said, was liable by irritation to induce bronchitis and consumption.

On cross-examination, Major Warren secured an admission from the witness that the American Journal of Medicine, a recognized authority in the profession, declared in a discussion of the testimony of the doctors at the Scranton session, that surprising as it might seem in the face of this testimony mining was a healthful occupation.

The doctor also admitted that the inhalation of coal dust was less dangerous than that of any other of the dusts commonly inhaled, such as wood and stone dusts. It was possible, too, the witness said, that coal dust could be taken into the lungs without harm. The particles have no tendency to become encysted, and when they do they are rendered harmless. There is no poison in the dust of coal, he further admitted, as in some metals.

On further cross-examination by Mr. Darrow the witness said that of course the presence of any foreign substance in the body was not conducive to health.

The first of the district presidents of the United Mine Workers to appear on the stand was Thomas Duffy, of McAdoo, who was president of District No. 7 during the strike.

It was testified to on the operators' side by Superintendent Weber, of the Wentz & Co. Hazlebrook colliery, that President Duffy used threats and incited violence to prevent seventeen imports from taking the places of the striking steam men. Twelve of the seventeen men were induced to desert

soon after their arrival at the station, and President Duffy paid their way back to Philadelphia.

President Duffy denied having made threats or incited violence to accomplish the winning over of the imports. He heard they were coming and went down to Lumber Yard Junction to meet them. He boarded the train and accompanied them to Hazlebrook. A large crowd was assembled at the depot and some boys and girls called them "scabs." The witness quieted the crowd, warned them to behave and then called on the imports to be men, refuse to take other men's places, and go back to Philadelphia. He succeeded in winning over twelve of them and paid their way back to Philadelphia. The next day the others were sent home. He denied emphatically that he called the imports profane names.

Attorney Samuel Dickson cross-examined President Duffy. He first brought out the fact that Mr. Duffy came to this country in 1886, became president of District No. 7 in 1898, and did not become naturalized until the third of last month.

Mr. Duffy was reluctantly compelled to admit that he knew these imports were brought in to man the pumps and save the colliery from destruction, and that as a result of the company's failure to get men, the colliery was drowned out and is still drowned. The shortage of coal, as a result, is increased 5,000 tons, and between 300 and 350 men are thrown idle.

When asked why the steam men were called out in 1902 and had not been called out in 1900, Mr. Duffy explained that in 1901 the steam men went on an independent strike, and were forced back at work, with the understanding that when the mine workers in general should present grievances they would be allowed to strike for the enforcement of their demands. The steam men renewed their demand for privilege to strike for the enforcement of their demands, and they were told that they might strike if the operators did not grant them an eight-hour day.

Mr. Duffy admitted the truth of the allegation that the union refused permission to the Sandy Run union to supply men to work the pumps and that as a result the mine is still idle.

Judge Gray asked President Duffy what would have happened to the Hazlebrook imports, if they had "exercised their right" to persist in working.

Mr. Duffy declared nothing would have happened to them. "I went there for the purpose of helping to keep the peace," declared Mr. Duffy.

Henry Collins, of Carbondale, national organizer of the United Mine Workers, gave his side of the strike incidents at the Black Diamond colliery, of Carbondale, related by President W. G. Thomas.

President Thomas in his testimony stated that he made application to Organizer Collins, during the strike, for eight men to clean up a fall; that the request was refused; that the fall dammed up the water and caused a flood, which did $5,000 damages. Mr. Collins admitted this was so, but explained that he was willing to allow the men to go to work if the union demands were granted.

President Thomas also stated that the union called off his watchmen, although the watchmen petitioned him to let them work. Mr. Collins said as to this that he told the watchmen to tell President Thomas they might work if he granted them an eight-hour day.

Mr. Collins further testified that he made an investigation since the strike and satisfied himself that the work for which the men had been wanted was not necessary to the protection of the mine.

George W. Hartlein, secretary of the United Mine Workers of the Ninth district, testified that last week's reports showed 1,976 men still idle in that district. The week previous the number was 2,400. On cross-examination by Mr. Wolverton, it was shown that practically all these men are idle as a reason of the flooding of mines, from which the union called the steam men.

It was charged that the union called out the stable bosses at Hazlebrook and made it necessary to send the mules out on pasture. To refute this, Secretary Hartlein read a letter which he sent to the Hazlebrook local, advising that the stable bosses be not called out. The letter was offered in evidence. It contained this clause: "I do not think it is right that poor dumb mules should suffer for the obstinacy of their owners."

A batch of letters sent out by Secretary Hartlein during the strike, admonishing against violence, were read. Judge Gray ran across one letter in which permission was given a union man to act as a watchman at a colliery, providing he should not serve as a deputy sheriff or coal and iron policeman. Judge Gray wanted to know why the men should be forbidden to act as deputy sheriffs and coal and iron police. "Is it not a duty of citizenship?" sternly asked the judge. Mr. Hartlein offered no answer.

Executive Board Member Terrence Ginley testified that he and other officers of the union offered to furnish deputies from the ranks of the United Mine Workers to Sheriff Beddell. He expressed the opinion, also, that $3 was a fair day's wage for eight hours' work.

One of the last witnesses called by the miners was a well-dressed, good-looking, smiling-visaged young man from Pottsville, who gave his name as W. H. Jenkins. He was called to discredit the claim that the coal and iron police who served during the strike were eminently respectable gentlemen. Jenkins succeeded in at least discrediting himself. His ready and smiling admissions that he was a general all-around bad 'un fairly disgusted Judge Gray.

Jenkins, in reply to questions, volunteered the information that he had been engaged as a lieutenant of the coal and iron police for the Reading company; he had been arrested for burglary, assault and battery and larceny. He also said he had been charged with shooting two coal and iron policemen.

"Mr. Jenkins, you were known throughout Schuylkill county as 'blood and thunder Jenkins' were you not?" inquired ex-Congressman Brumm, of counsel for the miners.

"Yes, sir." was the reply.

"Cross-examine," said the lawyer.

"I don't think this witness should be cross-examined," exclaimed Chairman Gray, with considerable feeling; "he has discredited himself as a witness. You may leave the stand."

Attorney Wolverton, of the Reading company, remarked to the commission, that he was about to ask the witness how many criminal acts he had committed without being arrested.

The attorneys for the operators and the miners then presented some statistics on various subjects, and Mr. Darrow announced that the miners' case was closed. This ended the hearing of witnesses for both sides.

Chairman Gray's Remarks.

In reply to this announcement, Chairman Gray, speaking on behalf of the commission, said, among other things:

"Well, gentlemen, we have had a very protracted hearing. In some respects the hearing has been an unexampled one, I think, in the experience of this country. The commission has endeavored to keep wide open the doors by which testimony could come to us that would throw any light upon the various very serious questions that we have to consider; and we wish now to thank the counsel on both sides for their co-operation and assistance in the elucidation of the complex questions that have been presented to us.

"On the whole, we congratulate the counsel on the fairness and thoroughness with which they have presented their several sides of the case. There has been much to excite feeling, much to appeal to the passions of men in this matter. We feel that it is a matter of congratulation, and that we ought to congratulate both sides and their counsel, on the good temper, fairness and conciliatory spirit in which they have urged their claims, and with which, by their opponents, those claims have been met and resisted.

It was then agreed that the miners should open and close the arguments, taking Monday and Friday and a part of Saturday. The operators and non-union men will divide Tuesday, Wednesday and Thursday between them.

Mr. Darrow asked if the daily sessions could not be extended a little if it was found they were pinched for time in which to present their arguments.

"Yes, yes," said Bishop Spalding,

with feigned impatience. "We'll put on a night shift if necessary."

Nothing was said by any of the parties or the commissioners anent the matter of calling the railroad presidents or the operators of the bituminous region. The failure of the commissioners to adopt the miners' suggestion that soft coal operators be called to testify to the desirability of recognizing the union, is generally accepted as proof positive that the commission has decided it is not to deal with the question of recognition.

As the closing hour approached all the parties, lawyers, operators, superintendents, union leaders, newspapermen and spectators were standing in a closely packed group in front of the commissioners' bench participating in or giving close attention to the closing words of the chairman. Many pleasant quips were exchanged and after adjournment there was a period of general handshaking. From a survey of the scene presented as the session came to an end it was with some difficulty that one could bring himself to realize that the men clasping hands all around him had been engaged for half a hundred days in one of the most important and vigorously conducted controversies known to modern history.

Proceedings of Monday, Feb. 9.

[From The Scranton Tribune, Feb. 10.]

Philadelphia, Feb. 9.—The first day of the arguments before the mine strike commission was enlivened to the point of being exciting by a brush between President George F. Baer, of the Philadelphia & Reading company and Ex-Congressman Charles Brumm, of Pottsville, one of the miners' attorneys.

Mr. Brumm was reading his closing address, part of which had evidently been written before last week, when denial was made of the allegation that President Baer declared at the white house conference that the miners were responsible for 21 murders, and as a consequence, Mr. Brumm probably unwittingly repeated the falsehood.

President Baer jumped to his feet, criticized Mr. Brumm severely for repeating the lie and a heated colloquy ensued, the details of which are given below.

Mr. Baer came into the session at the opening hour and remained all day. It is the first time a coal road president put in an appearance at the hearings if exception is made of E. B. Thomas, who, while chairman of the Erie board of directors, looked in on the Scranton session on a few occasions.

Mr. Baer shook hands with Attorneys O'Brien and Warren, and then took a seat at the rear of the bar enclosure alongside ex-Senator Wolverton, the Reading's attorney before the commission.

Clarence S. Darrow, chief counsel for the miners, was introduced to President Baer by ex-Senator Wolverton. Mr. Darrow and Mr. Baer conversed for ten minutes while Mr. McCarthy was proceeding with his address. They were the cynosure of all eyes as they inclined their heads so as to be able to converse in low tones, and exchanged what according to their nods and laughs must have been pleasant generalities. Mr. Baer proposes to hear all the arguments that he may know what he is to make answer to, when he comes to sum up for the operators.

Mr. McCarthy entered upon his address at 10.30 o'clock and continued until 2.45 o'clock with a stop of an hour and a quarter for luncheon. He was followed by Henry Demorest Lloyd and ex-Congressman Charles Brumm, who divided the remainder of the afternoon between them.

Mr. McCarthy was listened to with close attention by the commissioners and many of the onlookers. His flights of flowery eloquence and scathing arraignment of the miners' oppressors were provocative of a general inclination to applaud, which was only restrained by the contemplation of the seriousness of the occasion.

Mr. McCarthy's Remarks.

In his introductory remarks, Mr. McCarthy, on behalf of the miners' representatives, thanked the commission for its forbearance during the long days of the hearings. He then went on to tell that he began work in the mines at the age of eight years and continued in or about the mines for twenty-five years. In the days of the Workmen's Benevolent association, he was, he said, a district president before he was 21 years of age. He kept some memoranda of events of these days and from these he wrote a sketch of the early history of trades unionism among the miners. This sketch was read to the commission, together with a history of the early days of the Reading company to show that in breaking up the Workmen's Benevolent association, the Reading almost bankrupted itself. The Reading, he said, has never recovered. The Workmen's Benevolent association is today living in the United Mine Workers of America.

Mr. McCarthy's rough-shod handling of the Reading was listened to with evidences of mixed interest and amusement by President Baer.

Mr. McCarthy entered hesitatingly upon the questions at issue. After disposing of the prefatory sketch and history, he spent half an hour in an anthropological treatise of the matter of "master and man." Disposing of this he finally got into the subject of the conditions of the anthracite region. He said, in part:

The Right to Live on Earth.

When man was placed upon this earth it gave him the inherent right to live upon it. When God ordained that man should eat his bread from the sweat of his brow, God intended then that meant all of the necessities that the earth produced should be his. Nature has done her part to contribute to the necessities and comfort of mankind, and it has been man alone that has been instrumental in changing this law of Nature. It never was contemplated by Nature, or by Nature's God, that two children coming into the world at the same time, the one the scion of the rich man, the other the child of the poor man, that the former should inherit large portions of the earth and the service of hundreds of human beings to wait upon, and the other not to have a single spot to lay its foot, only at the will and caprice of the other.

America has been a history-making nation since the Declaration of Independence. The age in which we live is the most progressive the world has ever known. Rapid developement in science and every branch of industry has been made. Not only along scientific and industrial lines has progress been made, but also along sociological lines. The condition of mankind is steadily improving, because of this phenomenal development. This development causes the condition now confronting us—that of the inequality of man.

In all ages there have been times when it became necessary to redress certain wrongs and grievances, and it always seemed as though Providence provided the proper instrument to accomplish the desired result.

Only in countries where the higher civilization prevails do you find organization and strikes among workmen. In China, for example, men work for six cents a day and the strike was never heard of. The first strike of which we have a record is that of the Israelites in Egypt, when they broke the bonds that held them in slavery in the brickyards of Pharoah. It was also the longest strike on record, as the Jews never went back.

Our country is the greatest country in the world for union. Our first strike for union was the War for Independence, and was for union against King George, one of the greatest of non-union men. The non-union men of that day were the Tories. They were loyal to King George, just as the non-union men of today are alleged to be loyal to the coal companies. The first practical miners' organization in the anthracite region was organized at St. Clair in 1868. It was known as the old M. B. A. This organization entered into an agreement with the coal companies at that time, on what is known as the "three dollar basis." This continued until 1875, when the Philadelphia and Reading Railroad company obtained control of the collieries and succeeded in breaking the miners' union and also in bankrupting the company. From 1875 until 1883, wages were at a very low ebb in the coal regions, and with the advent of the Knights of Labor, began to improve until 1887, when a strike took place, the miners losing.

This ended the Knights of Labor as a

factor in the regulation of wages and conditions in the anthracite region. The next attempt was the organization of the United Mine Workers, in 1900, with a complete organization of the entire region. Since the advent of the union, the miners claim that the men are now independent. This is absolutely true, and is as it should be.

The miner must use an enormous amount of energy to load six cars of coal in a day. The coal must be handled at least twice, and all slate and impurities removed, and all this work must be done in a foul and vitiated atmosphere. The miners' occupation is extremely dangerous. If a miner were to avoid all the dangers and risk incurred in his employment, he would never work a day in the mine. He has always hanging over him, liability to accident and death from gas, gas explosions, powder explosions, premature blasts, falling coal, falling timber, props breaking, cars running away, and many other causes.

Mr. Markle, in his public utterances, has taken great pains to hold up Mr. Mitchell as being something infamous, as something criminal and, indirectly, holding Mr. Mitchell responsible for all the disorder that existed during the strike. The advent of Mr. Mitchell into the anthracite coal regions was like unto a Moses unto the people of Israel. Mitchellism stands for humanity, for justice, for patriotism, it stands for all that is good and noble in man, while in Markleism we find the antithesis of Mitchellism, injustice, oppression, tyranny and character besmirching. The evictions at Jeddo are dealt with flippantly by Mr. Markle in his statement to the public. He argues with great force that he was within his legal rights; that it was no concern of his whether those thirteen helpless families had a place of shelter or not. It was no concern of his whether Mrs. Coll was dying or whether her aged and blind mother had a place of rest. He was clearly within his legal rights there, for none should say him nay. This may be true, but if it is true, it is also true of Shylock. Shylock, when he asked for his pound of flesh, asked for nothing but his legal rights, he asked for nothing but the tenor of his bond.

Humanity shudders, even at this late day, at the mention of the name. The name of Shylock and the name of Markle will be synonomous for generations to come, for he, too, asked for his pound of flesh. It was no concern of his what became of the poor evicted miners. He could well cry out with Cain, "Am I my brother's keeper?"

Markle deceives none but himself when he thinks he has persuaded the public that the evictions at Jeddo were for the purpose of getting possession of the tenements. It was contemplated to strike terror to the hearts of the remaining tenants and employes. The tenure at this place is the worst the world knows today. Even poor down-trodden Ireland has no such tenure to govern it as the Markle tenure at will. Mr. Markle branded Jimmie Gallagher and the rest of these evicted men as criminals, but has not produced one bit of evidence to show that any of these men ever committed a criminal or unlawful act. Mr. Markle said his men repudiated the agreement to arbitrate. From the evidence before the commission, did they not enter into this agreement under protest; did they not say they did not know what they were signing? Mr. Markle does not produce to this commission a single copy of this agreement with the signature of any of his employes. Why does not Markle come before the commission and render his testimony? Every scintilla of evidence produced before this commission by the miners stands uncontradicted. The employes in 1900 said they would submit their grievances to arbitration, but it was Markle who refused to keep to his agreement. Oh, the hearts of Markle, Baer, et al., are in sympathy for the poor, outraged non-union miner! Like unto the tears of the crocodile when luring its victims on to destruction, they use them for their own selfish ends, as a weapon to destroy the miners' union, and in destroying that, destroy the non-union man himself.

It is a striking fact that none of the employes of the Upper Lehigh Coal company appeared before this commission to file complaint. Nor the employes of M. S. Kemmerer & Co., the employes of C. M. Dodson & Co., at Beaver Brook, or the employes of the Buck Mountain Coal company. The testimony of Mr. Leisenring, of Upper Lehigh, shows that where the company treats the men decently the men invariably reciprocate. In all the years since 1886, when the Upper Lehigh Coal company began to ship coal, up to the present time, there never was any grievance existing between the employes and this company that was not in some way adjusted. Even in the recent strike Mr. Leisenring, in his testimony, when asked as to the prevailing conditions said they were by-gones, they were past and now should be forgotten. No discrimination against old and faithful employes. The same can be said of M. S. Kemmerer & Co. and the Dodson Coal company, where E. L. Bullock is superintendent.

The coal companies made a strenuous effort to show that the miners were restricting the output of coal since the strike. This was done for the purpose of turning public sentiment against the miners. They endeavored to show that regardless of the public necessity, in the midst of winter, the miners would rather go on a carousal than work. From the overwhelming preponderance of evidence in this case it is shown without contradiction that the miners could not secure sufficient cars to make anything like a fair day's wages, and when cars were given the non-union men and relatives of the bosses received the greater share.

Superintendent Phillips, of the Delaware, Lackawanna and Western, said that the miners, notwithstanding a ten per cent. increase in wages, failed to earn as much as in the previous year. In contradiction to this is the statement of the president of the same company saying that the miners earned fully thirty per cent. more than in any previous years, showing that the output had been materially increased. Who are we to believe, the superintendent who speaks from memory, or the president, who speaks advisedly from data before him? To grant an eight-hour day would not in any manner restrict the output per year, nor in any manner interfere with the public rights, as it would still leave on the highest time worked in the period of five years last mentioned, which was in 1895, 182 days, it would still leave 72 days of unnecessary idleness.

Eight Hour Day Law.

Especially do we ask the eight-hour day in the interest of the little children who are employed around the mines and breakers. Many of these little children have to support widowed mothers and little orphan brothers and sisters, and, with the long hours now in vogue, have no time to acquire education of any kind. Educate the children and you have better citizens and better workmen as education increases the efficiency of a workman. Intelligence improves even the common laborer working in the streets.

On the weighing of coal we ask that a ton be fixed at 2,240 pounds. This we think is but just to the miner with a minimum of 60 cents per ton and differentiate as now on account of softness or hardness of the vein, or impurities; that docking shall be recognized with the right of the miners to employ a check docking boss. That in all mines where coal is loaded out as it is mined, coal shall be paid for by the ton, and in all mines or parts of mines where chambers are worked at what is known in mining as full, where manways are carried and the coal allowed to remain in the breast until finished, shall be paid for by the yard.

The weighing of coal would do away with the question of topping, size of car, and docking for weight. In collieries where the coal is now weighed, there is no difficulty and no complaint is made so far as the evidence shows, by either the miners or the operators. The miners are unanimous for the weighing of coal wherever it can be done.

In the statement filed on behalf of the non-union mine workers their first claim is for an increase of 20 per cent.; their second for weighing coal. These non-union men are allies of the operators, it must be borne in mind.

The non-union man came in for an unsparing excoriation at the hands of Mr. McCarthy. They would be treated like all other traitors, he said, when their usefulness to their masters is gone. They will be despised by all.

Mr. McCarthy later, however, said he believed the non-union man would eventually join the union, and that the union man will receive him with open arms.

The operator, Mr. McCarthy said, is not the bad, heartless man he is some times pictured.

"When he sits in his slippers," said Mr. McCarthy, "comfortably ensconced in his library, looking in at the cheery fire in his grate, he does not see the blood stains on the coal that comes from the cut and gashed hands of his workmen. He may claim to operate his mines under divine right. That may be questioned. I do not believe the operator knows of the ills of his workman. His greatest offense is that he is derelict in the duty of finding out what the workmen's conditions really are."

Mr. McCarthy was followed by Henry Demorest Lloyd, the eminent sociologist, who has been of invaluable aid to the miners as an adviser during the whole course of the hearings. Mr. Lloyd dealt exclusively with the subject of collective bargaining. He said, in substance:

Mr. Lloyd's Address.

The miners want more than the mere recognition of the union. They want an agreement for the negotiation of contracts and a settlement of grievances with provision for arbitration, if necessary. Arrangements of this kind are ev-

ery year becoming more common in Europe and this country. This voluntary system and the compulsory arbitration of New Zealand are twin brothers traveling by converging paths toward the same goal—industrial peace. The moment the award is made, there will arise questions between the mine owners and the men as to its interpretation and its scope. There are hundreds of sleeping dogs in the relations of the operators to the miners in the anthracite field and we do not know how long they will lie. Some of the operators claim the right to refuse work to a man for being "a gross agitator," and they claim also the right to define to suit themselves what constitutes a gross agitator. The most precious power of all for the pacification of industry, the power to prevent disputes from beginning, will be absent unless the commission exercises the power it has to provide a "permanent" remedy. Unless permanent methods of adjusting such questions as they arise long after this commission has ceased to exist, can be found, the country may find itself at any moment threatened again with the agony from which it thought it had escaped through the intervention of the president. There are probably not half a dozen trade unions in the world which could stand without ruin the expense of such an arbitration as that which the United Mine Workers of America are glad and proud to have had accorded to them—perhaps there is not another one.

The Trade Agreement.

"The trade agreement is the most modern and the most important development in the methods of industrial peace here or in Europe." A review was given by Mr. Lloyd of the results in Great Britain of this method of making trade contracts between capital and labor. In one trade, a period of 150 years of unbroken murders, riots, larceny, machine breaking and strikes was brought to an end in this way.

In America these agreements are becoming more and more common. Conspicuous examples of their success are shown in the foundry trade, the printing business, 'longshoremen and others. The testimony of the employers is practically unanimous that strikes have been stopped, discipline has been restored among the men and equality of competition given to the masters, business security increased by release from the danger of labor troubles. The unions have been faithful in keeping their contracts and moderate in their demands. A better class of leaders is pushing to the front. In the bituminous coal industry the annual joint inter-state conference of operators and miners has just for the sixth year in succession, settled all the difference between labor and capital. During the year 1901, there were two hundred disputes settled in Illinois, 80 per cent. of these were against the workingmen, but were all obeyed.

There has been no mine strike of any importance since these relations of negotiation and arbitration were established, where the arrangement prevailed, but there have been very serious strikes elsewhere. Wages have been increased, hours reduced, the number of children in the mines lessened, better mining laws enacted, and the existing laws better enforced. Neither the president nor the national board ever ordered a strike. In case of dispute, the mines must be kept open and the miners at work.

For the second time in the six years, a fortnights' conference of both sides in one room has given the miners an increase of twenty millions of dollars, and never a shot fired nor a dying woman evicted.

Does Not Affect Non-union Men.

The trade agreement need not, and does not, interefere with the employment of non-union men. The United Mine Workers of America has never gone on a strike against the employment of non-union men. The easiest objection of all to meet is that a monopoly of labor would be created by recognizing the union. There can be no monopoly if non-union men, as well as union men, are allowed to work side by side. Your award, by fixing the terms of employment, will remove the special cause of anger and enmity. It is not the non-union man the unionist fears, but the "scab," the strike-breaker by trade, who lives by getting odd jobs of industrial assassination at high wages, and loafs between whiles, on the theory that it is better to have loafed and lost than never to have loafed at all. There are men among the capitalists who do not care to joint the capitalists' union—the trusts. Why are there no distinguished divines, presidents of universities, great statesmen, to cry aloud over the denial by the capitalistic union of "his sacred right to work" to the capitalistic "scab?"

The trade agreement has put an end to sympathetic strikes and has created in their place the novel institution of sympathetic arbitration. The typographical union of Chicago uses its power to obtain for weaker unions the same right of arbitration it has won for itself. When the masters in this business—the ex-masters—make contracts with other capitalists, they insist on full notice, representation, consideration, and they never dream of being allowed to manage more than their side of the bargain. They who insist on all this for themselves, face about and make arrangements with the miner, in which they refuse him every right of negotiation and representation they claim for themselves. And these arrangements, which they would repudiate if offered to them, they ask him to call a contract. Hypocrisy could go no further. It is not even gentlemanly. Our labor organizations, with their referendum, initiative, voting by mail, strict majority rule, with their strikes to enforce the laws, are far more democratic in their self-government than the churches, the political parties—infinitely more so than the joint stock companies.

The violence that has been proved—proved, no charged—we claim as part of our case. A tally of twenty-one murders was paraded before the president and the country by the coal roads. Of nineteen of these twenty-one, not a word has been heard in the testimony. They must have been stuffed figures, like those of which some corporation statements are made. But what violence there was, we charge in the gross and main upon those who held in their hands the control of the livelihood of the whole population, and refused to negotiate or reason with them. The denial of arbitration, the cruel reference of the whole people to starvation as the judge, was itself a monstrous act of violence. We claim as part of our case the instant hush of peace that succeeded when these same people were able to get the work and the "reasoning together," for which they were clamoring. We claim as part of our case, with regard to violence, the calm which prevailed among the men of precisely the same mixture of nationalities—the miners of Illinois, Ohio and Western Pennsylvania—during the same months. The situation of these two—the anthracite and the bituminous miners—was different in only one great particular. The equality of the one in making of the bargains by which he lived was recognized—that of the other was denied.

Those strikes, scores, hundreds of little strikes since 1900, we claim as part of our case for the recognition of the union. Their cause was not too much, but too little union. These operators would not deal with the power to which these miners had delegated their allegiance—the United Mine Worers of America—who would have kept the miners at work. The operators could have had the perfect order that prevailed at the same time in the bituminous field, on the same terms. The anthracite miners are willing to be disciplined by a power which exists by the joint agreement of the operators and themselves. They are not willing to be disciplined by the operators alone.

The Business Proposition.

The greatest business proposition before the owners of the stocks and bonds of the anthracite coal roads today is whether their managers will be statesmen enough to turn to their service that power of coalescence which made their people one during the last strike. A mighty stream of loyalty to each other and their leaders flows here. That stream can be used to generate a vast force for the successful management of this industry. However soft human flesh is, it will strike fire when it is struck. The greatest social fact of our day is that that instinctive universal spirit of democracy which has written so much history in government, is now making history in industry.

The strike of last summer was the Waterloo of capitalistic absolutism in this country. It broke down as merchant, miner, diplomatist, profit-maker. Organized labor never did civilization a greater service than when it whipped this master to a finish and settled—let it be hoped, for the third and last time in America—that the only business in which there is only one master is slavery, and that in free business there are as many masters as there are parties. Each one is master of himself and no one else. Thanks to the utter incompetence of these antediluvian captains of industry, who walk on Market street, on Wall street, as if it were Mount Ararat and they were fresh from the Ark, the supply of fire in our age of fire has been so disturbed that at least two years must pass before it becomes normal. These miners offer—they have actually begged—to be allowed to become guarantors of each other in discipline, production, contract. The same miners who now scheme how to send out the largest amount of rock and slate with their coal—according to their masters—can be converted into mutual insurers of the purity of their coal, if you will give them mutuality of interest.

We are not asking for favors, but for justice. We acknowledge the superb sense of justice in the American people which gave us this arbitration, this extraordinary effort of industrial justice. We acknowledge it, but we are not grateful for it. We have won the right to this justice, this representation in our bargains, sacrifice and struggle which whitened the faces of a whole people and

shortened thousands of lives. But we are grateful that we live in an age where justice is not denied to those strong enough to get it. It is something that our civilization has advanced so far as that.

Judge Gray's Question.

When Mr. Lloyd made reference to the non-union strike-breaker, he was interrupted by Judge Gray with some interrogations as to his views on the question of the right of a laborer to labor without let or hindrance from a union or any other agency.

Mr. Lloyd was reading, as follows:

"During the strike in the anthracite region, many non-union men went out with the union men. They received the same strike benefits, as often happens in cases of strikes; they were invited into the meetings to decide whether the strike should be discontinued. There are men among the capitalists who do not care to join the capitalists' trade unions, the trusts.

"Why are there no distinguished divines, presidents of universities, great statesmen, to cry aloud in the public places over the denial by the capitalistic unions of the sacred right to work of these capitalistic scabs? Some of the most interesting results of the system of agreements are its by-products—"

"Mr. Lloyd," said Chairman Gray, interrupting, "while you are on that interesting subject, and at that point as to the non-union man, and the one you characterize as a strike-breaker, who loafs in between times, 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 that they suppose they have to do so—those who are not loafers between times?"

"Of course, in doing that they are strictly within their legal rights," said Mr. Lloyd, "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 loyalist in the American Revolution. I certainly characterize the strike as an industrial war, as an incident in a great uprising."

Industrial War.

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."

Mr. Lloyd—"There would be no necessity even for the pictorial use of the word 'war' if society would only organize this sphere of conflict so that proper methods of settlement could be reached. The world in which strikes occur, which are called war, is a world which society at large has so far refused to organize, except in the case of New Zealand. I apprehend that one of the greatest results to be hoped for from this commission is that you will push forward one step farther the evolution of the development of some organic authority in that field of conflict."

The Chairman—"Pardon me for interrupting you, Mr. Lloyd, but I wanted to hear you on that point, which I was much interested in."

Mr. Lloyd's address occupied an hour and a quarter. Mr. Brumm followed him, speaking from 4 o'clock until 5.30. He dealt with the miners' demands generally and paid particular attention to the testimony bearing on conditions in the Schuylkill region. He said, in part:

Ever since the coal companies destroyed the Workmen's Beneficial association, twenty-five years ago, they have been denying their workmen the right to be represented by men of their own choosing.

President Baer is only the representative of artificial creatures—stockholders. Mitchell represents creatures of God. The controlling interest in the coal mines is represented by the Morgans, the Drexels and the like. They represent the capital of the owners. Mitchell represents the capital of 147,000 of the laboring men, who are necessary to the operation of these mines.

They say peace reigned for twenty-five years in the coal region, prior to the coming of the union. Yes, peace reigned as it does with slaves under the lash of the master. Peace reigned in France for twenty-five years prior to the reign of terror. Thank God, Mitchell came out of the West.

I have witnessed every strike that has taken place in the anthracite region. When labor was disorganized, as in 1877, there was riot and bloodshed every day throughout the whole affected region. We have just ended a six months' strike under organized labor, and it was attended with comparatively little disorder. If there must be strikes, it it not preferable that the strikers should be organized?

You and I, when we quarrel, are not the ones to settle our dispute. The czar of Russia suggested the Hague tribunal, yet the "Big Four" of the coal world say, "We will not arbitrate."

Trusts are here to stay. Combinations of capital are a necessity. Labor unions are here; they are necessary, and they have come to stay. If there is to be a combination of capital, you must permit of a combination of labor.

Twenty-five years ago, most of the miners were English, Irish, German and Welsh. There were few non-English-speaking miners in the region. The mines are now worked largely by Italians, Slavs, Turks, Armenians. They have driven out the better class of miners and occupy the whole region. They, like their predecessors, refuse any longer to bow submissive to the yoke of the men who brought them in here, under the padrone system, to force out the intelligent, independent Anglo-Saxon, Teuton and Celt. The operator is now at the end of his tether. He can't get the Hottentot to come here, because it is too cold. The Eskimo won't come, beacuse it is too hot. They can't get the Chinamen, because the law prohibits them.

It came to a pass where they had to reckon with their men. They thought to repeat the success of a quarter of a century ago, when the "W. B. A" was wrecked. But they could not do it. They would not arbitrate. They were forced before this commission. They were forced here by the command of public opinion—they were forced here by the command of our president—the president of the United States—who they knew could wrest the mines from them, with the assent of congress, if they did not obey the demand of the public.

Refuse to Arbitrate.

You [turning towards Mr. Baer] refused to arbitrate. You said there was nothing to arbitrate. All you wanted was to be let alone. I have never known a criminal yet that didn't want to be let alone. (Laughter.) I do not want to say that the operators are criminals, although they have said we are criminals. President Baer, it will be remembered, alleged the miners committed twenty-one murders——.

"Wasn't that a lie?" angrily demanded Mr. Baer jumping to his feet. "Did I say it? Didn't I deny it?"

Mr. Brumm was so completely nonplussed by the interruption that he could only stammer something to the effect that it was true that Mr. Baer had denied it.

"You knew I denied it," said Mr. Baer. "Why do you repeat it?"

"But that was after this," said Mr. Brumm, emerging from the circle of miners representatives who rushed to his aid with suggestions for exonerating himself. "You did not deny it until the eleventh hour."

Mr. Wolverton remarked that it was denied at the first opportunity, which was at the time the Reading was presenting its case.

Vindication of Mr. Baer.

Judge Gray called attention to the fact that an investigation of the stenographic record of the White House meeting had shown that Mr. Baer did not make the accusation in question.

"You say," said Mr. Baer to Mr. Brumm, "that I did not deny it until the eleventh hour."

"I say," replied Mr. Brumm, "that you did not deny it until quite recently."

"Oh," said Mr. Baer turning about to sit down.

"If you had waited, you wouldn't have asked the question," said Mr. Brumm as he was about to proceed with the reading of his address.

"What is the point you want to make on me?" asked Mr. Baer with a puzzled expression. "Is it that I did say it?"

"No, no," said Mr. Brumm. "I say you didn't say it."

"That's different," said Mr. Baer, sitting down.

"I do criticize you," said Mr. Brumm, grown suddenly firm of voice again. "I criticize you for not denying it when it was published broadcast in the newspapers."

Judge Gray suggested that Mr. Brumm proceed with his address, reminding him that the time for the address was limited.

"Give us protection and we'll give you coal' was your battle cry," Mr. Brumm went on to say addressing the commission through an imaginary operator. "You said 'give us protection and we'll give you coal.' The more protection you got the less coal the people got.

"You refused to arbitrate," said Mr. Brumm still addressing the imaginary operator but occasionally turning towards Mr. Baer, who was seated near the center of the room. "When we asked for arbitration you said 'there is nothing to arbitrate,' and in the choice language of the pugilist you declared 'we'll fight it out to a finish.' You refused to meet the miners and you refused to arbitrate."

"Will you let me interrupt again?" said Mr. Baer rising. "Do you not know that we did meet? Do you not know Mr. Mitchell and the three district presidents met with us for two whole days?"

"Yes but—" Mr. Brumm started to explain.

"Yes, but we did meet?" interrupted Mr. Baer.

Mr. Brumm's address concluded with a defense of the miners against the charge that they caused a reign of terror during the strike. It was remarkable, he contended, that there was so little disorder considering the conditions.

Case of "Jimmie" Johns.

Major Warren, of counsel for the Erie, filed with the commission an affidavit, by Foreman Seward Button, of the Consolidated colliery, Moosic, setting forth that the discrimination in favor of "Jimmie" Johns, as alleged by William Atwell, on Thursday, was a necessary discrimination, if it could be called such, and was done with the acquiescence of the mine workers' local.

Johns was working in a "wet" place. It was an expensive place to work because of the allowances that had to be made daily for bailing water. The company was anxious to have the place worked out as quickly as possible, because of the fact that the longer it was in operation the more expense it entailed. The miner working the place was anxious to finish it up because of it being undesirable to work in water.

Johns, though a non-union man had a union laborer. The local complained to the laborer that he was "scabbing" in that he loaded more than four cars. The union also sent a committee to protest against Johns being given six cars when the other miners were not receiving the full "shift." The circumstances were explained to the committee, and the committee told the foreman it would no longer protest; that a man who worked in so much water certainly was entitled to full coal, if he could possibly get it, to say nothing of the economy of pushing work in the wet place. William Atwell, the witness of Thursday, was chairman of this acquiescent committee.

Proceedings of Tuesday, Feb. 10.

[From The Scranton Tribune, Feb. 11.]

Philadelphia, Feb. 10.—Three addresses were listened to by the mine strike commission during the six hours of today's two sessions. John T. Lenahan argued for the non-union men; James H. Torrey made a general address for the operators and specifically dealt with Delaware and Hudson conditions. Major Everett Warren also dealt with general conditions as viewed from the operators' side, and particularly dwelt upon matters pertaining to the companies he represents, the Delaware, Lackawanna and Western company, the Pennsylvania company, the Hillside Coal and Iron company, the Temple Iron company and the Lehigh Valley Coal company. Mr. Lenahan spoke for an hour and a half, Mr. Torrey for two and one-half hours and Mr. Warren for two hours.

The commissioners gave strict attention to all three addresses, and there were few interruptions, none of them of any particular import. The audience was the largest in many days, a goodly portion of them being women.

MR. LENAHAN'S REMARKS.

Mr. Lenahan contended at the outset that the rights of his clients were the most important matter entrusted to the consideration of the commission. These rights, he said, were above the matter of wages and hours, because they were the rights of personal liberty and the other inalienable rights guaranteed by the constitution.

In his usual forcible style, Mr. Lenahan reviewed the strike "reign of terror," detailing the most serious of the crimes, and striving to show that the union was responsible for them, not only indirectly, because of it being responsible for the strike, but directly, because of the participation in these acts of members of the union.

Concluding his review of strike violence, Mr. Lenahan went on to say:

In every instance where the identity of a law violator was uncovered, the crime was brought home to the United Mine Workers. The guilty man was invariably a member of the union. Even though the union should claim it is not responsible for the acts of these individuals, it can not deny that it is at least an accomplice after the fact in each and every instance, by reason that it continued without alteration the relations it had with its offending member.

The union stands convicted of acts that make humanity shudder. All the refinements of cruelty were resorted to. The calendar of crimes made up of the violence during the strike of 1902 is an awful object lesson of anarchy.

The union seeks to minimize this violence by saying an abnormal condition existed. It even goes so far as to say it its remarkable that there was not more violence resulting from the bitterness engendered by the attempts of the companies to fill the strikers' places. It is also asserted, on the part of the union, that comparatively speaking, there was less violence in this than any previous big strike.

The record of thirty years discloses no such an array of crime during a strike, long or short, as occurred in this strike. Nowhere, in a previous strike, was a man successfully charged with murder. In no previous strike was there the dynamiting, arson and the hideous crimes which marked the strike of 1902.

The most insidious and infamous of crimes—the boycott—is not only not denied by the union but defended by it. Not only the primary but the secondary boycott is given approval by act if not by word.

There might be some chance of defending the boycott when leveled against the non-union man, and confined to him; but how can any defense be offered when that boycott is extended to the wives, children, sisters and every other relative of the non-union man?

There was a time in the coal regions when the main qualifications of a school teacher were learning and probity. A new standard of qualifications has been set up since the coming of the union. Now the school teacher may not be employed unless all his or her relatives, by blood or marriage, are members of the union. Maud Leiser, of Mt. Carmel, had a brother, over whom neither she nor her parents had any control. The brother refused to quit work as a fireman. The sister was dismissed from her position in the school, and when she went to an adjoining town, seeking employment, she was met by the awful ogre—the boycott.

This tribunal should not only denounce the illegal boycott, but utter a vigorous denunciation of the union for countenancing it.

There are innumerable instances of members of the union conducting boycotts and participating in criminal acts. There are proofs that the union as a body is equally guilty. It was the only body interested in preventing non-union men from working, and practically all the violence and boycotting was consequent upon efforts to prevent these men from working. Furthermore, the union

never raised a hand to stay this violence. Some proclamations were issued. They were ineffective, but they were again issued. Though proven to be futile, they were iterated and reiterated. ,

It was not the lowly member of the union, either, who was guilty of offenses. Take the case of the sub-district chairman in Olyphant, who called on the people to refuse to worship at the same altar with a man who chose to continue at his regular employment. This was a man to whom the miners were supposed to look for counsel and guidance.

The evidence before the commission furnishes overwhelming proof that our clients were driven out of the mines and prevented from working by the use of unlawful force. It cannot be necessary for us to discuss at length the self-evident proposition that under our system of law every man is guaranteed the right to labor when, where and for whom he pleases, without interference which amounts to the use of force. We cannot find that this proposition has met with a dissenting voice, either in judicial decisions or the writings of persons who could be regarded as authorities. We present, however, a few extracts from judicial opinions and others, whose words must carry weight, to further enforce this claim.

Says Stockton Bates, in the North American Review (Volume 160, page, 372, 1895): "Of the total working population, probably four-fifths are non-union men. Have these four-fifths no rights? If non-union men seek the employment refused by the union men, and are willing to accept the wages which these refuse, what right has the minority to attempt, by intimidation and force, to interfere with them? There is then a conflict, but this conflict is not between the laborer and the capitalist. No, this conflict is between about one-fifth of the laboring population organized in trade unions, and four-fifths not so organized. The conflict is between union and non-union men. It is the non-union men of whom the strikers are in fear. These are the people to be kept from employment at every hazard. These are the antagonists! What become of the fine phrase 'The injury of one is the concern of all?' Is its meaning narrowed and restricted to the few who are banded together in the unions? These organizations have been posing as the representatives of those who toil, whose one common cause is the amelioration of the hard lot of the workingman. They have been fighting capital indeed! Who are the 'scabs and blacklegs?' Workingmen—plain non-union workingmen. These are the men who are persuaded, intimidated, even beaten into insensibility if they dare to exercise their inalienable right of selling their labor in the highest market.

"It may be urged that the elimination of force as a means of compelling the amelioration of the laborer's condition would defeat the purposes of organization. Such a result would not follow. Let a new Declaration of Independence be made; enact laws that will conserve every man's right—his inalienable right—to dispose of his labor upon the terms and conditions satisfactory to himself. Sweep from the constitution and by-laws of labor unions every vestige of restriction and brute force. Nothing has ever been accomplished vi et armis but terrorism, bloodshed and incalculable loss. These methods must be relegated to a black and uninviting past."

In a vigorous article by Archbishop John Ireland on "Personal Liberty and Labor Strikes," in the North American Review for October, 1901, page 445, he discusses the whole subject.

Judicial Decisions.

Here Mr. Lenahan quoted in its entirety the article referred to and followed it up with citations from judicial decisions bearing on the same subject, as compiled in the form of a brief by his colleague, Joseph O'Brien. Then continuing, he said:

If this is the law, and the evidence shows that non-union miners were deprived by force of their right to work, we submit that this commission should announce its finding on this branch of our case in terms which cannot be misunderstood. This is an opportunity to impress upon the laboring classes throughout the country the one great lesson of the rights which the law guarantees to non-union workmen. The commission's decision on this subject will be known everywhere. It will reach all portions of the laboring classes. Among them are many foreigners and others so lacking in intelligence and education that perhaps they do not know even this much about our law. Society owes them the duty of awakening in their minds the knowledge that those whom prejudice teaches them to hate have rights which must be respected. We would hear less of like crimes and unlawful violence during strikes and labor troubles if the fact were known that this is the law, and that under our system the utmost power of government can be invoked, and will be used, to protect the humblest citizen in the possession of this right.

We submit that nothing could justify a finding by this commission that non-union miners must deal with their employers through the medium of the union, or be subject in the slightest degree to its control or dictation.

It follows, as a necessary conclusion, from admitting the principle that non-union miners must be permitted to work without unlawful interference from fellow-workmen, that they must not be made to deal with their employers through the medium of the union.

In the eyes of the law, no distinction can exist between union and non-union laborers. They are simply fellow-servats of a common employer. The majority may make such secret agreements among themselves as they please, but such agreements cannot affect the rights of the minority, no matter how small it may be.

Servants Are Individuals.

There can be no such thing as majority rule among fellow-workmen in a common employment. It is the admitted right of a majority of stockholders in a corporation to dictate the policy of the company, even though contrary to the wishes of some stockholders, who might, thereby, suffer loss. But all the servants of one master remain individuals under our law and yield nothing of their rights to a majority of their co-employes. How then, could it be possible for this commission to admit the right of the United Mine Workers to contract on behalf of non-union miners with a common employer?

If it were possible, is it likely that non-union miners would receive fair treatment at the hands of those embittered by prejudice and anxious to monopolize the positions they hold? As is well known, there are diametrical differences of opinion on many subjects apparently affecting their common interests, between union and non-union men in all occupations. The rules of trades unions are framed on the principle, not merely of the dictation by the majority to the minority among fellow-employes of one employer, but of such dictation by the majority of all workmen engaged in a particular occupation.

The freedom of the individual to work only according to the dictates of his own interests are made subservient to the supposed good of the greatest number.

We agree that the law does not prohibit such combinations or rules when voluntarily accepted. What we deny is that any workman can be coerced into accepting them. When this is done, directly or indirectly, he is deprived of that liberty of action which the law guarantees to him.

The union presents as one of its essential claims before this commission a demand that the mine owners shall accept the union as the representative of the miners, and fix the rights both of union and non-union miners by conceding its demands. We deny this right, and earnestly protest that it could not be conceded by the commission without a distinct and deliberate violation of law and the constitution of the land.

MR. TORREY'S ARGUMENT.

James H. Torrey, of Scranton, followed Mr. Lenahan with a general argument of the operators' case. He began at 11.30 o'clock and occupied the remaining hour and a half of the morning session and an hour and a half of the afternoon session. He spoke substantially as follows:

Mr. Chairman and Gentlemen of the Commission:

The duty has been assigned me of presenting some general opening argument for the operators who are the respondents in this case. Permit me, at the outset, on behalf of those operators, to express their profound sensibility of the industry, patience and careful consideration which you have given to the wearisome and complex questions which have arisen during the hearings. This, perhaps, was no more than was to have been anticipated from the distinguished character of the persons whom the president selected to sit upon this commission, but I am very sure that neither he nor any of the members of the commission realized, when it was appointed, how great was the task which it had undertaken or how manifold and involved the issues which would be raised. Speaking for the counsel representing the operators, I can most sincerely thank the chairman and the distinguished officer who presided in his absence, for the dignity and courtesy with which the difficult duties have been discharged, and the success which their character and conduct has secured in allaying any exhibitions of undue partisanship or intense feeling which counsel might, under other circumstances, have been tempted to display.

This inquiry is novel, not only in the history of this country, but perhaps the world. The numerous interests, the deep underlying principles, and the immense civic interests involved in the inquiry, are such as to impose upon all who are connected with it, a feeling of responsibility approaching to solemnity. I am sure that none of the counsel for the operators are

disposed to regard this inquiry in a trifling or flippant manner. We feel that in the effort to introduce testimony and construct arguments bearing upon the issues involved, we are charged with a high and solemn duty not only to our clients but to the entire body politic. I do not consider myself by peculiar gifts or by special education competent, even if I regarded it as pertinent to the issues in this proceeding, to discuss generally, and upon broad lines, the relations of capital and labor, or the advantages or evils of labor unions generally considered. So far as the character, aims and principles of the particular organization with reference to which demands are made in this case, are involved in the evidence before the commission, I shall feel free to speak. Beyond that I have no brief, and will indulge in no argument.

Coal Concentrated.

The anthracite coal of this country is concentrated in a few counties of Central and Eastern Pennsylvania. It is a most valuable product, possessing certain peculiar qualities which give it special preference over other kinds of fuel for particular purposes, especially for domestic use. Upon the sufficient and regular supply of this fuel, the great mass of people of the Middle and Eastern states do, and for years have, depended for their protection against the cold of winter, and, to a large extent, for the supply of power for the industries which support their communities. The mining of this coal was begun something over seventy years ago, and has steadily increased in extent and importance from that time until the present. The early mining was comparatively experimental and crude. The more accessible, easily mined and purer veins were first selected, and the mining was done by crude and unscientific methods, often involving very great waste in the product, by lack of system and forethought in the manner in which it was taken out. Of late years, the industry has become more difficult and expensive, by reason of the necessity for mining deeper and thinner veins and contending with the many obstacles to easy mining.

The industry differs from bituminous mining in many respects, among which may be mentioned the quality and distribution, the anthracite coal being found in greatly varying conditions in a single compact territory, while the bituminous coal is found in nearly all of the states and territories of the union. It differs greatly in the value of the coal in place and as measured by the prices for coal lands, and the royalties paid for coal leased, the royalties on a few tons of anthracite being often as great as the price of an entire acre of bituminous coal land. The capital required for the operation of the anthracite coal mines is very great, as compared with that of bituminous. The impurities must be carefully separated from the anthracite coal and it must be screened into different sizes to meet the different requirements of the market, while the bituminous coal is sent to market practically as taken from the mines. An almost infinite variety characterizes the character, location and accessibility of the strata of anthracite coal, while the bituminous coal is usually much more uniform in its location and quality.

No Two Collieries Alike.

The commission has undoubtedly been surprised to discover what was unknown to them and to the public, prior to its appointment, viz.—the very great complexity of the industry. The numberless varieties in number, location, pitch and quality of the veins, in the impurities which they contain, the character of the roof, the amount of water, the quantity of inflammable gases, and other incidents to mining, produce a condition in which no two collieries are substantially alike. A similar complexity characterizes the variety of the occupations of employes desired by the day or month, nearly every colliery showing one hundred or more different varieties of occupations, varying in the age and skill required and the character of the work to be performed. The recognition of this complexity is of the utmost importance in dealing with the primary questions at issue before the commission. In industries employing but few varieties of laborers, performing substantially similar work, it is comparatively easy to establish uniform conditions and rates of pay. In this industry, it is practically impossible, and the favorite method of filing the demands for increase in wages by the imposition of a uniform scale and the raising or lowering of the rates of that scale from time to time, as the condition of business warrants, is utterly inapplicable to this business, and it is safe to say, at the outset, and the evidence must satisfy the commission of that fact, that no uniform horizontal advance in the wages for all of the employes of the various companies, and at the various collieries, can possibly be made which will do anything like substantial justice. This peculiarity of the industry was forcibly called to the attention of the representatives of the mine workers at the outset of the present contentions, in the letter of Mr. Baer, February 18th, 1902, in which he says: "In the judgment of the companies I represent, it is impracticable to form a wage scale for the whole anthracite region. The mining of anthracite coal is entirely different from that of bituminous coal. * * * Each colliery in the anthracite region, by reason of the peculiar nature of the veins—their pitch, water conditions, depth and the quality of the coal and its accompanying impurities (which vary in each colliery, sometimes amounting to two tons of refuse to one ton of merchantable coal) is a problem by itself, and it is not possible to create a scale of wages covering the whole anthracite field, which will be just to the operators and to the mine workers."

The same sentiment, in other language, was expressed by letters of other operators at the same time, and has been repeated over and over again in the discussions before the Civic Federation and communications to the commissioner of labor, and elsewhere.

The Days of Peace.

Considering the history of the industry, it is a fact undisputed upon the record that for more than twenty years prior to the incursion of the United Mine Workers in the anthracite district, there had been no considerable strike in the region, and the natural inference from that fact is supported by the great weight of the testimony that the absence of the conflicts between the employers and employes was due to their mutual confidence and contentment. During all this period of varying conditions in the country at large, and in this particular industry, there had been no diminution in the wages of the mine workers. To quote the language of President Olyphant, of the Delaware and Hudson, in his statement to the commissioner of labor during his investigation in June, "We had twenty-three years of perfect peace—nothing to trouble us in our mines anywhere. Throughout that time we adhered to the rate of wages paid, no matter what the condition of the trade was. In our company we passed years when we did not come near making our fixed charges, but the men had their wages all the same. Then we came on to this strike of 1900, the great hue and cry was that the anthracite workers had been getting no more than they had received, while in the bituminous and iron industries the wages had been raised, though in both these industries wages had been carried to the lowest rates that the men could stand, and we had never in this region given one cent less than we had agreed at that time."

This statement from the operators' standpoint receives remarkable confirmation in the testimony of Mr. Mitchell before the industrial commission immediately after the 1900 strike, (vol. XII, page 700). "For many years efforts have been made by the United Mine Workers' organization to organize the anthracite miners, but so bitter was the antagonism among the men that we were unable to succeed, and as a consequence it became obvious to the officers of the United Mine Workers that conditions of employment could not be improved unless through a strike the miners should be aroused from their lethargy." Substituting "contentment" for "lethargy," the statement of Mr. Mitchell might almost be substituted for that of Mr. Olyphant.

To disturb this condition of mutual confidence and contentment, there entered the region in 1899 the emissaries of the United Mine Workers of America, in an effort to organize the miners into branches of their union. As is indicated by Mr. Mitchell's just-quoted statement, their efforts met with small success, and he frankly confessed in his testimony that they had, up to 1900, succeeded in securing only about 3,000 members in their organization, or less than 2 per cent. of the actual mine workers. This handful of men met in convention in the early part of 1900 and formulated demands numerous and drastic upon the employers. It has been estimated that to have granted all the demands then made, would have involved an increase of 70 per cent. in the cost of mining coal. The demands not being granted, a strike was ordered in September, 1900, and in view of the contention of the Mine Workers' officers that the majority must rule upon any question of strike, the order for this strike, issued by a significant percentage of mine workers, is presumptuous and tyrannical to the last degree. It was as follows:

A Tyrannical Order.

"You are, therefore, hereby notified that the application of the anthracite miners to strike in accordance with the laws of the United Mine Workers, has been endorsed, and in accordance with this endorsement all the miners and mine workers of the anthracite coal region, whether members of the United Mine Workers of America, or not, are instructed to cease work on or after Monday, September 17.

This order was only partially observed. The miners at collieries which had struck organized themselves into marching bands which circulated through the territory, and, to a large extent, forced out the

employes of other collieries. It lasted about twenty-three days, and was never completely effected. It was characterized throughout by repeated acts of violence, marching mobs, frequent riots, and it speedily resulted in the calling out of the militia to preserve the peace.

It is matter of history that the strike was made successful only by the intervention of politicians of national importance, who feared the effect of the strike upon the approaching presidential election. That it would have speedily ended in a complete victory of the operators, but for such outside interference, no one familiar with the subject has ever doubted.

The result of the strike was an immense impetus to the organization of anthracite miners into the United Mine Workers. It was easy to convince them that the power of the union was potent and that substantial advantages could be gained by membership in it. The evidence has disclosed many of the methods by which this membership was augmented, and the means used to force men into it. It was generally recognized and freely stated that the struggle of 1900 was only a preliminary skirmish, which would be followed by more determined efforts to bring within the control of the union the entire anthracite industry, until its power should be recognized by the operators and its decrees accepted by them. This is evident from the proceedings of the Hazleton convention of the three anthracite districts, in March, 1901, when a resolution was offered to request the operators by telegram to meet the representatives of the union, to discuss a wage-scale for the ensuing year. The resolution was amended by substituting the word "demand" for "request," and the communication was sent, giving one day's notice of the time for such meeting. The movement thus inaugurated was proceeded with at the Shamokin convention, in March, 1902, where more definite demands were formulated, and the officers of the organization were empowered to inaugurate a strike. Before doing so, the good offices of the Industrial branch of the Civic Federation were invoked and the operators freely met the representatives of the Mine Workers before that body, and, during a considerable period of time, fully discussed all matters at issue. So far as the Civic Federation might be regarded as a court of arbitration between the parties, its failure to recommend the granting of any of the miners' demands must be regarded as a victory for the operators, who were the defendants in the proceeding. Nothing being accomplished in this manner, however, the strike was declared, involving all of the mine workers, except firemen, engineers and pump-runners, who were excepted for the avowed reason that their continuance at work was necessary for the preservation of the property. Thus was inaugurated the greatest strike in the history of this country.

Acts of Intimidation.

The operators not yielding to the strike order, the engineers, firemen and pumpmen were promptly called out. That this order was purely an act of intimidation, and that it was made with a wicked and reckless disregard of the consequences, is sought to be speciously evaded by the miners' counsel, but it is too clear to require extended argument. The same option was given to the operators to save their mines by complying with the order, which is accorded to the traveller by the highwayman, to save his life by surrendering his purse. That the power to intimidate the operators by the use of this weapon was long before sought by the union is evident from the history of the organization of the steam men. During and prior to the 1900 strike they constituted independent organizations, having charters of their own, with no obligation to obey the orders of the United Mine Workers. At the convention of the Federation of Labor, in December, 1900, through the efforts of the United Mine Workers, these independent charters were revoked and the steam men in all the anthracite industry were compelled to join the local unions of the miners' organization, and thus become absolutely subject to its control. They strenuously resisted this sacrifice of their independence, but were overruled. It throws an important side light upon the consistency of the miners' organization that when, in July, 1901, the firemen in the anthracite region went on strike to secure an eight-hour day, the United Mine Workers offered to, and actually did, furnish men from their organization, who, according to their definition, could be regarded as nothing but scabs, to fill the places of the striking firemen. This fact is almost brutally avowed by District President Duffy in his testimony, where he says: "As president of the district, I went to the firemen that had served notice on the companies—they wanted an eight-hour day and gave only ten hours' notice—and I went in behind the stockade without permission, and served notice on them firemen if they quit work that our union would put men in their places, and to wait till we was looking for something ourselves."

The pretense that every operator was free to protect his mine by granting the eight-hour day is negatived in frequent parts of the testimony, Mr. Mitchell himself admitting that in one case the union refused to permit the firemen to work on an eight-hour day at one mine because the company asking the privilege would not grant the concession at all its mines. Several specific instances are given in the testimony, of cases where the request for the privilege to operate the pumps upon an eight-hour day was refused.

I shall not attempt to review fully the incidents connected with the strike, or the various outside influences which interposed to prolong it from time to time. It was evident throughout the strike that there was hardly any prominent publicist or philanthropist in the country who did not consider himself fully competent to pass upon the broad questions which it has taken this commission months of earnest effort to investigate, upon a few hours' examination or consideration.

Operators' Submission.

When it became evident that the longer continuance of the strike would involve the people of the country in unspeakable suffering from the hardships of approaching winter and the industries of the country to interruption from lack of necessary fuel, the operators patriotically addressed to the public a communication which became the basis of the appointment of this commission, and which has generally been spoken of as "the operators' submission." It has been frequently stated by the commission, and practically conceded by everyone, that this submission constitutes the only warrant for any action upon the part of the commission, and defines and limits its powers in the premises. It becomes important, therefore, to clearly state just what was submitted. In brief, the commission was formed for the purpose of determining all questions at issue between the respective companies and their own employes, whether they belonged to a union or not, such decision to be effective and govern conditions of employment for a term of at least three years. There were two express qualifications upon this matter:

First—That the commission's decree should not in any way affect the employment or status of non-union men; and

Second—That each colliery might be considered as a problem by itself.

The issues between the operators and their employes were based upon the demands of the Shamokin convention, which were found by the commissioner of labor during his investigation to be as follows:

1. An increase of 20 per cent. to the miners who are paid by the ton; that is, for men performing contract work.
2. A reduction of 20 per cent. for the time of per diem employes, reducing the day to eight hours.
3. That 2,240 pounds shall constitute the ton on which payment is based for all coal mined where the miners are paid by weight or quantity, and wherever practicable.

The discussion of these issues will be entered upon to a greater or less extent by all of the counsel for the operators, and it will be unnecessary for me to attempt to present an exhaustive argument upon them.

My first observation must relate to the the miners in support of these demands. A review of the evidence presented by them shows that aside from general vague opinions of Mr. Mitchell, Dr. Roberts and paucity of the evidence presented by Mr. Gompers there is practically no evidence which bears directly upon the issues involved. Long days were spent in the consideration of cases of individuals who had from one cause or another been unfortunate or who claimed to have been unjustly treated since the strike, or who had, for reasons for which they were more or less responsible, failed to earn good wages, and of children who were employed in various industries at an early age; but for any definite, clear and convincing testimony to support the miners' claims, search will be made in vain through the mass of testimony.

Mr. Mitchell a number of times during his long examination, stated that so far as he gave any testimony or expressed any opinion with reference to the facts and conditions concerning the wages of the miners, he was speaking from information derived from the district presidents and other officers resident in the locality, and that they would follow him upon the stand to make more definite and specific the statements which he could only give generally and by hearsay. We have waited for three months in vain for the appearance of these district presidents. They have attended the meetings of the commission with great regularity; they have made suggestions to their counsel, and have marshalled the witnesses, but they have presistently denied the commission the benefit of all the light which they presumably could have thrown upon the questions at issue and the justness of the demands which they originally formulated and for which they are responsible. We must have our own views as to the reasons which actuated the complainants in keeping these men off

the stand. Again and again, their connection and complicity with the reign of terror which characterized the strike, has been brought out, but save in one instance they have made no effort to contradict the testimony. Papers in the nature of safe conduct, such as might be issued in time of war, to permit a person to pass through the lines, have been issued under the hands and seals of the union, and otherwise it has been made to appear that while ostentatiously counselling peace, they were fomenting lawlessness and organizing anarchy. We can only conclude that the fear of cross-examination upon these subjects has keept them from coming forward to give any information which they may have for the benefit of the commission.

Demand for 20 Per Cent Increase.

The first demand is for a 20 per cent. increase upon the wages paid in 1901 to contract miners. The first observation upon this demand is that the miners' own witness and expert, Dr. Roberts, presented a tabulation which was approved by the miners' counsel showing that the production of coal in 1901 was 10 per cent. higher than the average production for ten years past, and he admitted that it was not fair to ask the advance in wages upon the basis of an exceptionally prosperous year. Upon his theory and testimony, if any advance in wages were granted it should be made upon average earnings and not upon exceptional earnings, which would cut in two the miners' demand.

It would be absolutely true to state that the miners have utterly failed to substantiate any of the nine reasons which they give in their statement filed with the commission for the advance asked for.

The earnings of contract miners of the Delaware and Hudson for 1901 are shown by the books and tabulations filed with the commission. It would serve no valuable purpose to give them here in detail. They are classified by amounts earned and by the time worked, and while statisticians will, perhaps, differ in the combinations of classes which should be used to produce a true average, when every allowance has been made for such difference of method the result is an annual wage adequate, fair and better than in other similar industries. According to Mr. Mitchell's own standard of living wage or American standard, it is evident that the miners are very liberally paid.

By the statement filed with the commission, it appears that the average earnings of all men employed by the day or month, excluding those employed for short periods and incidental work, was $518.95, and of all boys, excluding those employed for short periods and incidental work, $185.95. These earnings, considering that the large proportion of the employments are entirely unskilled labor, are certainly adequate. These also had 10 per cent. advance in 1900.

Considering that these miners worked only on an average of 5¾ hours per day, the rate of wages as given above appears even higher that it would at first seem. Without reviewing the several reasons given for the advance in pay, I would state that the mass of testimony and the appearance of the miners who have been upon the stand must convince the commission that mining is not an unusually unhealthy occupation. The testimony of Dr. Keller, showing the small number of applicants for insurance from among the miners, who were rejected, and the tables of rates for industrial insurance, are the most conclusive evidence upon this point. If any argument is based upon the fact that there have been general increases of wages during the present period of commercial prosperity, the answer of the operators is that the advance which has recently come to other employes was granted to the miners in 1900, and as Mr. Rose testified, would undoubtedly have been granted ere this voluntarily even if there had been no strike.

Second demand: For an eight-hour day. The testimony of practically all the witnesses upon both sides is that owing to irregularity of the market and similar causes, the breakers hardly average more than eight hours a day, so that the physical effects of long hours are not felt.

Third Demand.

The third demand: That coal be weighed and that sixty cents be the minimum price per ton. Mr. Mitchell admits that this is part of the first demand and involves no further increase of wages. The Delaware and Hudson company pays some of its miners by weight and some by car. Both methods are merely the adoption of arbitrary units for payment and the allowances and extras which are granted to those who have unfortunate places are constantly adjusted so as to secure as nearly as practicable uniformity in pay.

It is important to consider that the operators are not purchasing a commodity from the miners, but are merely paying them for labor performed; that they have no interest or title in the coal itself, but are merely entitled to a stipend for work actually done. Any system which produces adequate and reasonably uniform wages is equally good, and that the various systems by car and by weight do accomplish that end is manifest from the examination of the statements filed.

From the entire mass of testimony, it is evident that there was no expression of dissatisfaction with the methods in vogue, until the advent of the United Mine Workers, who sought to introduce methods in use in the bituminous fields in order to get the anthracite industry upon such a basis as would justify demands for uniform increases of wages from time to time. As has already been said, it is impossible to reduce the varying conditions of anthracite mining to any such basis of uniformity.

The practical difficulties of a uniform method of payment by weight were recognized and testified to by two of the principal witnesses for the miners, Dr. Roberts and Mr. Haddock.

The practical difficulties of working out the application of the demand are so great as should appall any one who undertook it. The present rates of payment per car upon miners' ton in every vein of every colliery must be changed to suit a new uniform system; otherwise, there would be an increase in wages which is not asked for in the demand. It is very certain that any changes which were thus made would be regarded with great suspicion by the individual miners, and unless it was very clear that he was getting as much or more pay than heretofore, there would be unlimited friction and dissatisfaction. It is safe to say that unless the rates were rearranged in such a way as to actually and substantially increase the miners' pay, the miners would feel sure that it had been diminished.

I have been unable, thus far, to find anyone who can satisfactorily explain to me the word "differential," as used in this demand. I understand that in bituminous mining it applies to the difference in rates between pick and machine mining. There is no such difference here. It is probably intended to cover allowances and extras, but it would certainly be unfair that all these allowances and extras should be maintained precisely as they are if the basis of payment were changed.

Another issue which has been injected into the case is the alleged discrimination against union men who have been refused re-employment since the strike. The obligation of the operators to re-employ all their men is only an inference, at best, and we do not think that the commission can fairly infer from the statement that the men must return to work that all of them would be given re-employment. Mr. Mitchell, in his article in McClure's Magazine, praises the miners at their Wilkes-Barre convention, when the operators' submission was accepted, for being willing to sacrifice large numbers of their members, whom they knew would not be re-employed. Certainly they must have included in this class all those whose places had been filled or who had been guilty of such lawlessness and disorder as subjected them to criminal charges. Almost without exception, the numerous cases which have been presented to the commission fall within these classes. So far as relates to the Delaware and Hudson company, I find by the examination of the testimony of the witnesses who were called to prove discrimination, that five miners were not re-employed because the chambers in which they had worked had fallen or been stopped; that four refused to do the work to which they were assigned, two of them absolutely refusing to work on boycotted headings; two had found their places had already been filled by non-union men; one (William Early) had refused to do work to which he was assigned, and, in addition, had issued a warrant for the arrest of a small child, whose appearance upon the stand indicated her youth and innocence. One only (John Balderson) gave as the only reason for his discharge that he had been too noisy and disorderly during the strike. It was stated by these witnesses that they were told by Mr. Rose that if they would have patience he would find work for them as soon as possible, but that there were too many men already in the mines, as they themselves admitted. Mr. Olyphant's letter of instruction to Mr. Rose breathed a spirit of good-will and kindliness and offered practically general amnesty.

The Fourth Demand.

The fourth demand is that the operators shall enter into contracts governing the wages and terms of employment with the United Mine Workers of America. We have insisted, and still insist, that this demand is not within the terms of submission, and therefore not before the commission, but since the testimony has been taken upon it upon both sides, it seems necessary to present some argument upon it, reserving at all times the right to insist upon the fact that it is not before the commission.

The character of the United Mine Workers is somewhat pertinent to the issues involved, in connection with its bearing upon the relations between the operators and their employes, independently of the specific demand under discussion.

The following are some of the objections which the operators urge to the character, aims and methods of the United Mine Workers:

First—It is a gigantic trust, formed for the express and avowed purpose of controlling all the labor connected with the entire mining industry of the country, and thereby to dominate absolutely that industry.

When Mr. Mitchell was asked if it was within the power of the Mine Workers to tie up all the fuel of the country, he says: "It is not impossible in the sense that it could not be done, but it is not at all probable," and again, "I think there is no possibility of the entire coal industry being paralyzed, although, under our law, it is within the power of the board to do it." He says, "Our purpose is to have every coal miner in the United States a member of our organization."

Second—It must be manifest to the commission that it is unwise and inexpedient that both the immense bituminous industry and the anthracite industry, which are rival and competing, should be controlled by the same organization. This is doubly unfair to the anthracite industry when that organization is absolutely controlled by an executive board of which only three members out of twenty-one are from the anthracite region. This holds out a clear and definite invitation to the bituminous miners, at any time when the coal market is restricted, to so manipulate the organization as to discriminate against the anthracite industry in favor of bituminous. There is more than a mere imaginary danger that the ordinary selfishness of the industrial competition would lead to such a result.

Third—The operators have over and over again stated that they had never discrimiated against any of their employes because of their membership in any union, and, considering the zeal of the miners and their representatives, it is remarkable that they have been unable to produce proof of such discrimination, if any such existed. The operators do, however, insist that each company is an entity by iself; that it has a right to insist upon dealing directly with its own employes. It admits their right to be represented in the final discussion of differences by persons whom they choose as their attorneys in fact, but it is contrary to every principle of law to interject between the two contracting parties a third organization having no direct interest in either, but having ends to serve which might interfere with its justness and fairness.

Fourth—We most strenuously object to the character of the organization of the United Mine Workers. It not only admits to its membership, but it seeks to force into it, all the employes, including boys, who constitute about twenty per cent. of its membership, and foreigners, unable to speak the English language, thereby rendering its local unions a body only fit to be called an unreasoning mob, subject to every appeal to passion and prejudice, and swayed by the specious arguments of a professional agitator. Its action is uniformly taken upon a viva voce vote, giving to radical and violent members the opportunity and the power to overawe and intimidate the more reasonable and conservative. It declares frequent strikes, and they are always accompanied by violence, intimidation and lawlessness. Whenever it has come before the courts, its methods have been severely condemned. (See Renicke Coal Co. vs. Wood, 112 Fed. Rep. 477; U. S. vs. Weber, et al., 114 Fed. Rep. 950; U. S. vs. Haggetry, et al., 116 Fed. Rep. 510.)

Violates Personal Rights.

It practices and justifies the boycott in all its forms and ramifications. It proclaims and enforces the doctrine that no man has a moral right to work when others strike. It repudiates and violates every personal right of non-union men.

Fifth—We claim that we ought not to be asked to enter into contracts with an organization which is utterly irresponsible. It refuses to become incorporated or to take any other methods of giving substantial guaranty of the fulfillment of its contracts. While admitting the irresponsible character of a large proportion of its members, including boys and ignorant foreigners, and while repudiating all responsibility for treating its employers fairly or protecting their property in the absence of a contract, it insists that contracts shall be entered into for the purpose of assisting it in evolving a more satisfactory union in the future. It thus reverses the time-honored principle that demonstrated responsibility should precede the formation of a contract, and would force the execution of a contract in order to develop responsibility.

Sixth—We contend that the power to declare strikes by a viva voce vote and a bare majority, if considered in connection with the character of the personnel of the organization, constitutes a constant menace to the operators who deal with it. The great majority of the conservative miners were against the late strike, and even by the methods pursued by the agitators, it was possible to secure only fifty-seven per cent. of the total vote at the Wilkes-Barre convention in favor of the strike. We are informed that at the recent national convention of the United Mine Workers, the constitution was so amended as to require a two-thirds vote to justify a strike. If this law had been enforced a year ago, there would have been no strike.

Seventh—The higher officers of the organization seek to escape responsibility for the more glaring defects in its operation. A careful consideration of the testimony, however, will indicate that the very worst things which are done are the direct outgrowth of the principles enunciated by its leaders. Let us consider a few of them:

(a) Intimidation. Mr. Mitchell admitted in his testimony before the Industrial commission that intimidation is used. He seeks to discriminate between lawful and unlawful intimidation, approving the former, while condemning the latter.

(b) The practice of picketing is openly advocated, while it is qualified by the advice that pickets shall do nothing unlawful.

(c) It approves of the boycott while stating that it should be exercised within the limits of the law.

(d) It approves restriction of individual effort, Mr. Mitchell saying that men have no right to work as much as they can.

(e) While admitting the legal right of men to work when they will, it denies the moral right of non-union men to work while others are upon strike.

In all these particulars it is perfectly manifest that the public utterance of the purpose and intention to keep within the limits of the law can have no real control over the actions of irresponsible members of the organization when in the midst of a great struggle. The leaders constantly refuse to give their followers any definite and specific instructions as to what does or does not constitute an infraction of the law. They satisfy themselves with the general advice to do the things which can only effectively be done by a breach of the law, but to do them within the law. They are perfectly aware, both from inference and from long experience, that the result will be that the members will in the heat of passion go any length necessary to accomplish their purpose, encouraged by the declaration of general principles. Thus, all of the lawlessness and violence and infraction of private right are the direct, immediate and necessary outgrowth of the vicious principles declared by the leaders; and they, and they only, are primarily responsible for all the results which follow.

Eighth—The union does not discipline its members for crime. All of the testimony shows this. Challenged to do so, the leaders could cite no single instance where any member had been put out of the union for lawlessness. Two of its members, during the recent strike, pleaded guilty to murder. It was shown that they are still members of the union and a resolution was passed at the Shamokin convention, petitioning for the pardon of men who had actually been convicted of crime, who were still spoken of as "our brothers."

The responsibility is sought to be shifted from the central organization with reference to most of these matters, by leaving them entirely in the hands of the locals, which is a very convenient way of being wilfully blind to what is done and expected to be done. All boycotts are declared and enforced by locals. All pickets are appointed and regulated by locals. All matters of personal discipline are left in the hands of locals, so that it may be easy for the general officers to plead ignorance of any infractions of law.

Ninth—The union sets itself against and above the institutions and laws of the country. Every branch of government comes within its condemnation. The executive, consisting of peace officers and military arm of government, is accused of every sort of improper action, and is condemned. The decrees of the courts are regarded with suspicion and are either evaded or defied, and every act of the legislature which in any way exercises control over the membership is marked for violation or repeal. The union further encourages its members to believe that they will not be punished for infractions of law, and unfortunately for the peace of the commonwealth their assurance in this regard seem to be largely justified by the event. Their success in paralyzing the actions of the executive officers, and in securing the passage of class legislation for overawing or influencing grand and petit juries constitutes a menace to the perpetuity of free institutions for our country. The connivance or actual participation of nearly all the local authorities in the anthracite region in the lawless acts of the mine workers, as proved by the testimony, constitutes a startling commentary upon the influence which this organization has been able to exercise upon all civil authority.

Mitchell's Coal Article.

In an article in McClure's Magazine for December, 1902, entitled "The Coal Strike," written at the conclusion of the strike, Mr. Mitchell says: "If labor makes unreasonable demands, if it attempts to dominate through violence and

intimidation, if it seeks to maintain monopoly through suppression of the right of others to work when they are willing to work, labor loses its case."

Speaking for the party whom I represent—and I doubt not for all the operators, whether corporate or independent, I would be willing to set aside all other issues which are presented to the commission, and request them to make their award upon the issue thus presented. The statement practically recognizes that all temporary questions of rates of wages and conditions of employment are subsidiary to the question of the conduct of the labor unions and the corporations toward each other. It recognizes that even though it might be found that in some places wages were not as high as they ought to be, yet at the end of a long struggle inaugurated by the mine workers to the great injury of their employers and of the public, as well as of themselves, and those dependent upon them, if the purposes of the organization were wrong and pernicious, if their conduct was lawless and revolutionary, it would be unwise to do the public a great injury of lasting consequence in order to right a local and temporary wrong. The encouragement which would result to unions of the character of the United Mine Workers, and the stimulus which would be given to the tyrannical lawlessness and defiant methods which they have pursued, by any substantial award in their favor, would be so disastrous to the future commercial well-being of the country as to be dearly bought by the opinion that the award was giving some help where help was needed.

Let us now take up in more detail the heads of the issue presented as above by Mr. Mitchell. Let us inquire if labor has in this instance made unreasonable demands. There is hardly any basis upon which the subject can be considered which would not lead to that conclusion.

"If labor attempts to dominate through violence and intimidation." Certainly no person of intelligence or capacity to understand evidence could question—after reading the mass of testimony with reference to intimidation before, during and after the strike, and violence, systematic, universal and continuous—that not only were violence and intimidation the agencies deliberately selected for the promotion of the purposes of the Mine Workers, but that it was practically upon them alone that they depended and from them alone their success was secured, and the long continuance of the strike was made possible.

"If labor seeks to maintain monopoly through suppression of the right of others to work when they are willing to work." By this declaration that it is the policy of the United Mine Workers to embrace in its membership every coal miner in the United States; by numerous resolutions of conventions of this union, requiring every man to become a member and wear the working button, and directing strikes where that is not done; by the boycotting, intimidation and assaults upon non-union men both before and during the strike; by the action of numberless local unions oppressing and driving out those who are not members of the organization; in short, by every act and declaration of the organization, its settled policy is demonstrated to be precisely what Mr. Mitchell has described it.

Upon the issue suggested by the leader of the Mine Workers himself, labor loses its case and should not be encouraged by any measure of success, however small, to persist in the wicked and tyrannical course which it had thus pursued.

Mr. Torrey concluded his address at 3.30, and was followed immediately by Major Warren, who spoke until nearly 5.30. He said:

THE ADDRESS OF EVERETT WARREN, ESQ.

Mr. Chairman and Gentlemen: I must use my first words in expressing my appreciation of the uniform and sustained interest taken by the members of the commission in the evidence presented and the details—often wearisome in the extreme—of these protracted hearings. I want also to thank the assistant recorder, Dr. Neil, and all associated with you in this laborious undertaking, including the stenographers, for many courtesies extended and kindnesses shown. It has been a great personal pleasure to me to have had the opportunity of meeting and greeting you all.

A word as to the counsel on the other side. I doubt if a single proposition could be framed by Mr. Darrow on any political or economic question to which I would agree, and yet I want to say that I believe in his sincerity, recognize his ability and have greatly enjoyed his companionship. It has been a pleasure, too, to meet the learned counsel associated with him on behalf of the Mine Workers.

It is from no desire to magnify their own importance, in the humble relation they bear to it, that counsel are impressed that the questions involved here are as momentous and far reaching, the opportunity afforded you to render a great public service as imperative and precious as in the case of any question presented in many years to any tribunal, however constituted. You are at liberty to deal persuasively and authoritatively with the most vital questions affecting the nature of our great anthracite industry. The rights of persons, the rights of property, the rights of employer, the rights of employe, popular liberty and constitutional limitations, the phenomena of human associations, the interests and the happiness of the people—all these are, to some extent, involved in this submission.

Perils of Our Time.

"One of the perils of our time," says a great writer on Social Elements (Henderson, page 114), 'is the disease of economic hysterics." Our friends on the other side are suffering, I think, with a very bad attack of this disorder. "Genius," the author continues, "it is well said, is characterized by sanity, self control, balance and all-sided consideration. It is our duty to wait until we have taken into account all the materials for a judgment. Heat without light is a real danger. Patience is the duty of every person who proposes, in any way, to influence public opinion or lead any social action." At the outset, therefore, I plead a broad, sane, conservative and restraining treatment of the great questions before you, involving, as they do, the conduct of human forces, the adjustment of social problems, the preservation of society itself, in short for the assertion and application of the principles which lie at the very foundation of the social fabric. The real parties to this submission are the employes of the several companies, on the one side, or certain of them, and their employers on the other. They who are seeking to become parties and intruding themselves upon this commission, absolutely without warrant by the terms thereof, are the United Mine Workers of America and especially in districts Nos. 1, 7 and 9 of that organization. If any evidence of this were needed, aside from the documents relating to the strike now in your possession, attention is called to the demands as filed with the commission on behalf of the Mine Workers and to the fact that they are signed by John Mitchell as the representative of the anthracite mine workers. There is no pretense of any appearance for, or on behalf of, or by the United Mine Workers of America.

Issues Well Defined.

The issues are well defined. The Mine Workers have the laboring oar. They are bound to sustain their demands by the fair weight of the evidence and I care not how the evidence reaches you. You are not bound by the strict rules of law, of course. Seekers after truth, you want it and you will take it from whatever source it may come and give it fair consideration. You will penetrate all flimsy disguises and half truths, I take it, will not count in your balances. Now no one has told us where these demands originated. It is said they were formulated by the Shamokin convention. As presented to the commission, however, they are in entirely different form and supported by certain reasons. Many of these reasons are inapplicable to the anthracite industry and, I submit, that the mere reading of the demands must satisfy you that the effort here is to introduce into this industry conditions and methods foreign to it and injurious in the extreme. Let us examine these claims and see if they have been supported in any fair way by the evidence. And in their consideration I ask the attention of the commission to the fact that the northern field, in which the companies I represent are engaged in business, is a problem by itself. You must consider us by ourselves. Our region is not the Lehigh region or the Schuylkill region. There is no similarity in the conditions or the methods and what I may say, it must be borne in mind, and I will say it now once for all, refers to the conditions and methods and the situation generally in the northern field. You must not expect me to cover the whole of this field even. As I said once before, I cannot crowd Olympus into a nut. In what I shall say I will try to be fair and strictly within the limits of the testimony. Permit me to express the hope that it may be of some assistance in your further deliberations.

The First Demand.

The first demand is one for an increase of twenty per cent. upon the prices paid during the year 1901 to employes performing contract or piece work. In support of this demand, it is alleged that the present rate of wages is much lower than the rate of wages paid in the bituminous coal fields for substantially similar work. I do not believe the person who made that statement had any knowledge whatever of the rate of wages paid in the northern coal fields, or he would not have made it. The only evidence I can recall that would justify the inference that the mine workers had any idea of the present rate of wages in this region was that given by Mr. Mitchell when he referred to the collection of due bills, through the district presidents of

his organization, and he frankly admitted that they could not possibly be a fair criterion of the rate of wages throughout the region. Where is the evidence as to the rate of wages paid in the bituminous coal fields for substantially similar work? Who has testified before you that the work of the contract miner in the bituminous coal fields is substantially similar to that of the miner in our section? It was a mere guess, at best, and now that you have the rate of wages in our section, for the year 1901, there can be no doubt as to the impropriety of this reason. We are told that the rate of wages paid by our companies is lower than paid in any other occupation requiring equal skill and training. Not to descend to figures and particulars, it is very clear that the contract miner, in the year 1901, had it within his power to earn a very much larger sum than the wages paid in any other occupation requiring anything like the same amount of skill and training,and actually did earn, notwithstanding the restrictions of his organization upon his earning capacity, a very much larger yearly earning than his fellow-craftsman of similar skill in any other occupation in Northeastern Pennsylvania. It is claimed the rate of wages is insufficient to compensate the mine worker, in view of the hazards of his employment and the short trade life. We have shown you, by the reports of the Bureau of Mines and the mine inspectors for these districts, that the dangers incident to the employment have been vastly exaggerated; that a large proportion of them are not incident to the employment at all, but are due to the recklessness of the men themselves, their disobedience of orders, their desire to leave their chambers at an early hour, the "hurry up" habit, it is called, without taking the necessary precautions to insure the safety of their fellow workmen, and their carelessness and indifference, at times, to even the most ordinary prudence and care. Most of the contract miners seem to feel hurt if they are obliged to stay in their chamber after the noon hour, and the large proportion of them, it has been shown by the overwhelming testimony, are out of the mines by 2 o'clock in the afternoon. In the report for 1900, the mine inspector for the First Anthracite district says: "If half the care were exercised by the miners themselves that is exercised by the foremen and their assistants over them, the accidents would be very greatly diminished." (Page 3.) "The reckless indifference to danger on the part of drivers, in jumping on and off cars, is shown to be the source of the greatest number of accidents to the day men." In considering the dangers, it is, of course, fair to take into account dangers that may be due to what we call the contributory negligence of the employe, for while he may be guilty of contributory negligence from the standpoint of the law, if the dangers follow, although he uses ordinary care, it is a fair hazard in considering the risks of the service. It is more to the purpose, however, that when it is alleged by a body of men that their employment is peculiarly hazardous, and it appears that it is peculiarly hazardous only because of the risks the men take, after repeated warnings and in violation of orders, it is not fair to urge that the accidents following such carelessness constitute a fair ground for the argument that they are the legitimate hazards of the business.

As to Disease.

As to the diseases incident to the employment, shortening the trade life, there are many matters worthy of consideration. We have had the benefit of a good deal of testimony upon this subject. Some of it has been extravagant and most unreliable. I have lived in the coal region all my life, and have a considerable acquaintance among the people employed in and about the mines, and it has greatly surprised me to hear, for the first time, that the life of the miner is shorter than the life of the average worker, and that it is so much more unhealthful. I do not believe it, either, and the evidence does not warrant any such assertion. Let us look at this for a moment. After the testimony of the physicians on behalf of the mine workers, at Scranton, and the exaggerated statements there made as to the unhealthfulness of the occupation, resembling the truth only as mist resembles a thunderstorm, the Journal of the American Medical Association, the standard authority of the profession in this country, presented a very well considered editorial in its issue of December 6th, 1902 (Vol. 39, No. 23, page 1460, published at Chicago), upon the "Healthfulness of Coal Mining." It alleged that "aside from accidents, coal mining is said to be a distinctly healthful occupation by those who have considered the subject. In England, the mortality of all males in Great Britain was 18.74 per thousand, out of which .87 were due to accidents, leaving 17.87 due to what may be termed natural causes. On the other hand, the mortality among coal miners, from all causes, for the same period, was only 12.35 per thousand, that due to accidents being given as 2.00, making the total death rate due to natural causes, 10.35 per thousand." The editorial continues: "We have not the corresponding authoritative figures and statements for the American coal miners, but we have the mortality statistics as given in the United States census reports. Taking the four chief fatal disorders or classes of diseases, we find the diseases distinctly favorable to the miners. Thus, they lose by consumption less than one-tenth of their total mortality, as against one-ninth among farmers and agricultural workers, and one-eighth among professional men, merchants and common laborers, and between one-sixth and one-seventh in manufacturing employes. Their proportion of death from pneumonia was about the same as that among agriculturists and common laborers.

* * * It would seem probable, the miner's life being a laborious one, it would only cover a certain number of the years of greatest vigor and that this would affect the statistics of mortality. To some extent this must be admitted, yet we find in the census mortality statistics nearly one-seventh of the deaths of miners are at 65 and over, and more than one-fourth over 55." Bishop Spalding, in his book on Socialism and Labor (page 113), says: "The manual laborer is, I suppose, in his prime from the age of 25 to 35 years. He is old before he is 50."

Miner in Favorable Class.

Assuming the correctness of this observation, the miner is in a distinctly favorable class as compared with the manual laborer generally, and is hedged about by no such limitations. And I submit that the concensus of opinion among all the witnesses who have testified before you, and your observation of the witnesses themselves, disprove the assertion as to the length of the trade life, and refute the claims of the other side. There seems to be no real justification for placing the occupation of mining among the dangerous trades, other than the accidents. As Doctor Wainwright tells you, "From its medical aspects, it is an ordinary occupation. It requires an ordinary, but not an excessive muscular exercise. It is in an equable temperature, and, at present, at least, is, generally speaking, under good ventilation. The miners are not crowded as in shops and factories, and the amount of air supplied to a given portion of the mine correctly regulated, according to the number of miners there. The teachings of all the authorities who have written on the subject, the editorials of the medical journals, the statistics in this country and in England, all support this view." The testimony on the other side, especially of the doctors called at Scranton, is nothing more or less than a libel upon a large portion of our community. It represented them as cripples, devoid of ambition, eking out a now miserable existence, pitiable objects, and was intended to give you the impression that the large proportion of the inmates of the charitable institutions were the graduates of this industry. Everything was stated in the superlative degree. An examination of these institutions by physicians, at our request, disclosed the unfairness of these statements and the impropriety of all their figures. There was revealed a condition quite opposite to that stated by the mine workers. A very small number of the inmates were found to have been formerly employed about the mines, and of them only a few were suffering with miners' asthma, or any disease of the respiratory organs. Sciatica and rheumatism and consumption were rare, and over ninety per cent. of the inmates of the largest institution visited, the one providing for the poor of the city of Scranton, themselves traced their present condition to alcoholism rather than to their employment. Anthrocosis or presence in the lung tissue of particles of coal causing discoloration, exists undoubtedly. Its presence, all agree, is not often an irritant. It may tend to impair the lung tissue, so as to render it more susceptible to bronchial affections and less able to resist disease. This is the maximum that can fairly be said and then you have said it all. Miners' asthma, so-called, appears now and then among the workers of the mines. In almost every instance, however, its origin is to be traced to conditions existing twenty or thirty years ago. Among the dust-breathing occupations, under present conditions and present methods, mining is among the lowest in the mortality rate. The mine workers found in the charitable institutions were all over 50 years of age and many were over 70. In an institution providing for the poor of a territory embracing nearly two hundred thousand people, with a total of inmates of something less than five hundred, less than ten per cent. were mine workers. That tells the story, and is worth volumes of statistics and figures. They who enter this employment, all the evidence shows, prefer it to any other.

Occupation Preferred.

That is the best answer to the claims of the other side as to the difficulties surrounding it. They even seem to prefer it to the pictured paradise of the bituminous districts. The gates of Castle Garden swing inwards continuously and never outward for an Irish, Welsh or English

miner returning to his native land to escape the horrors of the work in old Luzerne county, Pennsylvania. The picture is horribly distorted. It does not tell you the truth. With the present conditions of ventilation, with the facilities for change of clothing and the rooms provided for this purpose with hot and cold water for washing, with the comparative short hours of service, you cannot help but find that, as a class, mine workers compare favorably with men in most other occupations on the score of health, and are certainly as favorably situated as the employes of the other industries in the same territory. This is one of the questions presented as to which there is a great liability to hysteria. It seems to be popular just now to assume that this industry presents extraordinary hazards, and entails great suffering and want. If you were permitted to attend one of our eisteddfods in Scranton or Wilkes-Barre, and see the hundreds and thousands of the employes of this industry in competition, in choral unions and vocal music of the highest order, you would have an object lesson and it would satisfy you, I believe, that the trade life in this business is neither short nor prejudicial to good health, and not deleterious to the respiratory organs or the bronchial tubes.

But, they say that the annual earnings of the mine workers are insufficient to maintain the American standard of living. Fortunately for all of us, that has been interpreted by Mr. Mitchell, and he has given us the benefit of his opinion that six hundred dollars a year would permit the mine workers to live in a manner conformable to American standards (P. 246). The earnings of the contract miners for the year 1901, in the employ of the companies I represent, averaged approximately six hunded and fifty dollars, and do not forget that this represents the earnings of those who worked some in each half month of the year; and it further represents the limit imposed by the men, and not by the companies, for that year. Perhaps I ought not to say the men, because many of them dislike this restriction and have expressed this to you in no uncertain terms. I shall refer to this restriction later. I speak of it, from time to time in my argument, because I want to impress upon you all along that when you take up this question of wages, you ought not to ignore that which I said in opening the cases of the Hillside and the Pennsylvania Coal companies—that the union had itself restricted the earning capacity of the men at least as much as, if not more, than the twenty per cent. advance asked upon the prices paid for their work during the year 1901.

The lists of the parents of children working in and about the mines, filed with the commission on behalf of several of the companies in the northern field, show the absurdity of the claim advanced here—that the wages of the Mine Workers are so low that their children are prematurely forced into the breakers. There may be a few, who, by reason of habits or exceptionally hard places to work, are limited in their earning capacity so as to require the growing children to assist in the support of the family. The vast majority, however, have had the opportunity, for the past two years, of earning enough to put themselves and their families in a reasonably satisfactory condition, so that their children might secure the educational advantages offered them, the family at the same time to maintain the American standard of living.

Miners Limit Earnings.

Throughout the discussion as to the rates of wages, no matter how it may be presented, whether by figures, statistics, oral testimony or argument, it is absolutely necessary to bear in mind that the annual earnings of the mine workers are limited by the men themselves. I do not overlook the testimony that here and there a contract miner has difficulty in securing as many cars as he could cut coal for; that there are stoppages, for which he is not responsible; that railroad cars are not furnished in sufficient quantities at times, to enable the breaker to work and that this, in turn, prevents the distribution of a sufficient number of mine cars to the chambers. I am perfectly willing that you should take into consideration all the evidence offered on the other side as to the efforts made to equalize the distribution of cars. And after all this, it remains clearly established before you, by indubitable testimony, by writings and warnings and resolutions and the action of the locals and the men themselves, that since the advent of the union the earning capacity of the contract miner has been limited and instead of the union being an advantage to him it has worked to his disadvantage in restricting his earning capacity. I stand ready to prove these assertions by the record. I do not charge this upon the great body of the miners themselves. They are not responsible for it in a sense. They do not understand why it was done. They are not familiar with the socialistic theeories of some of the leaders of the organization. Prior to the advent of the union, when the mines were working three days a week, the miners working in low veins requiring rock to be blasted up and down, in order to make height for the cars to enter their places, would arrange to blast the coal during the days the breaker was working, figuring on going in on idle days to blast the rock. By this method these men, working in the thin veins, were practically working full time, for they were given allowances and yardage for the rock. We have shown you that the locals, in many places, have issued orders preventing men from working on idle days. The result of this is that when the breakers are only working three or four days a week the contract miners can only work three or four days. It quite frequently happens that a miner is called out of his chamber to do company work, such as driving, timbering and other special work. In the good old days they could manage to have coal enough down in their chambers so the laborer could go on and load his full shift, and the miner would receive his pay for the full shift of coal as well as his day's pay for the company work he was engaged in performing. This is also prohibited by the union and, of course, it results in a restriction in the earning capacity of the miner. The union does not seem to have any control over the boys, drivers and runners, who are permitted to share in its membership, and the result of this is that the miners' earnings are restricted because the boys, apparently, are under the impression that they are not to drive the required number of cars to constitute the minimum day's work, for if they do this they will be doing more work than the union requires of them. It seems like descending to particulars but it serves to illustrate the tendency of the union and, therefore, I ask you to consider for a moment the testimony of Richard Walsh, a union miner, in the employ of the Lackawanna company, of good standing in the organization, who says upon page 6192 of the record:

Testimony of Walsh.

"Q. Take it prior to 1902, what would you say your earning capacity was as compared with today? A. It exceeded what it is today."

"Q. What was that? Just tell the commission. A. Well, we have lost an awful lot of time since the union came; lost an awful lot of time."

"Q. What restrictions do they place on you in the number of cars you are able to load? A. In the vein I work in we loaded seven cars for a shift, now it is six cars, a difference of one car on a shift."

"Q. Who makes it the six? A. The union."

"Q. And you used to be able to load seven? A. Yes, always."

"Q. What did you used to be able to earn a month prior to 1900? A. We varied. Sometimes they would work four days a week, sometimes five and sometimes six. If I worked from sixteen to eighteen days in a month I could average from $65 to $75, and sometimes I made from $80 to $90, according to the place; I have made $80 to $90 in good places." (Page 9119).

"Q. Under the old way could you go in when the breaker was idle and take down the rock? A. Yes, sir."

"Q. So you could have your coal free? A. Yes, sir."

"Q. Can you do it now? A. No, sir."

"Q. Why can you not do it now? A. Because I am restricted.

"Q. Restricted by whom? A. By the union."

"Q. Why is it they restrict you; you are a member of it. I wish you would tell me why they restrict you in this way? A. That is something I cannot tell the commission. I cannot understand it myself."

This evidence appearing, at the request of Mr. Darrow we furnished and filed a statement of this man's earnings for five years prior to the advent of the union and it proves his assertion. And now to fasten this on the union absolutely. The same witness said that it was fixed by tion. (P. 6137).

"Q. By motion? Well, but don't some body get up and give the reason why they want to restrict you so you could not load up so many? A. Yes, they always considered the seventh car an objectionable car, that is the seven car shift and wanted to do away with the seventh car right along."

The Chairman:

"Q. Why? A. They claimed that it is too much; that six cars is enough for a shift."

"Q. Too much for what? A. Too much for one day's work."

"Q. What difference does it make to them? A. It should not make any difference, they get the same price for one as the other."

"Q. What difference does it make to anybody how many cars you can get out within a reasonable number of hours? A. It should not make any difference, but the difference is right there that they will not allow it."

Case of Restriction.

One more case of restriction: Patrick Mitchell, a witness for the Pennsylvania Coal company, testified (page 5438):

"A. The breaker was knocked off one

day and it was my turn to go on the night shift. I was cross-shifting a slope, and I went to work that night and worked, me and the men, and the local called me that night and fined us $5 for working because the breaker did not work.

"Q. Were you a member of the union at that time? A. Yes, sir, and a good member, too; always paid up to that time."

"Q. What was the theory the local advanced; what was the claim why you ought not to work while the breaker was not working? A. They did not want anybody to go in and do night work, only breaker time."

"Q. Can you give me any explanation for this, what their explanation was to you? A. The explanation was I was to hold one man down to equal the other, for one man to send out just as much as the other."

"Q. What restriction is there, if any, as to cars since the advent of the union? A. Since the 1900 strike they had a regular basis of loading so many and could not get the laborers to furnish much more."

"Q. Who furnished this basis; where did you get this basis? A. I do not know. They claimed the union wanted us to load seven or eight cars for a shift. Before we used to load ten or eleven."

When Mr. Darrow was cross-examining him the question was asked him:

"Q. There were plenty of cars there but the laborers would not give them to you? A. Yes, sir."

"Q. Did you every say anything to the foreman about it? A. I did once. He told me he was afraid to discharge them for fear there would be a strike."

Look at the posters they put up at the collieries where they pay by weight, limiting the amount of topping on the cars, although the evidence discloses a very much higher topping could safely be put on these cars, and although the men are paid for every pound of coal the cars contain. Whatever may be the motive on the part of the union, the evidence is overwhelming that the result is a restriction on the part of the industrious miner, limiting the amount of work and the consequent wages resulting therefrom, shrivelling his powers and reducing him to the dead level of his lazy and indifferent associate. This cannot be blotted out from the record. It appears in the testimony of every company and every employer of labor in the region. It is testified to by the general superintendents, the under officials and the men themselves. How can you escape the conclusion that it would be better for you to say to the men, on the one side, take off the shackles you have yourselves placed upon the men, before you ask us to increase the wages at the hands of your employer? I do not want to enter into a discussion of socialism. But the action of the union in the matter of the earning capacity of its membership is very like the socialistic theory as described by all the writers on that subject. It incarnates the determination of the average laborer to prevent the rise of the highly capable and ambitious laborer. Ignoring the differences which exist among men, they demand that the sacrifice be measured by the unit of labor, for which every one is to receive the same wages. But if an hour's labor in one occupation, and by one man, ought to count for more than in another and by another man, the managers of the scheme themselves undertake to measure the difference, and not every person for himself. The thing deemed socially necessary having been determined by them, the laborer must do the work under their direction, with restrictions they throw about him, whether he is willing or not, for otherwise, as they say, society will suffer. In a state of freedom, self-interest is the goad, and every person can prick himself much or little. In a state of slavery, the master and overseer apply the goads. There are those who prefer this sort of slavery rather than individual freedom. That all men are exactly alike, or so nearly alike that the difference between them may be ignored, that all should be reduced to the dead level of the mass, is a fallacy. Men employed in this occupation differ in their mental and physical powers, natural and acquired. They differ not only in ability, but in their feelings and tastes and inclinations, capacity for labor and quickness of perception. There is a material difference between an idiot and Sir Isaac Newton, and between a Samson and one who has the rickets, with gradations between the two extremes, and a great difference between races of men. Adam Smith undertakes to argue that the difference of natural talents in different men is, in reality, much less than we are aware of. A person of equal authority with Adam Smith, however, to wit, the pope, in his encyclical letter on the condition of labor, says: "It is impossible to reduce human society to a level, because there naturally exists among mankind innumerable differences of the most important kind. People differ in capability, in diligence, in health and in strength." One man anticipates his future wants and will not wait until the spur of necessity is actually applied. Another man cannot restrain his desires, has no frugality and lives in poverty, because of his wasteful extravagance. Still another regards labor as a dreadful sacrifice, and will suffer for want of food, clothing and shelter, rather than undergo the great pain which he would suffer to satisfy his wants by his own industry.

Purpose of Socialism.

This being manifestly true, it seems to me, the "hypothetical economic man" is destroyed, and that system of economics which is founded upon the tacit or express assumption that all men are exactly alike is reduced to rubbish. Socialism proposes to establish an equality among unequal men, by reducing them to the dead level of this possible majority. Instead of allowing every one to determine for himself what he wants to do, it is to be done for him; he must perform an allotted task for an allotted reward. That is nothing but slavery. What is the theory of the union, if it is not this? It says to the capable, intelligent and industrious miner, who desires to cut enough coal to load seven or eight cars, and can get the laborers to load it, you must only load six, because you are, indirectly, robbing your brother in the adjoining chamber, who has not the capacity to cut more than enough coal to load five cars. It is not fair for you to get ahead of him. More than that, if you load seven cars, your neighbor may not have more than five sent into his chamber. It is immaterial whether that is all he wants or not. This is a reconstruction of the social and economic status of the mine worker, and works a revolution. It is not satisfactory to anybody. It may be endured by the members of the union; it is not approved of by him. It is an attempt to fasten upon this region a theory the propriety of which is questioned by everybody who has any familiarity with the industry. And there is no doubt about its impracticability and the ill effects upon the men resulting therefrom. It will be said that this action on the part of the union is simply to afford a fair distribution of cars to the men, or, in other words, an equal opportunity to all and that it is, on that account, desirable and commendable, and that the companies, themselves, restrict the earning capacity of the men fully as much as, if not more than, the union by its official action. I deny both. There are times when the men cannot get the cars they ought to have There are days of restriction and restriction by the company or by unavoidable accidents, or other causes. There is no doubt about that. The rules of the union, however, it is to be observed, apply under any and all conditions, at any and all times and, practically, at all places. Some of the locals have not adopted any such rules. Many, however, have. There seems to be no settled policy on the part of this organization. The district leaders, apparently, knew nothing about the action of the locals, at any rate they have thrown no light upon it here. They have given you the benefit neither of their presence nor their testimony, and those higher than they have made no effort to explain this attitude, other than that it was for the purposes of equalizing the distribution of cars or, putting it in another way, giving everybody an equal chance. But everybody is not able to avail himself of the equal chance, and to confine the industrious, frugal and ambitious worker within the limits satisfactory to the other kind is to reduce him to a state of slavery, and one of the astonishing things in all this inquiry is the acquiescence of the men in any such rule of conduct. By some people freedom is highly esteemed. I have read, however, that the Israelites, although fed from heaven, wept when they remembered the fish and the melons and the onions and the garlic on which they were fed by their masters in Egypt. And the Mine Workers seem to be willing to be regimented and work under overseers as long as they are of their own selection, no matter how they apply the lash. The present organism fastening itself upon the northern coal field, in so far as this feature of its life is concerned, seems to be a strange sort of an octopus, all legs and arms and no head. I do not dispute the right of men to organize and I hold no brief against organized labor. The methods of the United Mine Workers, however, seem to be exquisitely adapted to degrade intelligent labor, to paralyze honest industry, to crush spirit, hope and ambition. There has just passed away, in the fulness of years, in the love and reverence of his countrymen, that eminent citizen and publicist, Abram S. Hewitt. His words of wisdom, spoken just before his death, come to us now with renewed force and impressiveness. Speaking the other day upon the eightieth birthday of John Fritz, who had risen from the working ranks, Mr. Hewitt said: "That a boy born in humble life, with no advantages of education or opportunities for position, without influential friends or the favoring accidents of fortune, should be able to advance steadily in usefulness, power and the respect of his fellow men until by common consent he occupies the first place in the domain of practical industry

with which he has been connected, gives conclusive evidence that political institutions which afford free play to individual ambition, industry, ability, and strict integrity, are worthy of all loyalty and should be cherished and preserved at all costs and hazards."

Spirit of Labor.

The whole spirit of labor dictating to labor what it shall and shall not do as to hours or prices or any other relations or duties of life, involves treason to every principle of individual liberty. When the right of free action shall be suppressed the possibility of a career like John Fritz' will be destroyed. So I say when men plead for higher wages and allege that their earning capacity is limited by their employment, and it appears as clearly as it appears here, that they themselves limit their earnings by their own conduct (and I am speaking now of the contract miners, who, alone, are asking for an increase in wages), this self-restriction is a legitimate argument against their demands and, it seems to me, it ought to have the very greatest weight in your considerations.

The Second Demand.

The second demand,as presented, shows the dominating power of the bituminous mine worker over his anthracite brother. I do not now refer to the engineers, firemen and pumpmen. They are in a class by themselves. There are many places where the firemen ought to be given an eight hour day, perhaps in the majority of places, and I have no doubt the companies would be perfectly willing to grant it. The engineers and pumpmen, however, are differently situated and, aside from the great difference of opinion among the witnesses as to the propriety of an eight hour day for them, there is, I admit, room for argument both ways. It is my impression, however, speaking for our district, that the engineers would far prefer to remain on their present hours, and I think the reason given by Mr. Morgan, for the Lackawanna company, satisfactorily explains their attitude. This demand, aside from the excepted class to which I have referred, is an effort to fasten upon us an eight hour day, although the result will cripple the industry, affecting the companies and the men most disastrously. What is the purpose of it? Can it be that it is a selfish, farseeing, comprehensive scheme to limit the production and thereby keep up the same wages for less work? In my opening statement for the Hillside and the Pennsylvania companies, I called your attention to the fact that the nominal ten hour day does not result in securing an average of even an eight hour day, and never has. I said that you could not graft such a system upon the anthracite region, the breakers never averaging full time, without serious loss to everybody; and the proofs have supported my statement. The average breaker time of the Delaware, Lackawanna and Western Railroad company in the year 1901 was 7.7 hours. At the present time the miner in the northern field does not average eight hours and a large proportion of them do not average six hours at their work. It seems to be impossible to run the breaker every day in a week for ten hours' time, whatever may be the market demands for coal. There are so many things that are peculiar to the anthracite region in the way of hinderances to a ten hour day. A car may be derailed in the mine. It blocks all cars, as it is a single track there, and the breaker is obliged to shut down; accidents may occur to the machinery in the breaker; there may be congestion in traffic; a thousand and one things are liable to occur. The result of it all is that we do not have an average eight hour day week in and week out, and never had. Now suppose you say that the breaker can never run more than eight hours. The same accidents are likely to occur; the same stoppages, and the same causes for them will appear in the future as they have appeared in the past. You cannot get the young men in the breaker to work more than eight hours' time even though you are willing to pay them overtime, as soon as you have persuasively urged a limitation of eight hours. That was seen within the past few weeks. It was testified here that they could not get the breakers to run over ten hours, notwithstanding Mr Mitchell's letter urging the men to cooperate with the companies in getting out as much coal as possible. They simply would not work more than the maximum time and this though they were, of course, to be paid for overtime. Do you not see, therefore, that a restriction in the number of hours for the company men means a restriction in the earning capacity of the contract miners and means no advantage to the company men in their earning capacity? If the breaker worked ten hours per day and every day in the week, I could see some propriety in urging the reasons that have been filed to support this demand. They might say that it is too long to ask a man to work; that the general tendency is toward shorter hours; that in all the trades the move is in this direction. and I am perfectly willing to concede this for the sake of argument. But it proves nothing.

A Unique Industry.

This industry is sui generis. The general tendency of things ought not to be recorded as an argument in favor of a change as to this industry. In the bituminous region when the coal comes from the mines it is the finished product. They have no breakers. They can urge an eight hour day with some propriety there. With us the coal when it comes from the mine, is the raw product. The impurities accompanying it in the car necessitate further preparatory work before it can be sent to the market. It seems to me the bituminous mine workers, who are attempting to fasten this system upon us, ought to be disciplined by the union. I cannot understand why the men are so blind to their own self-interest as to urge a theory of this kind. The only effect of this change being to secure less pay for less work, as Mr. May so clearly showed, why should labor want it? Labor is the one element in our social order that cannot afford to take less money even though it gets more leisure. It needs the money more than the leisure. Two additional hours of a family's society are dearly earned if that family is to forfeit every comfort these two hours' labor would add to the necessities of life. The scheme is impracticable. Moreover, there can be but one result More men will be required to do the same work at times. No one man will benefit by it and no man's wages will be increased. The companies will be the sufferers, that is all. To pretend that the absolute annihilation of one-fifth of the time each day of an army of laborers does not involve increased cost to the employer is simply to shut our eyes to the most patent facts and conditions. Experience is a pretty good teacher, notwithstanding the new fangled notions and the ideals and theories of the dreamers seeking after Utopian schemes. The old paths are the safest and the best. It is another case of "economic hysterics."

Eight Hour Dream.

Admit every argument for an eight hour day ever advanced the country over, and I say they by no means prove the propriety of fastening this system on the anthracite industry of Pennsylvania.

Our friends on the other side have abandoned, in part at least, their third demand, viz., the adoption of a system by which coal shall be weighed and paid for by weight whenever practicable, the minimum rate per ton to be sixty cents for a legal ton of 2,240 pounds, the differentials now existing at the various mines to be maintained." For they have agreed that in the Reading district, where there are several collieries now under the car system, they may continue that practice with their entire acquiescence. I suggest they abandon it entirely, for the introduction of any new system in the Northern field, requiring uniformity of methods and practice as to payments, will prove disastrous and unsatisfactory to employer and employe alike. I assert that a long and unforeseen train of evils must follow any attempt to disturb our present conditions. You might as well prepare to go into continuous session to adjust grievances and disputes without number if you impose the experiment. The most natural thing in the world upon the discovery of social discontent, whether widespread or here and there in spots and among a coterie of men, is to charge it upon the present system. One does not have to travel far to meet the aged, the sick, the beggar, the tramp, and even the honest and industrious man unable to satisfy his wants. Injustice is frequent enough everywhere. The socialist finds these facts and charges them to the present system. That system is before all eyes; it is something tangible to strike. But a natural impulse may be false. It seems to me to be so here. At present it is not the system of payment but the other matters to which I have referred that affect the earning capacity of the men.

Customs Should Be Respected.

It must be admitted that customs which have been followed for fifty years should not be set aside hastily and in the absence of the most careful consideration as to the effect of the change upon all the parties interested. The mine workers arbitrarily demand a readjustment of the method of paying for the coal mines and specify that it shall be at a fixed rate per ton of twenty-two hundred and forty pounds. The experience of fifty years in anthracite mining has developed four methods of paying for coal cutting: First, a fixed rate per miner's ton or miner's weight; second, a rate per mine car loaded; third, a payment by the yard of vein removed; fourth, a wage per day worked. No one of these has been found satisfactory to the exclusion of all the others. Conditions vary in each vein of each mine and there is still greater variance between different mines,and greater yet between the mines of different districts. The veins may be thick or thin,

lie regularly or irregularly, they may be broken or faulted, filled with veins of slate or intrusions of rock, have large and irregular partings of low grade sulphurous coal, and the angle of inclination may be anywhere from horizontal to vertical. No fixed system could be adopted which would be alike fair to the operators and miners, and out of experience have grown the present methods. Even they do not completely answer, for when a miner meets unusual difficulties in his chamber the mine foreman uses his judgment and gives whatever extra allowance may appear proper and fair. The first method, that of paying so much per ton or by the "miner's weight," is followed in a very small number, about 8 per cent., all of the mines in the region, namely, the collieries of the Pennsylvania Coal company, the Hillside Coal and Iron company and those of the Delaware and Hudson company in the upper end of the Lackawanna region north of Olyphant. In nearly every case the veins worked in these mines are fairly regular in character. Where coal is paid for this way twenty-seven gross hundred weight has been established in recent years, speaking generally, as the figure to constitute the miner's weight or miner's ton, because when the wage scale was established it was found that this weight of coal was required to yield, after the slate, rock and inferior coal were picked out, 2,240 pounds of merchantable coal. It has been said that this arbitrary weight is illegal and unjust and it is called by the mine workers the "excessive ton." But here again comes in the question of custom. Even our government recognizes three different weights to a ton—2,200 pounds, 2,240 pounds and the metric ton of 2,204 pounds. Retail dealers buy 2,240 pounds in a ton and sell 2,000 pounds. In each case it is a ton. Pig iron is always sold at 2,268 pounds to a ton, and practically every commodity of this character is given an arbitrary weight, which experience has shown to be sufficient to allow for losses and impurities and to represent a ton of legal standard when pure. The mine ton, which was first demanded by the mine workers, that is the run of mine and on patterns again after the custom in the bituminous region, was found to be a very unfair proposition. To pay for each ton of 2,240 pounds as it comes from the mine as if it were a finished product is manifestly unfair. Miner's ton, as it is called, is a misnomer. Miner's weight, as I suggested before, has a definite and fixed meaning in law and practice. I called your attention to the case of Drake vs. Lacoe (157 Pa. page 17) where our Supreme court has defined what is meant by this phrase. It is there interpreted to mean whatever quantity of material, coal, bone, slate, refuse, etc., coming from the mine that is required and necessary to yield, when prepared through the breaker, a ton of 2,240 pounds of prepared coal. In view of the fact that the mine workers say they do not ask for anything except coal, it is a perfectly fair answer to say to them that is just what they have been paid for by the companies paying by weight. And they have the advantage nowadays of sending out hundreds of pounds of material more than in past years for which they are credited by weight, owing to the utilization of the smaller sizes below prepared. And I want to say that this more than offsets the larger quantity required to yield a ton for the market owing to the streaky and laminated veins now being worked. The undisputed evidence in this case shows that when the miner's weight was agreed upon and the price fixed, it was fully understood that smaller sizes would be made and would be sent to the market. But the fact that they were not sold at a profit caused them not to be considered in the transaction. The principle of not considering unprofitable material in a transaction is not confined to the anthracite trade. When buying pine or hemlock logs from a man, who has cut them from his land or who has acquired possession of them, they are bought by log measure. Now log measure is based upon the amount of merchantable lumber, board measure, which can be measured out of it and, usually, board measure overruns log measure one-third, not to speak of the slabs and refuse material which is made in manufacturing the lumber. When laths, pickets and kindling wood are made out of the refuse, the man who sold the logs gets nothing out of the transaction and no profit from it. The price fixed is based upon log measure and that, in turn, upon the number of feet of merchantable lumber, board measure, that can be obtained out of the logs. It is also recognized in a degree in the soft coal region, where men are paid upon the basis of the coal which passes over a certain sized screen, the material passing through the screen being disposed of to the best interests of the employer. To attempt to change the present system, where the payment is by miner's weight, to any other method of paying by weight is to disturb the balances, to require a re-arrangement of allowances and prices and yardage and dockage everywhere, and everywhere unevenly. For every company is a problem by itself, owing to its long course of dealing with its men. Each colliery is a problem by itself owing to the varying conditions of the veins in a particular locality, and each vein is a problem by itself owing to the difficulties encountered in the different veins almost daily in the prosecution of the work. It means a revolution. It means a chaotic condition of affairs, alike disagreeable to the men and to the companies, involving everything in inextricable confusion. If you were satisfied there are evils in the present system, it would be far better to endure them than to fly to evils we know not of. The evidence of Mr. May, general manager of the companies paying by miner's weight, must convince you, if you will recall the details, of the impracticability of adopting the miner's theory and the great desirability of letting well enough alone. You are not dealing with any ordinary question of change of which the end can be seen, the reasonableness of which has been made clear.

Paying by the Car.

To those who pay by the car in the northern field it is suggested that there is a statute requiring payment by weight. There has been so much said about this act of assembly that it is worth while to see how it reads. It was passed on the thirtieth day of March, 1875, and has been a dead letter ever since. It provides that the coal shall be weighed in the mine car, provided that the provisions of the act shall apply only to mines or collieries in which the coal mined has heretofore been paid for by the car. How many collieries are there in the northern field that were in operation on the 30th of March, 1875, and at that time paying for the coal under the car system? Is there any evidence of this before you? The act further provides that it shall not apply to any persons or corporations that may by contract agree with their miner otherwise than as provided in the act.

The mine workers are here submitting to your determination the propriety of methods of payment, among other things. They will be as much bound by your determination as to methods as the companies. It is idle, therefore, for them to rely upon the provisions of such an act of assembly and, indeed, the act is of absolutely no value because any company can say to its men "we are on the car system here and we shall have to ask you to agree to this method of payment prior to your entering our employment." On the other hand, it is open to the men to say "we decline to go into your service unless you change to the weight system." All of this is, of course, subject to the determination of this commission as to the continuance of present methods or a change to an experiment. As I said before, nearly ninety per cent. of the collieries in our district are upon the car system. It has been proven to be as fair as any other system brought to the attention of the commission. The car prices and corresponding differentials in the different mines and veins on account of the varying conditions met with in relation to the impurities with which the miner has to contend, such as yardages and allowances, have been adjusted from time to time to meet the changes in conditions, so as not to work an injustice to either miner or employer. It would be necessary to use the present prices paid for the different sizes of cars as bases or units. If this is done it is not material whether the miner is paid by the shovelful, cubical foot, car, two thousand per ton, twenty-two hundred and forty pound ton or twenty-eight hundred pound ton, so long as the price is adjusted in accordance with the basis of the labor performed. The car system is the basis of years of experience. One of the prime advantages has been the avoidance of disputes between the miners and their employers. The former have found it an easy matter to keep tally of the number of cars they loaded, and when these were filled with clean coal could determine their wages with certainty. There was no calculation of the weight of each loaded car, less the weight of the empty car and less deductions for the weight of slate and rock, to arrive at a net weight, which had to be added to that of other cars and thus converted to tons, as must necessarily be done when paying by the ton. Every man knew exactly what he would receive. The very fact of the law's being on the statute books, calling for payment by weight, and no change having been suggested by either the employe or employer for a period of over a quarter of a century, justifies the assertion that the car system is a reasonably satisfactory method of payment for the work performed. It appears by the earnings of the contract miners of these companies that the system is fair to all concerned. No request has ever been made to the operators for a change in this system. The few witnesses who have testified that they would like a change can give no intelligible reason for any such change. They do not care to change places with the miner who is paid by the ton and their average an-

nual earnings appear to be as high. A great many allowances are made under this system on the price paid per yard, where the miner has been compelled to blast top or bottom, also in driving cross-cuts, without increasing the price per car.

Allowances Necessary.

These allowances have been necessary so that the miner could receive a fair day's pay for the work performed and they have become so general that there is now a regular standard price for this work. As an illustration, we will imagine that Mr. A., a miner, had fifty cars at a dollar per car and ten yards of cross-cut at fifty cents, which would equal fifty-five dollars; now if he was five dollars short of being properly paid the foreman would increase the price of the cross-cut fifty cents a yard, making up the five dollars. He could have increased the price of the car ten cents and made the five dollars allowance in that manner. The same thing applies to cutting bottom and top, prices on airways, gangways, timber and all other work. The differentials that are allowed the miner are principally made on the yard, where the miner has yardage, but in chambers where the miner has no yardage, such as top or bottom, the differentials are usually allowed on the price of the car. In establishing the different rates per yard in the various veins of different collieries the price per car was first settled on. The other prices were established based on this settled car price. In other words, the car was the unit of measurement. If this unit is changed it must necessarily follow that all prices based on this unit must be changed accordingly. It would, therefore, require a readjustment of all the rates of the companies now paying under the car system, if you were to compel them to change the payment by weight or to any other method. If you allow these companies to maintain their present prices per yard and present differentials, and then direct a transfer to the system of paying by the ton, the miners would naturally be dissatisfied, as they would immediately demand the same rate per ton as the miners are paid in other sections of the region. Let me give you an illustration: Transposing the price per car to a price per ton, allowing all differentials to remain as they are at present, if the same were to equal fifty cents per ton, the miners would immediately become dissatisfied, if the companies who are now paying by weight are paying sixty to seventy cents per ton and they would demand the same rate per ton as these companies are paying, notwithstanding that the rates and differentials of the company paying under the car system are higher than those paying in the other way. They would say, "Here is the Delaware, Lackawanna and Western paying its men fifty cents a ton, while the Hillside are paying its men seventy cents a ton." If any of these companies were to open up a new colliery it might be desirable to leave it to the contract miners to determine whether they would decide to be paid by the ton, bushel, the hundred weight, car, box or any other method, but the other rates for their labor performed in connection with the mining would have to be established on the unit of measurement agreed upon between the company and the men. I have said nothing about the cost of the change to the companies. It has been stated here as amounting to hundreds of thousands of dollars. On the other hand, a witness for the mine workers said it would be inconsequential. A scale would have to be erected at the old breakers where they are erected over the opening or shaft and where the coal is hoisted direct from the mines to the tipple, and it would be almost impossible to place a scale between the edge of the tipple and the shaft as the space there will not allow it. And if it were necessary to extend the space to provide for the scales it would require a change, practically, in the breaker from top to bottom in order to get the necessary pitch for the coal to run through. Mr. Phillips, general superintendent of the Lackawanna, has discussed this at considerable length and by reference to his testimony you can gather the views of a thoroughly practical man of very long experience, whose opinion, I am sure, is entitled to great weight. The suggestion has been made that scales might be placed inside the mines. This not only would cause great inconvenience and unnecessary expense, but would require as many scales as there are different veins, for in many of the collieries of these companies coal is hoisted from four or five different landings. Then you would have to set a scale at every landing and a separate weigh-master for every scale. The objection to paying by the car in view of the fact that coal is sold by the ton, is a trifling one. Lumber is sold by the thousand feet and mill men paid by the day. Farmers pay their labor by the day and sell their products by the bushel or pound. Iron ore is sold by the ton and the miners paid by the day or cubic yard. Building stone is sold by the yard and the quarrymen paid by the day.

Payment by Yard.

Another system has been suggested: That is payment by the yard. There is an advantage in this, perhaps, to the operator in that there is no temptation for a miner to load slate or rock in the car. But if, on the other hand, cars are scarce, he would be apt to throw down coal, throw it into the gob and cover it with rock. He would be paid by the yardage removed, but the company and land-owner would lose. Furthermore, such system would be applicable only to chambers, gangways and airways, and could not be employed in removing pillars. Owing to the constant variations in the character of the vein and the difficulties in working, constant disputes would arise requiring adjustment and allowances. This system, however, seems to be necessary in veins where cars cannot be run into the chamber.

There are weighty objections to such a system. The seams vary so much in thickness that it is equitable there should be variation in price every time there was a variation in thickness. There would probably be a much less yield per car and that would result in a chance for another loss of the natural wealth which belongs to the country. This would especially be the fact where there was much idle time. Where all the material is taken out of the mine into the breaker there is not this objection, but the increased cost for handling this waste material on the roads, in the cars and in the breaker would be astonishing. It is true the companies now pay for narrow work by the yard. But it is only done because it cannot readily be paid for in any other way. If it were possible to pay by the cubic yard there might not be so much objection, but this, of course, is impossible because you cannot get at the coal to measure it before it is mined.

Another system has been suggested, that is payment by the day. This is the most unsatisfactory system conceivable. It is going from the contract or piece work system, which every manufacturer knows is the most economical way of producing an article, to a method which has long been abandoned on all sides. It is universally true that a man will work better for himself than anybody else, and when he works by the piece, yard, ton, or by the car, he is, in a sense, working for himself and he will put forth more exertion than when he works by the day.

There are objections, possibly, that can be urged to any system. One of the most common is the docking boss. Whether you pay by the car or by weight there is a temptation to the men to hide rock and slate in the car. Anthracite coal weighs ninety-three and one-half pounds per cubic foot, slate about 145 pounds and rock 163 pounds. The miner or his laborer hide them with much care in their effort to secure the benefit from this additional weight. The same is true where payment is being made by the car, although it is a matter of bulk, not weight, and the temptation is not so great. The damage arising from this introduction of foreign matter into the car is a serious one. There is not only the probability of damage to the rolls and machinery through which the rock will pass, but the labor of afterwards picking it out from the prepared sizes of coal. To endeavor to correct it in so far as possible a docking boss is stationed where he can examine each car and when he finds any dishonest loading, he takes the number of the miner and makes such deduction as may seem proper. This is a feature which cannot be avoided in either the ton or car system. Even when the men are honest, they may be careless, or their laborers may throw in slate or rock in their haste to finish the day's work.

I understand the counsel for the mine workers to agree that we cannot expect to do away with the docking boss. I think it is just as fair for us to say that the miner ought to have a check docking boss or check weighman, as the case may be, and I can see no objection to them.

I have outlined, in a very brief way, some of the systems in vogue and some of the proposed changes. I think I have said enough to show the impropriety of making any change. It is a leap into the dark. The few who are here urging it do not know what they are asking for. I would not attempt to make any such statement if it were not for the overwhelming testimony, which I have read and tried to analyze, all of which convinces me that any system is not practicable everywhere and for every company. The attempt to change the established custom of nearly every anthracite mine, cannot but create endless confusion and dissatisfaction among the men. If the tonnage basis were adopted the rate per ton would have to be calculated so as to conform to the present cost per ton of marketable coal. This could not be arbitrarily established by the mine workers.

Present System.

The present system is the result, as I said before, of fifty years' practice and experience. Both employers and em-

ployes are accustomed to its working. Distributive justice is secured by the proper allowances, yardage, etc. The trouble is not with the system in any mine; it is with its application, and if an intelligent examination were made of the system prevailing in any particular mine and it were to be found that at places the men are not fairly treated in the matter of differentials, necessary to secure a fair return for their day's labor, there is nothing in the world to prevent the men, personally or by committee, from conferring over the matter with the foreman and, if need be, the superintendent. I am quite sure the officials have been and now are and ever will be disposed to treat their men fairly and consider any fair grounds of complaint in this regard.

I am wondering if you have any real conception of the difficulties to be encountered in a change of methods. Rates that have been arrived at after years of experience, you are asked to overthrow by a fiat to take effect at once. The demoralization of the industry would follow, as certain as the night the day. The rates now are, in the main, satisfactory and can move up and down, depending upon the state of the trade and the interests of the employer and employe under the methods now in use. To establish any new method would require more or less time, depending upon the method; as an illustration, the only true way to get at the rate would be by experiment. If the experiment were taken up simultaneously at all operations of a large company, there would not be men enough to supervise it and arrive at a satisfactory result. If a change were made it would have to be inaugurated at one or two points, using the same men both for supervision and for the establishment of the rate at the various operations, so that the advantage of their experience could be had and the demoralization of the industry avoided as much as possible. Altogether, I earnestly urge the retention of our present methods as preferable to any proposed.

The Fourth Demand.

It remains to consider the fourth demand. Waiving the question of its impropriety as a part of this submission, the proposition to go into partnership with the United Mine Workers of America is not an inviting one, to say the least. Before it could possibly expect recognition at the hands of fair-minded men it would have to be born again. Its entrance into our region was the signal for trouble and discontent.

I know very well that any attack upon this organization is regarded by its members as an attack upon organized labor in every form. I shall be accused of enmity to those who struggle and toil. And I shall be held up as an opponent of progressive ideas and the rights of men to unite to better their conditions. I hope, however, I shall not be beaten into submission as was the coal and iron policeman who testified the other day as to the shooting at Duryea. There is no justification for the charge that those who are opposed to the methods and the practices of this particular organization are inimical to labor and its fair and just demands. The attitude of the companies I represent appeared in the letters of the several presidents, incoroporated in the documents relating to the strike of 1902 and in your possession. There is no objection to labor organizing, no objection to the employes acting together, no denial of their right to be heard by committees and no discrimination against the persons composing them.

I do not understand that there is any criticism of the system of collective bargaining, so-called. Trade unions are recognized by these companies. Efforts were made some time ago to organize a union among the employes of the Lackawanna company. This was shown by the mine workers as if it were an effort on the part of that company prejudicial to the rights of their employes. But how does it come about that the advocacy of any other organization of men, differing in character from the United Mine Workers, is to be hooted down as a covert attack upon organized labor? This particular union was quite in line with labor organizations generally and, apparently, much more favorable in its possibilities for good results than one dominated by a rival industry. It is said that an organization among the men of the several anthracite companies, each colliery being a unit, independent of the bituminous workers and with an autonomy of its own, cannot hope for success. How then do you account for the remarkable success of other organizations formed upon this pattern precisely? If it is essential to the growth and maintenance of any form of organized labor to adopt the methods and practices of the United Mine Workers in the past two years, we are unalterably opposed to their existence. If it is not, the companies have not the slightest objections and have said so over and over again.

Case of Oppression.

Shortly after the resumption of work in 1900 and in the initial stages of the progress of the United Mine Workers in their organization of our district, they met at Edwardsville and it was there "regularly moved and seconded that it become compulsory on the part of any man employed in and around the mines to become a member of the United Mine Workers of America." Subsequently they determined that where employes refused to become members of their organization and wear the working button, "the locals governing such colliery, after using all such persuasive measures to get such employes to join and failing in such, have full power to suspend operations at such colliery until such employes become members of the organization." You see they take charge of the collieries for us, by this resolution, and undertake to suspend operations at their sweet will and pleasure. Over and over again the locals passed resolutions determining not to work with non-union men. The Delaware and Hudson having introduced a new system of "forcing the miners," as they called it, to place the road on one side of the place instead of in the center, and it appearing that the company saved money by keeping the pillars free from gob, the organization resolved to demand that the company revert to the old system, and in the event of refusal to order all the employes of the company out on strike.

They grew bolder. They decide to insist upon forcing all who work in and around the mines to become members of the union and that they refuse to work with non-union men. And then they attack the contract system, by which one of their number employs more than the prescribed number of laborers and, who, they complain, seldom enters or goes near the work; such men they decide to expel from the union and then they decide to absolutely refuse to work with a man so expelled from the union. This is an act of conspiracy against the company and their fellow laborers, well recognized in the law, and destructive of every principle of personal freedom and in violation of the constitution and laws of Pennsylvania.

Judge McDowell said, in delivering the opinion of the court, in the case of United States vs. Webber et. al., (114 Federal Reporter, page 950): "If the objects of a union are unlawful, or if the methods employed by it, either to induce acquisitions to its ranks or to accomplish its ulterior purposes, are illegal, it appears to be well settled that the persons who combine in such efforts are conspirators."

It is all well enough to talk about conciliatory methods and industrial peace, and a forgiving spirit, and a broad view of things. But I submit it is essential that we should understand the first principles and I am unable to see why oppression is not as oppressive that emanates from the ranks of the laboring man as from the ranks of the employing classes.

On Official Record.

This is not slander or villification. I am quoting from the official records of the convention, the correctness of which is certified to by the president himself. These ideas are not conformable to the American standard of living. Mr. Mitchell tells us, as the spokesman for the organization, that the companies ought not to be permitted to hire a "private army of guards whenever they see fit." (Page 390, record.) And he volunteers the suggestion that he thinks they ought to be prevented from employing private guards of any character at all, until they have been refused protection by the regular and proper authorities. Their history, their rules, their actions, their theories are antagonistic to what I conceive to be the orderly observance of the law. And when you suggest that they incorporate, so as to become responsible for their contracts, as the companies are, they tell you it is insulting and none of your business.

I promised to give you an inkling of how they act, how they destroy individual effort, curb ambition, develop lack of respect of authority and destroy discipline. Have I not done it? In their ranks there are a greater number of nationalities than were gathered together on the day of Pentecost, and they speak as many tongues. Men and boys, young and old, mature and immature, fair-minded and otherwise, all share in the incongruous, illogical and, at times, vicious methods of which you have had many glimpses during all these weeks.

The conduct of the organization during the lamentable strike had all the elements of terror and intimidation, and those elements being intentionally present, were indubitably designed to compel the companies to accede to the demands they had the lawful right to decline or reject, at their option. You cannot shut your eyes to propositions so palpable. They issued proclamations in the Reading district, asking everybody to observe the law. Mr. Mitchell says he frequently, and in a public way, urged observation of the law. "Soft words butter no parsnips." Their associates were continually defying the law. What steps did they take to discipline them? As General Gobin states it, the leaders came to him and said they would assist him in his efforts to preserve law and order, in the

lower regions, where the disturbances were occurring, fit only for what is generally understood by the lower regions, but, he says, they did nothing. So it was with us. They did nothing, they corrected nothing, they stopped nothing. Their attitude encouraged the aggressions of the membership and its rank and file.

Mr. Nichols, the district leader, on the 27th of September, sends a letter to the officers and members of the Jessup local, stating that the bearer had quit work at the Oxford mine, "and intends to be a good union man. I advise and trust you will all treat him in a friendly way, as long as he behaves himself accordingly." What did he mean by that? The other side will say he meant nothing out of the way. What happened? The man went back again in a little while, and the strikers at Jessup dynamited his house. Was there any encouragement to them in their unlawful methods in this suggestion that they were to treat the poor fellow in a friendly way as long as he behaved himself, that is, remained away from work?

Rights of a Workingman.

"The right to employ whom one wishes, the correlative right to hire whom one pleases, for wages satisfactory to both, and the right of the same parties to abandon or dissolve the relations thus assumed, are undeniable. The right of each party to strive to obtain the terms most beneficial to himself, and the right of a number of persons, similarly situated, to unite to accomplish such ends, must be admitted by all. * * * When either side to a contention over diverse interests of this character can, by superior force, or other means of intimidation, compel the other side to such controversy to yield to its demands, anarchy and oppression have begun and there is no assurance that in the next encounter the other side may not be the victors, and thus might and force and power, instead of just, legal principles, may dictate the standard of right, to which all must conform." This is the language of Judge Evans, in the case of the Mining company vs. Wood, et al., members of the United Mine Workers of America (112 Federal Reporter, page 482), and is an instance of what Mr. Mitchell calls "government by injunction." And he criticises that method of enforcing the law. At times it seems most desirable, to my mind, and indeed the only way to secure persons and property from unlawful attack.

Read the letter of the presidents of the coal companies to the president of the United States suggesting this commission. Is it not sound? "They, therefore, re-state their position, that they will not discriminate against the United Mine Workers; that they insist that the miners' union shall not discriminate against or refuse to work with non-union men; that there shall be no restriction or deterioration in quantity or quality of work, and that, owing to the varying physical conditions of the anthracite mines, each colliery is a problem by itself."

This commission has been referred to as an arbitration. It is not an arbitration. Strictly speaking, an arbitration seems to mean one of the parties must yield something. In fact, it has been defined by a distinguished writer upon sociology as "a splitting of the difference, and comes about to the average of extreme terms possible for both sides to accept."

If you come to an agreement, as I am sure you will, the reasons for which can be explained and argued out, such an understanding and agreement will have far more moral worth than any arbitrary decree you may see fit to make. And I believe your work will be of lasting benefit to the region and to the people engaged in this, the most important of all the industries of the commonwealth of Pennsylvania.

Proceedings of Wednesday, Feb. 11.

[From The Scranton Tribune, Feb 12.]

Philadelphia, Pa., Feb. 11.—Seven speeches occupying six hours were listened to by the mine strike commissioners today. They were made by Francis I. Gowen, representing the Lehigh Valley Coal company, I. H. Burns and H. C. Reynolds, representing the independent operators of the Lackawanna-Wyoming region; John B. Kerr, representing the Ontario and Western; ex-Justice Alfred Hand representing William Connell & Co.; Samuel Dickson, representing the independent operators of the Lehigh region, and Simon R. Wolverton, representing the Philadelphia and Reading Coal and Iron company.

Mr. Gowen and Mr. Burns occupied all the morning session. Mr. Reynolds took up the first three-quarters of an hour of the afternoon session. Mr. Kerr made only a few remarks, and Mr. Hand contented himself with an outline of his address, which he filed in typewritten form. Mr. Dickson spoke for nearly two hours and was followed by Mr. Wolverton, who was still addressing the commission at adjournment.

ARGUMENT PRESENTED BY MR. IRA H. BURNS

Gentlemen of the Commission:

The facts are before us, and it only remains to draw the proper conclusions.

This commission came into existence without the authority of a statute, and it is therefore not bound down to technical terms and legal phrase. It derives its powers from the broad, general agreement of the parties, which, in effect, says do justice to all. It is well that these are the legal conditions, for they allow this tribunal the largest latitude in framing its decree. It is not confined simply to a judgment against one side or the other, but may impose conditions on both.

Let us see what is before us.

Anthracite coal is virtually one of the necessities of life over a considerable portion of the country. For five months the public was held by the throat by those who would neither work themselves nor allow others to do so. This condition was maintained by various crimes, from murder down to arson, dynamiting, and assault and battery. At the commencement of the sixth month of the strike, cold weather was fast approaching and the visible supply of anthracite coal was practically exhausted. The laborers who were willing to work were in deadly fear of losing their lives if they attempted it. Serious suffering was likely to come to the innocent public. Neither the county, state nor nation seemed able to protect rights and preserve order. Indeed, the American flag seems amply able to protect the American citizen all over the world except in these United States of America. When the commander of an Austrian vessel, some years ago, detained an American citizen against his will, our Commodore Ingraham simply ran up the Stars and Stripes, swung his broadside towards the Austrian, and said: "Send us the man." The man was forthcoming.

From this same Austria, in these days, comes a horde of disciples of lawlessness, and, with the odor of the steerage hardly shaken from their garments, set up in these coal regions a government of their own, and enforce their edicts with bombs and bludgeons. To all this, our authorities seem to have but the poor answer, "What will you take to be good?" We who have neither the power nor duty to make or enforce the laws, are to be taxed to pay the ransom.

It was under these conditions that this commission was appointed by the highest official of our government. It is an experiment. Whether it will prove a wise move in the interest of harmony, or a weak yielding to lawless pressure, remains to be seen.

Respective Claims.

What are the respective claims of the miners and operators? The miners want:

More pay.

Less work.

The operators want:

The right of every man to own and control his own labor.

"Thou shalt not kill."

The one wants more money; the other more law and order. The one contends for a policy; the other for a principle. Whether a man shall receive one dollar or two for a day's work, or whether he shall work eight hours or ten are matters of policy and expediency, on which men may honestly differ and which may be changed by agreement; but whether a man shall be allowed to earn his daily bread in his own way, subject only to the laws of the land, is a principle as old as the creation and as eternal as the everlasting hills. Policies can be changed. Principles can no more be altered or compromised than can the ten Commandments.

The crucial point in this whole controversy will finally be the right of every man to enjoy the fruit of his own labor, with none to molest or make afraid. Forty years ago it took four thousand millions of treasure, tens of thousands of valuable lives and four years of cruel and bloody war to vindicate the right of the bondmen to the product of his own labor. The bondage of a non-union man during a strike is worse than was that of the slave. His master, at least, had the merit of courage. He swung his lash in daylight, and when he made a bill of sale of human flesh and blood it was a

public document. The would-be master of the non-union man lets fall his bludgeon from behind. and his stilletto is thrust out from a wall of darkness.

But the plaintiffs may say that these allegations, as to them, are not proven. Cain might have said the same thing after he killed his brother, and there is less doubt as to the murderers of Bedell, Sweeney and Winston than there is as to who killed Abel.

Why is it that were are here, and why are we discussing the wishes, or demands, of a single division of laborers among the many that perform the labor of this country? Why does not this commission sit to hear all laborers who have grievances? Laborers in the agricultural fields greatly outnumber those in the mines, and their wages are smaller, and yet there seems to be no move on the part of rulers and statesmen to interfere in their behalf. Why? Apparently only because they do not band together and seek to advance their own interests by causing public suffering.

Return to Feudal Days.

Has it, then, come to this, that justice takes cognizance of numbers? Do favors go to a thousand that would not go to an individual with equal claim? If so, then we have gone back a thousand years, to the days of feudal England, when a baron with a thousand spears could move the cause of justice, as well as the favors of the king.

We are, however, confronted with a condition. The testimony is on the record, and it only remains for this commission to add its findings of fact and conclusions of what it may consider ought to be the law. We respectfully but earnestly urge this body not to forget for a moment the sufferings and deserts of the non-union miner. He stands for a principle, as much as the martyrs of the early ages stood for their faith. He has suffered in person and estate, and in the dearer and tenderer ties that bind him to his wife and children. With a steadfast courage that most of us will never possess, he pursued the line of duty as he saw it, even down into the valley of the shadow of Death. The greatest of the kings of earth could do no more. And all this in the face of the solemn covenant which the great state of Pennsylvania made with all her people when she said:

"All men are born equally free and independent and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness."

How beautiful in promise, how barren in performance! What a mockery to have read this over the coffin of James Winston! The difference between the murderers of Winston, Sweeney and Bedell and the disciples of the Spanish inquisition is not one of result, for death reaped the harvest in both cases, but the latter probably believed they were working the will of God, while the former knew they were in the service of the devil.

Monster of the Past.

Many years ago, our commonwealth grappled with the hydra-headed monster of crime in the anthracite regions, and finally wiped the assassins off the face of the earth. But then there was a man of fertile brain and nerve behind the machinery of the law. Unfortunately, Franklin B. Gowen is dead, and has left no successor. He died before the full development of the modern doctrine of compromising with crime on the basis of pecuniary consideration.

At this point it may be well to inquire who, in the end, will have to pay the price of peace? Every tax upon every article of trade or manufacture must inevitably be paid by the consumer. It is an inexorable law of commerce. If this commission sees fit to increase the cost of coal by raising the wages of the miner, it is the consumer that must finally bear the burden, and this result can in no way be changed by the will or direction of this commission. It is as inevitable as the law of gravitation.

If it were the mining of real diamonds instead of the imitation that we were discussing, the final result would not be so important, because the consumers would be amply able to bear the burden, but in our winters the poorest of the poor must have warmth, or perish. Let it be distinctly kept in mind that this is a question which affects the millions of consumers, on one side, and the thousands of miners on the other side. Is it wise to put the burden on the many for the benefit of the few?

We take it for granted that, above all things, this commission stands for law, order and justice. A government whose course is swerved by the shifting passions of a lawless mob, neither can nor deserves to exist. Better a monarchy, with safety to life and property, than a republic where the strong oppress the weak, and laws seem only made to be broken.

How stand the parties who are here asking judgment of this tribunal?

Against the defendants, the coal operators, the only charge seems to be that they will not transfer to the mine workers more of their property in exchange for less work. There is no charge of crime, no boycott, and no interference with the person or estate of the union miners.

Pillars of the Strike.

Against such of our employes as were members of the miners' union we allege three things, which were the supporting pillars of the strike, and without which the strike would have been a failure:

First—The boycott.

Second—Destruction of operators' property.

Third—Murder and persecution of non-union workers.

Every one of these is a crime. Can they be proven?

As to the boycott: It is no doubt the privilege of every individual in this country to deal, to associate and to work with whom he pleases, providing he injures no one and violates no law. When he goes beyond this and conspires with his associates to injure other individuals in their social or business relations, then he enters the region of lawlessness and crime. We have seen in the late strike that the boycotter has not used his weapon to conserve his own pleasure, convenience or necessity, but rather at the command of an organized body, who use him as a tool to accomplish a purpose of their own. The boycott itself is a method by which a person may exhibit his littleness of soul and natural meanness of disposition to great advantage. It is not a product of American soil, but, like Canada thistles and English sparrows, is an imported nuisance, and one that ought to be returned to the place from whence it came. A free-born American citizen has no use for a weapon that seems designed mainly to inflict pain and suffering on helpless women and children. The man who turns it against an innocent school girl, simply to wring the heart-strings of a fond father or brother, compares very unfavorably with a wife-beater. The whipping post at its best could do him scant justice.

Theater of Crime.

Note the following:

"These coal fields for twenty years, I may say, have been the theater of the commission of crimes such as our very nature revolts at. This very organization that we are now, for the first time, exposing to the light of day, has hung like a pall over the people of this country. Before it fear and terror fled cowering to homes which afforded no sanctuary against the vengeance of their pursuers. Behind it stalked darkness and despair, brooding like grim shadows over the desolated hearth and the ruined home, and throughout the length and breadth of this fair land there was heard the voice of wailing and lamentation of 'Rachel weeping for her children and refusing to be comforted because they were not.' Nor is it alone those names I have mentioned —not alone the prominent, the upright and the good citizen whose remains have been interred with pious care in the tombs of his father; but it is the hundreds of unknown victims whose bones now lie mouldering over the face of this county. In hidden places and by silent paths in the dark ravines of the mountains, and in the secret ledges of the rocks, who shall say how many bodies of the victims of this order now await the final trump of God—and from those lonely sepulchres there will go up to the God who gave them the spirits of these murdered victims, to take their place among the innumerable throng of witnesses at the last day, and to confront with their presence the members of this ghastly tribunal, when their solemn accusation is read from the plain command of the Decalogue, Thou shalt not kill.' "

This is a picture of Schuylkill county under the reign of the Mollie Maguires, drawn by Franklin B. Gowan, who knew whereof he spoke. And yet the Mollies, with all their blackness of crime, never made war on women and children. This lower depth was only reached by the boycotters of 1902.

The destruction of the operators' property by the strikers is about equally remarkable for malice and stupidity. Just why a workman should voluntarily quit his work and then destroy the property of the owner who has furnished him the means of supporting his family, is a puzzle to the ordinary observer. The stupidity of such action is well illustrated by the destruction of mine pumps and the consequent filling of the mines. Then the former workmen complain that they have no work! A coachman might as well poison his employer's horses and then wonder why he had no team to drive. It is not only stupid, but it is a crime. The perpetrators in each case are promising candidates for the penitentiary, and the only thing that stands between them and their election and installment is their modesty in announcing their identity.

Murder and Persecution.

The murder and persecution of non-union men is the most serious offense, for the reason that it affects not only

individuals, but also the body politic and the well being of the state.

It may be urged that more or less crime is likely to be committeed by all large associations, but that this should not be charged up against the association itself. This may be true where the moving cause of the crime is personal to the individual, but where it is to carry out some plan or purpose of the organization, then the organization itself is equally guilty with the perpetrator of the deed.

What were the conditions in the anthracite region in September last? The strike had reached a stage where it seemed likely to prove a failure. The officers of the union had staked their official existence on their success. It was absolutely necessary to prevent the non-union men from resuming work. If force was necessary, force must be used, and force was used. Do we not all remember that in September there was a general persecution of those who wanted to work, and this extended from Forest City to the Lykens valley? And yet the plaintiffs in this case would have us believe that this was a mere coincidence, and attributable only to personal feuds and drunken brawls. Was it a personal feud that led to the stabbing, nigh unto death, of the two country boys at Peckville, by men they had never seen or known before? Was the death of James Winston, who had not an enemy in the world, due to a personal feud? Were the dynamite bombs and the stoning of the houses that sheltered the wives and children of non-union men the result of drunken brawls? Who believes such flimsy excuses? No one. Not even those who make them. Neither does any one believe that the foreign element, as it is termed, was the sole element in these outrages. They were pushed to the front, but others with more cunning and less courage lurked in the rear. By means of these unlawful acts the members of the union succeeded in making it so unsafe for a non-union man to work that they kept away from the mines. Who can blame them? "All that a man hath will he give for his life." Why should he have risked it for the price of a few days' work? The public wanted coal. The union would not let it be mined. Of course each union man had a right to refrain from work if he pleased, but he had no right to prevent others who wanted to work.

Flimsy Excuses.

But the leader of the union men says, we are not guilty because we do not know that these outrages were committed by union men; and even if we did, it is the law, and not we, that should punish. He might as well say when he saw women and children in a burning house that he would not attempt to put out the fire because that was the business of the fire department. The plea will not avail. If Mr. Mitchell does not know that the members of his order were the prime movers in the outrages against persons and property, he stands solitary and alone in his ignorance. Every other man, woman and child in the coal regions knows it as well as he knows daylight from darkness. Whose interest was it to kill, burn and destroy? Not the operators, for they wanted to go on with their work. Not the non-union men, for they desired to labor for bread for their families. Not the general public, for they wanted the coal to keep them from perishing. The Miners' union had the strongest of reasons for the terrorization of the non-union men, for in it depended their hope of success and increase of gain. Any impartial jury in the commonwealth of Pennsylvania would convict them without leaving the box.

No Evidence of Disapproval.

If the leaders did not uphold the work of their ignorant and vicious followers, where is the evidence of their disapproval? Has there been produced a single word from any record, resolution or instruction showing that the leaders were not part and parcel of the whole body in every respect? It is true some of them testified, in the mild way, that they did not approve what had been done, but such declarations were merely perfunctory. It is easy to lie with the mouth but not with the hands. The unfaithful servant said, I go sir, but afterwards he went not. So long as the hands of the leaders are reaching out after the monthly dues of the "foreign element," so long will the public refuse to believe that they are really ashamed of their associations. If they are honest in their condemnation, let them show their faith by their works. Let them "come up out of the mire," place their feet on the solid ground of law and order and bring forth fruits meet for repentance. No such fruits, nor even preliminary blossoms, had appeared in the month of October last.

It was at this stage that this commission was appointed. Ostensibly it was selected to adjudge the difference between the coal operators and their employes.

In reality the contest is between the American people on the one side and the union miners on the other, and the issue is to determine whether the people may have coal, except upon such terms as the union may prescribe. It is an experiment and may or may not be successful. When a body of men find they can make more money by idleness half the time than by working all the time, they are very likely to overwork their new discovery. The tiger that has tasted blood will hardly be induced to confine itself to a diet of milk. Some day the public will become tired of being taxed without authority of law by this imported power from Europe, and will turn. At present it is on its knees, wondering if it will be permitted to live till the summer comes again.

And now we come to the most important part of the work of this commission, the framing of its decree.

We take it that under present conditions any provision for mining by weight where the same is not now practiced, is out of the question. It would require a special examination by the commission, of every vein and almost every working in the whole northern region. In the southern region it is admitted to be impracticable, and not wanted even by the miners themselves. The eight-hour working day could only at best be applied to a few mine workings, because the large majority of them work by contract. If the few outside and inside company men were given eight hours it would mean only eight hours breaker time under all conditions, and this might cause a loss not only to the company but to the men also. There seems to be very little agitation for an eight-hour day except among the leaders, who do not work at all.

As to Wages.

As to wages, it is not so much the necessities or the equities of the workman as it is the sudden discovery that they have the necessary force that brings about the present condition. But this commission sits to recognize equities, notp owers.

If mine workers are underpaid why does the unskilled emigrant from Europe make a bee line for the coal regions? Is it because the pay is better or the work easier than that of other employments they are qualified to perform? Why does a surplus of them linger about the coal works hoping to get a job, instead of seeking other employment? It is simply because they know they are better paid for the same amount of work than in any other work they are able to do. We submit that there is nothing in the evidence showing any basis for a demand for increase of wages at the present time, unless it be the ability to enforce it. The unerring symptom of underpay and overwork in any vocation is the fact that the workers themselves gradually leave it. Is there any such indication in this case? On the contrary, quite the reverse. If the wages were not high the men could not support themselves, a costly strike, and a large body of non-producing drones at the same time.

If this commission shall conclude to grant any or all of the demands of the plaintiff, then we representing as attorneys, our employers, shall most earnestly and with all the power of persuasion that we possess, contend that any benefits granted to our employes shall only be on their agreement to observe three conditions, as follows:

First—No boycott.

Second—No willful destruction or injury of our property.

Third—No interference with our non-union employes.

Cases Cited.

We take it that counsel for plaintiffs will make no objection to this, for to run counter to either of the above propositions would be a violation of law. We have frequently seen it stated in print that the miners desire nothing so much as to be peaceful and law-abiding. They will, no doubt, be willing and anxious to put their protestations in the form of an agreement. But whether agreed to or not, we ask this commission to embody it in this decree. Why do we ask this? Because our employes are not as other men. When a clerk or farm laborer quits work, or is discharged and paid in full, he looks for another place. Our employes, on the contrary, claim to have a perpetual vested interest in our works, with the right to say when and how they shall be worked and whom we shall employ, and such claim is maintained by riot, bloodshed and destruction of our property. That such claim has no foundation in law or common sense goes without saying; and yet, apparently intelligent men speak of a miner's job, or miner's place, as though it were not simply a myth, a figment of the imagination.

The case of commonwealth vs. Curren, (3 Pittsburg Reports 143), seems to be conclusive on this point. The judge says:

"Curren claimed that the gangway belonged to him; that is, that he had once been employed in that gangway by some former proprietor, and therefore he had the right to work there ever after."

The judge very properly treated the alleged owner of the gangway as a proper subject for correction, fined him $100 and put him in jail for thirty days.

It is easily apparent that the relation

between operator and mine worker is one of contract, and that the contract is clearly binding on both sides. If the miner owns the job, the operator owns the jobber. If the miner can stay forever, then the employer can hold him for the same length of time. The right to hold is as good as the right to stay, and both are good for nothing.

Will it be urged by our opponents that the commission has no power to impose conditions, and that it is confined solely to a granting or refusal of the miners demands? Such ground would not be well taken. In Allegheny City vs. Railway Co., (159 Pa., 411), the question came before our Supreme court as to the right of a municipality to impose conditions with its consent to a street railway company to occupy its streets. Our constitution provides (Art. 17, sec. 9), that no street railway shall be constructed without the consent of the municipality. Justice Mitchell, in his opinion, says:

"The man who can give the whole can give part, or who can grant absolutely can grant with a reservation or other condition. * * * The power of the muicipal authority to give or refuse consent is unlimited and unqualified. That necessarily implies the power to impose reasonable conditions, in giving their assent. * * * 'I have the sole and exclusive power to consent or refuse. On certain conditions, I consent, otherwise I refuse. I don't compel you to do anything, I merely give you a choice between alternatives; you have no power or right to demand my consent, you ask it and I give it on my own terms, or not at all.'"

If I am correct in stating that this commission has the power in framing its decree to impose conditions on one or both the parties concerned, then the question is, whether such discretion should be exercised.

And just here, let me suggest to this commission the important difference between a recommendation and a decree. A decree can be enforced; a recommendation cannot. If we are called upon to pay an increase of wages, we care not how binding may be the conditions of the judgment of this tribunal, but at the same time we want those who receive this benefit to be just as strongly bound to keep the peace, and not to unlawfully interfere with our property and workmen. Our faith that our employes will voluntarily adopt recommendations for our benefit, is much smaller than a grain of mustard seed. But if the mutual obligations are embodied in the same decree, then both are equally bound. We do not want one side to be held with a rope of sand and the other with a cable.

This commission was appointed to settle the differences between the parties. A recommendation is not a settlement, and we do not want it.

An Arbitrary Government.

The miners' union is a government within a government. It is not only arbitrary to its own members and those with whom it does business, but it is also more or less a menace to the stability of our state and national governments. For these reasons, the operators refused to submit for arbitration to this or any other jurisdiction, the question of recognition of this union. They did not, and will not consider such a proposition. The terms of the submission, by which this tribunal was brought into existence, expressly precludes it.

It is tyrannical with those with whom it does business. Ordinary people, when they want to stop another man's work, have to apply to court for an injunction, and incur the cost and delay of a proceeding in court. The walking delegate, or the president of a local, merely raises his hand and says, "Come out." There is trial, judgment and execution, all in a wave of the hand. It may ruin the man on whose property the work is being done, but there is no redress. The workman who strikes is independently poor, and the walking delegate is independent, whether poor or not. It is on record in the evidence in this case that the owner of a coal mine sought from the president of a local permission to build a boiler plant on his own land, with his own material and labor and for the purpose of preventing his mine from being flooded and destroyed. Permission could not be obtained and the building was stopped. A judge of our courts who would attempt the same thing would be impeached.

The president of this commission has said he hates tyranny. Every true American does the same. And yet what must he think of the tyranny that overrides and breaks down the Bill of Rights of the Constitution of Pennsylvania? That dictates to the operator how he shall use his own property, and to the laborer, when and for whom he may work? A tyranny and malignity that spares neither the cradle, the grave, or the altar. The lifeless clay of the dead miner they will not assist in burying because in life he was a "scab." The bride is separated from her husband before the marriage service is an hour old, and dynamite is exploded against a house wherein are helpless babes and their mother. It is an old maxim of the law that he who comes into a court of equity must come with clean hands. Are the hands of these plaintiffs clean or are they soiled with violations of law and red with the blood of innocent victims?

I trust I make myself clear. I deny the right of no man to pursue his happiness, subject only to the law of the land. I do deny the right of one man to control another, except by the process of law. There are some men so weakly constituted that they blindly grope for a leader to lean upon. Such men naturally seek a union. The power of numbers gives them the confidence they would not have when standing alone. But there are other men who are conscious of their ability to stand alone and whose knees do not easily bend. Before all, they dislike to take orders from petty commanders and self-constituted tribunals. They are non-unionists. They are entitled to equal rights, privileges and protection with all the other citizens of the commonwealth. Are they receiving it? Let the records of this commission show. To ignore those who want to think and act for themselves is to build up the association's work. The leaders do the thinking for the masses. Such is always a menace to a free government. The dangerous man is he who has a power without responsibility. It needs no prophetic vision to look ahead to what may happen, even in the near future.

Plea for Independent Workers.

Suppose the first of April arrives and no agreement is reached in the soft coal regions. At the same time, the report of this commission fails to satisfy the plaintiffs. The same general commands both armies. Suppose a general strike is ordered. In about four weeks, the whole country will again be on its knees, crying: What shall we do to be saved; and the answer comes: Pay us more wages. What reply will we make to that? It will be too early to appoint another commission. Nothing can be expected from the politicians. Nine-tenth of them are rank cowards and will run like a dog with a tin kettle tied to its tail at the first intimation of losing a lot of votes. I can see no better remedy than to hold up the hands of the men who have the ability to think and the courage to die for what they believe to be right. Will this commission do it? To some men come great opportunities. Fortunate are they who have the strength and patriotism to perform their task. More than a century and a quarter ago some great men stood up in Independence Hall, not half a dozen squares from here, and declared for the great principles that lie at the foundation of this government. They declared against taxation without representation, but were they thinking of the few paltry pounds, shillings and pence that covered the value of the tea thrown into Boston harbor; or were they concerned with the great principle of no tax without value received? Taxation without benefit is robbery. If we are taxed for the benefit of these plaintiffs, we ask for some benefit in return; not a pecuniary value; but we demand, not in insolent defiance, but as humble citizens of this state, that protection and safety for ourselves and employes that is guaranteed us by the Bill of Rights of the Constitution of Pennsylvania. Shall we get it? We may, but we fear not from the usual authorities. That portion of the state of Pennsylvania within the anthracite coal fields has two governors; one located at Harrisburg, the other out on the prairies of Illinois. One sends his 10,000 troops into the field, and the helpless non-union man is murdered within the shadow of the tents of his soldiers. The other issues his ukases and orders of council a thousand miles beyond the borders of our state, and they are obeyed with the blind obedience of the patient ox that treads the furrow.

But you, gentlemen, can, with a stroke of a pen, do that which ten thousand bayonets could not accomplish. You occupy an enviable position. You are not in the devious ways of politics and you are not candidates for re-election. The country expects much of you. You are striving, to the best of your ability, to meet its expectation. The people are looking to find you not in the fog and miasma of the valley of Policy and Expediency, but high up on the mountain, with your feet on the solid rock of Principle, and your heads in the pure air and shining lights of the Heavens, there to pronounce a judgment that will protect the weak and lowly, restrain the strong, and do equal and exact justice to all.

ARGUMENT OF JUSTICE ALFRED HAND

If the commission please, I wish to save time and I will file a brief instead of making my argument oral. It is a case in which I think speech is silver and silence is gold.

At the request of a witness, Howell Harris, whom your honors will recollect was called by the operators, an intelligent mine foreman who commenced to work in the mines at nine years of age

and reached the highest position in the mines, the question was asked of him to give his various objections to the different modes of paying for coal. He has embodied his own views in a paper which I offer to the commission, a copy of which I will hand to the other side. It is a compromise between the weight and by the car. To state it briefly, it is, that each car for each vein should be a standard car numbered with the contents of the car put upon it in pounds. Also the quantity which every inch of topping would add to that car. To have constantly in the mines tables put up so that every miner would not have to make any calculation. If he put on six inches of topping, it would mean so many tons. The fixed tonnage of the car is put upon the car. This notice put up in the mine would give just how much every inch of topping would add to the weight of the car. That is his plan and I offer it in his behalf for the consideration of the commission.

An Issue of Importance.

Never in the history of this country, since the American Revolution, has there been presented an issue of any greater importance than that which this commission is called upon to consider. This issue is intensified because in its insignificant elements, when we consider the territory out of which it comes (eight counties of the state), and the single industry it involves (also insignificant as compared with all other industries), it also involves the good fellowship of the American people, and introduces unjustifiable hate, a threatening of the underlying principles of the republic, which insure liberty of the individual, and by consequence of the nation, and introduces a change to a democracy, the weakest and worst form of government, because it means anarchy under the euphonious name of socialism. Nay, it is worse than that. It presents under the form of a self-constituted class organization an imperium in imperio, which robs the republic of its true sphere in human progress, and presents a constant clashing with the constituted governmental elements of the freest and best government on earth. Those elements are the executive, the judiciary and the legislative power. It paralyzes the militia, which in a healthy republic without the firing of a gun would prevent riot and anarchy and preserve peace. This has been done by an insidious and constant clamor of complaint false in fact, false in impulse, and false in theory, by a poisoning of the moral sentiment of the public through false declamation and false emanations of the press, nay, even the pulpit, until this small territory of the anthracite, which compares most favorably with all the republic in the arts of peace, the growing cultivation and intelligence of its inhabitants, the prosperity of all, even the mining population, and the unquestioned worth of its eleemosynary institutions, has become the target of the remainder of the republic. The bullets and bludgeons of sarcasm and selfish greed which have been hurled at the people of this territory are a libel on the good people dwelling therein which is a shame to the republic.

Real Cause.

The real cause of it all is the existence and introduction of a foreign organized association, founded upon the assumed principle of the legality of a strike, which means a denial of individual right, a contempt of constituted authority, a defiance of the principles of the republic, and the substitution of socialistic and anarchistic principles as wicked as hell, conceived in secrecy, and with a plausible exterior which gives it currency.

With an experience of forty-three years' residence in this anthracite region, in which I have witnessed the growth of its business, its industries, and the intelligence and moral uplift of its people, with its churches, its charity, its prosperity and its purity equal to any section of the republic, knowing its struggles and successes in coping with the issue of capital and labor, I do not hesitate to say on my own responsibility that the impression left on a mind of only ordinary intelligence and judgment, is that the greatest curse ever introduced into the anthracite region, proved by the facts and results, and which in my judgment will bear evil fruit for an entire generation, has been the strike inaugurated under the auspices of the United Mine Workers of America, which by its title "of America" and its efforts assumes to govern and control the labor of the western nemisphere and bring in the halcyon days of socialism. I join with the only voice heard in this confusion, that of Father O'Reilly, which like the pure clarion tones of a resounding bell, still reverberates over the republic, that the only cause of all the disquieting of mind and the upheaval of peace and prosperity to the miner and the community, was the advent of the recognized head of the United Mine Workers of America from a foreign state into the anthracite fields. Is it possible that the poison and the power of this association have silenced even this voice since last summer?

President's Letter.

I have tried to express some of the greater issues involved in this conflict. Let us now look at the issue upon the record. It is one issue in the pleadings but multiplied in the evidence. His excellency, President Roosevelt, presents it in his letter of instructions in the following words: "A commission to inquire into, consider and pass upon the questions in controversy in connection with the strike in the anthracite regions, and the causes out of which the controversy arose.

"You will endeavor to establish the relations between employers and the wage-workers in the anthracite fields on a just and permanent basis, and, as far as possible, to do away with any causes for the recurrence of such difficulties as those which you have been called on to settle."

This statement was founded upon the submission to his excellency of the letter of the railroad corporations and the answer of John Mitchell, president of the United Mine Workers of America. It presents a single issue as stated.

A somewhat different issue is presented before the commission. Whether it accepts it or not is with the commission, who must be responsible for it if it does. It is presented by John Mitchell in his opening and written statement, and the answers thereto by the several parties, called ordinarily defendants or operators, in their answers filed. This issue is simply stated. An agreement, any agreement, with the United Mine Workers of America, I will not discuss, but will make the remark that it should have no place before this commission, in so far as it differs from the issue presented by the president. First, for the reason that in so far as it differs, it presents a most dangerous element of discord for the peace of the republic, and, judging from the American spirit, as represented by the people of the United States up to the present time, will mean, in the end, civil war. Second, it violates every principle of established law and mutual respect and public economy by the introduction of a third irresponsible party to every contract, which should only be between the two parties directly concerned. It assumes the office of government, and, with all its plausible promises, and short experience, has earned no permanent success to justify its taking the place in any respect of the republic.

Militia.

A third issue is presented which comes from the testimony entirely as taken, and which is of a most important character, and if considered, should receive the most careful consideration. For this reason, I single out this fact, among others in which the evidence differs from the pleadings. I refer to the introduction of the acts of the militia, or rather, the militia itself. It involves the whole history of strikes in Pennsylvania and involves the honor and credit of the state. So far as the evidence goes, the militia were inadequate to preserve the peace and secure by non-action the rights of the individual worker and of private property. The Constitution of Pennsylvania has always preserved to the people the right to bear arms in self defense. The action of courts and the successful rendition of verdicts for all time have preserved this right, even against the assaults of strikes. General Gobin has said it would require fifty thousand troops to furnish each working man in the anthracite regions with a proper guard for himself and his family while at work and going to and from his work. He has not said that it would require that number if each laborer was also himself armed (not with concealed weapons, but with open arms). It is a proved fact that with this self-protection, the two other and largest strikes in Pennsylvania, at least in the northern part, were quelled and the whole region began work under the concurrent arming of the individual worker by himself, with the presence of the militia. I need not remind the commission that it is proved argumentatively, at least, in this last most iniquitous and formidable strike, the same remedy would have produced the same result. It is on the record now in this commission that not a pistol or gun was fired or presented by the miners in self-defense, save the sole unloaded gun presented by the true woman who testified to it on the witness stand and protected herself from the infuriated mob, among whom was her own brother-in-law.

I take up now the several issues presented by the whole record.

1. An increase of 20 per cent upon the prices of 1901.

The First Issue.

It will be borne in mind that this would amount to 30 per cent. of the prices of 1900. A demand for increase of wages may always be considered a fair issue between employer and employe. During the last twenty-three years prices have been voluntarily increased by the operators four times; they have been decreased three times. At the present time, so far as the evidence in this case is con-

cerned, as a claim made when it first was made, the reasons for the claim as stated in the opening on the part of the miners, have not been sustained. Whether the increased prosperity and increase of wages in other callings justifies a suggested increase by the commission is for them to decide. Truth requires, however, that we should state that not a single one of the nine reasons given for this 20 per cent. increase has been sustained by the evidence, but, on the contrary, it has been shown that it is unreasonable as compared with the same class of labor in other callings. We further submit to the commission that this question of wages is really the only proper issue now involved. All the others should be negatived, and many of them so emphatically as to assure the public and all wage workers of their individual right to labor and to be protected in that labor, both in person and in their families.

2. Reductions of hours of labor.

The reduction of hours of labor against the will and contract of each individual laborer should not be countenanced by this commission nor by law, but should be left as it always had been to the contractural relation between employer and employe. This independence of the people individually is vital to their prosperity. Under this principle for twenty-three years in a part of the anthracite field and for thirty years in another part of it, the miners and their employers have settled their differences without quarrel and without a strike. The pictures of tyranny and starvation during this period are a myth. It would seem as if this fact was an answer and a protest to the claim of an association of anmost singular connection of this claim has been made by the officers and counsel of the plaintiffs in this case, with the order to the pumpmen and the engineers to go out upon strike unless an eight-hour day to labor was given to them without reduction of pay. And the learned counsel with his ingenuity has in substance put it by his question to witness repeatedly, whether he would prefer to have his mine filled with water rather than give an eight-hour day, or, in another form, in substance, whether the operator was not himself to blame for his mine being filled and partially or wholly ruined if he did not give the eight-hour day. The varied answers to these questions may possibly have induced the commission to think that the question was a fair one, and whether the issue in that regard is fairly presented for the consideration of this commission. The first four reasons given for this claim are untenable under the evidence. The fifth reason is best left for the interests of the employer or employe to decide as regards both parties.

Weighing of Coal.

3. The weighing of coal and paying for it by weight wherever practicable at the rate of sixty cents for a legal ton of 2,-- pounds.

It is certain that there is no evidence that, during the twenty-three years of quiet in the mining regions, there has been any considerable demand for this mode of payment or any considerable friction between employer and employe. The operators feel certain from past experience that the first party who would object to it, if it should be introduced, would be the miner. Wisdom and experience demand that this issue should be left entirely with the operator and the miner. Under any one of the three modes in existence, whether payment is by weight or by the yard or by the car, they are all equally fair. They can always be tested by the average amount paid for the ton of 2,240 pounds merchantable coal which is the output of each colliery. It has not been put in the forms for statistics furnished the operators what the cost per ton of 2,240 pounds paid the miner has been. In the colliery of William Connell & Co. those statistics were prepared, but were not furnished because not demanded, but they show that from 1871 prior to the strike of that year down to 1892 the price paid per ton to the miner was from 65 to 71 cents per ton of 2,240 pounds, and in that mine the miner has always been paid by the car. During a large portion of that time the price at which the coal was sold to the Delaware, Lackawanna and Western Railroad company was regulated on the sliding scale of labor in the collieries of the Delaware, Lackawanna and Western Railroad company, so that so far as those collieries are concerned the above statement is a fair statement of what was paid the miner by that company in the collieries on which the price was based. The mining engineer of that company, Howell Harris, has presented a suggestion, which is merely a suggestion of his, in which the commission may be interested, and it is presented to them for their perusal if they desire, in another sheet.

4. Incorporation of an agreement between the United Mine Workers of America and the operators.

The operators consider this claim as absolutely out of the question. Aside from that, we deem it an introduction of a third party wholly alien to the American custom of contracting and wholly alien to the laws established for centuries under the two freest governments on the face of the earth, which establish, so far as laws can, the proper relation between employer and employe; and its introduction would involve so many questions on different subjects of law relating to the transactions of life, that it would interfere with and confuse, not only the public, but the legal mind, as to the proper situation of the parties who would be introduced into such a contract. Another serious objection from a socialistic standpoint is that it is an attempt to introduce a sort of paternal government over the employe, to which the employer consents, and opens the door for fearful mingling of the duties and responsibilities respectively between employer and employe. It never has been tested long enough to justify it. It contains a menace of populism against this free republic, the product of centuries since King John in the growth of liberty.

Other Questions Involved.

It cannot be evaded that the position taken by the United Mine Workers of America involves a serious attempt to disturb not only the ordinary relation of employer and employe, or master and servant, as stated in the law books, and settled by custom and judicial decision, but also to disturb and overthrow the rights and duties which both employer and employe have and owe to society. The following rights are involved:

(a) The right of the employer or operator to have and enjoy the benefit of his own experience, judgment and skill in the management of his own established industry for the benefit of himself and employes.

(b) The right of proper discipline and control over his employe.

(c) The right of a fellow-laborer to exercise his privilege to labor and to sell it at such price as is satisfactory to himself, and to demand from his government full protection therein without being liable to threats or disgrace from epithets and a false public sentiment.

The consensus of the world's wisdom and experience, up to the present day, is that labor is honorable and a duty, and idleness an evil. If a man has a right to cease labor, and to cease the support of his family a fortiori, he has a right to continue to labor. There is no such right inherent in man as the "right to strike" recognized by the best writers on economics or sociology. A statute in England has given the right to strike, under certain conditions, but with such limitations as to tend to prevent all such exhibitions of cruelty and terrorism as has been manifested in the last strike in the anthracite fields. It does not necessarily follow that when men combine to deprive themselves of their ability to support their families, in order to force employers and society to yield to their demands by threat, intimidation and injury to property, they are within the embrace of a well-established and recognized right, simply because there is no law against it. The laborer with the right owes a corresponding duty somewhere and to somebody for every right he enjoys. Professor Lieber, as a well-known writer on civil liberty and self-governement, if he has not established this, fully recognizes it. He says: "Individualism, pure and simple, is anarchy; socialism, pure and simple is despotism and tyranny." The republic is neither. Back of republics and governments there are rights, but always corresponding rights.

The attempt appears open, on the part of the miners' representatives in this controversy, to introduce a system of class government, without becoming responsible, in any form, to the republic, either state or nation, that class government by a majority of its members, composed as it is, assuming in many respects to limit and control the proper management of the coal mines in the anthracite region, contrary to natural order, law and custom of society. It also seeks to overthrow or at least abuse the liberty of the individual, as regulated by law, and to transfer that freedom to the members of the class which they have organized to the injury, not only of their fellow laborers, but of the public at large. While we assume that this can never be accomplished, under the fundamental principles still living in the breasts of the American people, it is impossible for a thoughtful mind not to understand that, if the questions involved in this controversy, outside of the mere question of wages, should be decided in favor of those who make their complaints, some of the most valuable principles of the republic would be overthrown. It is an expressed attempt to degrade this republic to a democracy—the worst of all tryanny.

Strikes.

A singular and novel doctrine has been enunciated during the present investigation, namely, that when a majority of miners enter upon a stike, every miner who remains at his post of duty and continues to labor or takes the place of another laborer, must surrender his right to choose to labor, and be considered an

outlaw either deprived of governmental protection or any public sentiment of favor. Is it possible that with all the experience of strikes in this state and country they are entitled to any recognition as a legal entity? So far as experience goes, the curse of this union is that one of its foundation stones is the strike. In order to justify it, the organizers of this strike have labored hard to convince the peaceable and satisfied miners of the anthracite region that, they have a series of fearful acts of tyranny to be delivered from. Past experience has demonstrated to the fullest establishment of the truth that strikes cannot maintain themselves in Pennsylvania without violations of law. The present strike was only kept alive by the vilest intimidation, the most wicked causes of terrorism to innocent and unprotected families, men, women and children. It has disgraced the fair fame of Pennsylvania. Idleness, intoxication, fury of strikers, contempt of constituted authorities, demand of the union that the militia should not be permitted to protect miners willing to work, accepted if not by the governor by the masses of people as a proper and justifiable demand, deaths of innocent strikers and officials, the debauchery of burgesses and justices of the peace, so extraordinary and fearful in the extreme that by their very intensity they have paralyzed public sentiment to such a degree that shame rests on the hitherto fair fame of Pennsylvania. For the first time in the history of this state its citizens have been compelled to look upon the success of vicious ruin, a ruin which neither law nor justice nor the militia could meet or prevent. Let us not deceive ourselves. Before we talk of the right to strike, let us know what a strike means; there ought to be history enough to define it, by this time from experience, and not theory.

Strike of Pumpmen and Engineers.

The pumpmen and engineers went on strike at the will and beck of the officers of the United Mine Workers of America, a trust imposed upon them by the Shamokin convention. The miners who imposed that trust, and the officers of the union who accepted it, knew very well what it meant.

It was supposed it would terrorize the operators into submission. It was a wicked temptation put before every trusted employe at the base of the shaft or foot of the slope to betray his trust and leave his post of duty. It involved the ruin of some mines, the absolute ruin of the present and near prospective use of the mines for many months, and with some for years to come. It was a spite to employer, to the public, an exhibition of hate that it may be hoped history will forget. If this generation does not realize it posterity may, that the acceptance of a trust to drown out the mines as a penalty imposed by a third party, an irresponsible association, between an employer and an employe, on the claim that if the employer on ten days' notice does not submit to an eight-hour day for his skilled employe, is an outrage against humanity, and especially so when it is sought to put the blame for the injury caused by the destruction of the mine, on the employer. A trust putting it in the discretion of a set of officers to burn the breaker if an eight-hour day is not given, would have been of comparatively slight damage to the operator, and the public, as compared with filling the mines with water, for the breaker could have been restored in from three to five months, but the community would have been shocked at that.

ARGUMENT OF H. C. REYNOLDS, ESQ.

Fuel is the foundation upon which is erected the superstructure of prosperity, it enters into the first place of importance to the successful preservation of manufacture. Any increase in the price immediately raises the level of price of manufactured articles, as certainly as a stone cast into a pool raises the level of the water therein.

When the cost of production in America shall have advanced to a point where the foreign manufacturers enter our markets with profits, then will the busy hum of our industries cease, and idle men again will crowd and compete for the few places left.

The demand in 1901 for fuel was stimulated, and for the first time in the anthracite trade, the market was such that our employes were given the opportunity to work full time.

The advance demanded was not justified by conditions, for the wages paid were sufficient in amount for the services rendered, and if the contract miners who is the architect of his own future, had followed the path of a reasonable ambition, the result must have been the most satisfactory in the history of coal production.

It must have been long since apparent to this commission that instead of gratifying his opportunity for large earnings, and industriously endeavoring to profit thereby, the miner has wilfully refused to produce a fair output of coal.

He has, by direction of the union, deliberately, in the face of a great demand for coal, refused to profit by their conditions, and then came here and demanded an advance, to grant which would place a premium on idleness. He has actually earned since the advance of 1900 less than before, because he worked less. If an advance is given by this commission to this class of our employes, they will simply work so much less time. The few miners who have profited by the advance have, in every instance, been those who have disregarded union rules and have insisted upon profiting by the opportunity; and these have been stamped by the union miner as "unfair" and enemies to organized labor.

The evidence is conclusive that the miners work not to exceed six hours. We contend that there is no reason why he should not work for a reasonable period and with reasonable intensity. His efforts redound to him over advantage and enable us to disperse with a considerable number of miners with the result acording to the evidence of one of their number, of increasing the earnings of the remainder, 40 per cent.

During the period since the strike of 1900 this class of employes seem to have felt that preparation for the demands of the union required them to effect a decrease of earnings in some way in order to make more plausible the clamor for an advance in wages. The eight-hour day means an increase of 25 per cent. in wage cost of production.

A reduction of the hours of labor by a decision of this tribunal will not only impose upon the consumer of anthracite coal additional burdens directly, but it will imediately give countenance to like demands in every branch of manufacture. The result will be that there will be a precedent established so far reaching that there will be an almost revolutionary economic condition which cannot fail to react unfavorably upon the best interests of the workman, employer and consumer.

No professional man of great attainments today could accomplish his high ambition, or contribute that means of his powers essential to successful accomplishments were he to regard the measure of his obligations upon the standard of an eight-hour day.

Early in August the union realized that it was steadily losing ground. The production of coal was increasing every day. More and more men were seeking employment. Desperation succeeded confidence, something must be done. The coal output during the period of this strike grew larger and larger as the months passed. The desperation of the officials of this organization became keener as the coal output steadily increased. That the restraint and peaceful persuasion might be efficacious it was thought that the mild coercion of the dynamite bomb upon the homes of those workmen desirous of resuming would be justifiable It was a mild and harmless weapon, because in the language of Mr. Mitchell: "A miner knows how to use explosives too well to explode dynamite without injuring people, if he wanted to injure them, and it is rather peculiar that in all the explosions of dynambite that took place, no building was destroyed and no person was seriously hurt. 'The miners if they wanted to destroy by dynamite would do better than that."

The mere suggestion that this union incorporate is the signal for a lengthy opinion, in which all are condemned as meddlers, impudent, impertinent and insulting to the last degree. Had this union regarded its contract with the Black Diamond Coal company, had it made good, or offered to make good, the strike and the damages caused thereby, of its members in refusing to work, it might then rejoice in the sole opportunity afforded it in our region of proving that incorporation is not requisite to the performance of its agreemnt. Sooner or later, these must incorporate. Already in the states of Connecticut and New Jersey, efforts are being made to compel the incorporation of labor unions.

The purpose of this union seems to be universally to do as little and get as much as possible. This principle has cost in dustrial England her supremacy, and ours is destined to be lost in the same way. Germany, with her sixty-four hours per week of labor, and her vast productive organization to which every member of the family furnishes his and her contribution is forging ahead in the race of nations for place in commerce and manufacture. France, too, with her industrious and frugal artisans always and eternally striving, but be reckoned with. All the gush and sickly sentiment which finds expression of condemnation of child labor does not take into account the fact that idleness of children and men is not safe or desirable. The supremacy in the world's affairs of those children of toil who early were obliged to be useful, is sufficient answer to much of this criticism. No one will justify the unreasonable use of child labor at early ages, but there is a middle and conservative ground upon which all reasonable persons may unite.

Proceedings of Thursday, Feb. 12.

[From The Scranton Tribune, Feb. 13.]

Philadelphia, Feb. 12.—In an address of two hours and twenty minutes' duration, presenting the case of the operators before the mine strike commission, at this morning's session, George F. Baer, president of the Philadelphia and Reading company, and the head of the operators' "round-table" during the strike, proved himself to be no less an orator than he is a great man of affairs.

It was a most thorough, straightforward, logical and impressive argument, and, more than all, it was earnest. He spoke like a man advocating a life and death cause. It was not by any means a reading of a brief by one of high position, brought in to give the utterances weight. Mr. Baer's every word and gesture bore testimony of a profound realization of the momentous character of his task, and that he was speaking from conviction.

There was the largest attendance since the commission came to Philadelphia, and not infrequently the assemblage broke forth in loud applause. There was considerable laughter, too, especially when Mr. Baer's remarkably keen sarcasm was let loose on Henry Demorest Lloyd, who had referred to him as an "ante-diluvian captain of industry."

Most of his address was read from manuscript, but some of his best utterances were those that came extempore.

Proposition to Regulate Wages.

The most important feature of his address, from a practical standpoint, came at the close, when he submitted to the commission a proposition for the regulation of wages for the next three years. It was, in substance, a five per cent. advance at once, and a sliding scale arrangement thereafter.

Not the least interesting part of the address was the recital of the history of the conferences preceding the strike. It was the first time the whole story was told, and it was intently listened to. In the course of the recital, Mr. Darrow asked if Mr. Baer would be willing to have President Mitchell treat with him as the representatives of the miners. Mr. Baer replied that if Mr. Mitchell came as the accredited representative of the Reading employes, to deal with no interests outside of the Reading company, he would be acceptable, but if he came as the representative of all classes of miners, anthracite and bituminous, he would not be acceptable.

When Mr. Baer concluded, there was a burst of applause, which continued for nearly a minute, and for a considerable period he was the recipient of congratulations from his auditors. One of the first to shake his hand was President Mitchell, of the United Mine Workers, who came in from Indianapolis about twenty minutes before Mr. Baer got through with his speech.

Mr. Mitchell's entrance was the signal for a general craning of necks. Even the commissioners neglected Mr. Baer's address for a moment to point out Mr. Mitchell to their guests, who occupied seats in the rear of the bench.

Darrow Begins His Address.

Mr. Baer was preceded by ex-Senator Wolverton for about twenty minutes, required to conclude the address he had not finished at adjourning time yesterday. Following Mr. Baer came Clarence S. Darrow, chief counsel for the miners, who took up all of the afternoon session with the opening of his summing up for the miners. Mr. Darrow spoke in a strenuous, aggressive style, relieved occasionally with witty passages, which were always provocative of laughter. At the outset he was interrupted frequently by applause. He asked Chairman Gray to request that no applause be indulged in, as it tended to disconcert him, and the chairman conveyed the request to the auditors. The applause was given over until Mr. Darrow finished for the day, when it burst forth in a mighty wave. Mr. Darrow will likely occupy all of today. He is speaking without manuscript.

THE FULL TEXT OF MR. BAER'S ADDRESS

Mr. Chairman and Gentlemen of the Commission: Whatever can be well said, I think has been said in the arguments of the distinguished counsel who have represented the operators through this long hearing and who have so ably discharged their duty to them. My brethren of the bar persist in disregarding my new vocation and, while treating me as one of their guild, they have, contrary to my own inclinations, persisted in asking me to join them in making an argument in this case. After all, I can only be a gleaner in the field which has been already widely covered, in the hope that in the few straws that remain I may find a grain or two of wheat.

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

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

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

Combination Necessary.

In the development of the natural resources of the earth, it is necessary for men to combine both their capital and their energy. Railroad and steamship lines, great steel plants and workshops of every kind can only be created by a combination of capital and energy. Through an adaptation and enlargement of Roman laws, we have developed the modern business corporation. We are apt to overlook the part these business corporations play in the distribution of wealth. Their stockholders are many, scattered far and wide, and the business is not owned, as many people suppose, by a few very rich men. The profits made in any large business carried on by a firm consisting of one family, or a very few persons, are distributed among these few; but a successful business carried on in corporate form distributes its profits among the many, and therefore necessarily tends to a greater distribution of wealth.

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

Must Obey the Law.

We constantly hear the phrase: "Capital organizes. Why may not labor organize?" As if this settled the problem. But capital can not organize for an illegal purpose. Organized capital is subjected to sharper scrutiny than any other kind of organization, as possible violation of individual rights is at once seized upon by the public as requiring some new and drastic law, if existing laws are not sufficient to meet public expectations. For example, may capital organize in such a way that one manufacturer may employ pickets to surround the establishments of another competing manufacturer to prevent ingress and egress to the works, or interfere with the sale of its commodities by intercepting its customers or interfere with the transportation of its products and the orderly conduct of the rival business? We concede to organized labor the same rights that we claim for organized capital. Each must keep within the law. There can not be one law for citizens and corporations and another law for labor organizations.

Strike Lawlessness.

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

The lawlessness in the coal regions was the direct result of mistaken theories of the rights of the Mine Workers. It will not do to say that the leaders have not encouraged violence and crime. It is

true, no doubt, that they did not directly advise it. They, at times, counselled against it, and issued paper proclamation calling for peace; and at other times, as they did on the witness stand, they have expressed regrets for it. Nevertheless, they are legally and morally responsible for the situation they created, and from which this violence and crime resulted.

Here is the record. Resolution No. 35, of the Shamokin convention, approves the action of District No. 1, which decided to insist upon forcing all who work in and around the mines to become members of the union, and that they be authorized to refuse to work with non-union men. Regularly moved and seconded "That it becomes compulsory on the part of any man employed in and around the mines to become a member of the United Mine Workers of America."

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

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

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

Labor and the Militia.

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

Natural Results.

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

Inciting to Riot.

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

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

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

The Pump Order.

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

They say, in excuse of this monstrous conduct, that they committed no wrong, because we could have saved our property by acceding to their demands for eight hours. When they gave this answer, the fact was already clearly proven that at mines where men had been working on the eight-hour shift they were not permitted to work.

Mr. Darrow: Not one case, Mr. Baer.

Mr. Baer: I will not stop to dispute what is in the record.

Mr. Darrow: There is not one case.

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

Mr. Darrow: "Scab" steam men.

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

Mr. Darrow: But it was in manning the pumps only.

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

Mr. Darrow: That is just what our men claimed recently.

Mr. Baer: Now, can anyone be deceived for a moment by such a weak attempt at justification? It has been suggested here (and the figure is so apt that I repeat it) that if a highwayman meets me on the road and demands my purse, and I refuse to give it to him, and he shoots me down, he is not guilty of murder; because, forsooth, had I given him the purse he would have been content and gone on his way!

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

Mines Drowned Out.

With the cessation of mining for five months, and the destruction for the time being of a number of collieries, the public is now suffering, or was until within a week, for want of an adequate supply of fuel. Think what the results would

have been had the efforts of the Mine Workers' union to drown out all our collieries been successful! Five of our collieries are still drowned out. Our production, as shown in January, is 140,000 tons short. We are only a little ahead of the larger companies in the upper region, because they have not lost many of their mines; and whilst they have been able, during the last few months, to increase their production, the product of the companies I represent—the Philadelphia and Reading Coal and Iron company, with five collieries still drowned out through the wickedness of this pump order, and with the Stanton colliery of the Lehigh and Wilkes-Barre still drowned out, although we are making an effort, day and night, to remove the water—has been reduced. Two or three thousand men, their own men, many of them United Mine Workers, have been deprived of work; and they have even complained that we have not carried out honestly our offer to employ all the men, when through their folly and their wickedness they destroyed the means which we had for giving them employment.

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

Herbert Spencer, in his last book, says: "Those who, joining a trade union, surrender their freedom to make engagements on their own terms and allow themselves to be told by their leade s when to work and when not to work, have no adequate sense of that fundamental right which every man possesses to make the best of himself, and to dispose of his abilities in any way he pleases." I wonder what Herbert Spencer would say to Mr. Mitchell's and Mr. Gomper's new limitation of human freedom. Here it is: "A man who works during a strike has no moral right to work, if his work destroys the hope and aspirations of his fellow men."

A New Principle.

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

I had supposed that in this Christian era the laws were formed to protect the moral as well as the legal rights of men; that they were based upon the common morality embodied in the Ten Commandments and the teachings of Christ. I did not know that there was reserved to individuals a moral right to do a thing which the law prohibited. I do not know where to draw the line between the moral and the legal rights of men when we are called to pass on such questions as are now before this commission. How am I to determine the momentous question as to whether my work will destroy the hopes and aspirations of my fellow men? Is it to be done by some town meeting, or by some crude democracy where by a majority vote my rights and privileges are to be fixed? Are not constitutions and laws framed to protect the weak against the strong and the few against the tyranny of the many? If a mob in convention assembled declares that only the Protestant religion shall prevail in a community, am I to be debarred from the right of going to the Catholic church because it would destroy the hopes and aspirations of the Protestant clergy, all of them workers worthy of all honor?

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

Public's Sympathy with Labor.

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

You will recall that the demand made upon us was for a uniform scale of wages covering the whole anthracite field. That was the first and only written demand. All of the operators were asked to meet in convention with a view to adopting a uniform scale. Now, herein lies one of the difficulties in dealing with subjects of this kind. I think that most labor leaders may justly be criticised for striving too eagerly for uniformity in wages and conditions. Perhaps this is owing to the fact that the best types of labor organizations we have in this country have been in trades where the work has been single and not diverse. Take the locomotive engineers. There practically the same skill is required by each engineer. The engineer who can run a locomotive on one railroad can accommodate himself immediately to the work of running a locomotive on another road. The service is practically alike, whether it is located in Pennsylvania or in California. The conditions of employment are not the same and therefore a uniform scale of wages applicable to the whole United States would not be just and has never been attempted, so far as I know. But I think that the best type of labor organization has been that of the locomotive engineer, and the reasons for it are plain. You must remember that the locomotive engineers represent the picked men of the United States. There is, perhaps, no other large body of men selected with such care and where the conditions of service are so high. The engineer must be a perfect man physically. He must have a good strong body and clear vision. He must have the nerve and coolness of a great commander, because he is ever on the danger line. His habits must be good. He dare not use intoxicating liquors, nor commit any of the vices which tend to weaken his intellect or nerve, or destroy him physically. The nature of his employment requires this and the railroads of the country exact it. They must be exacting and rigid in the enforcement of all these requirements, because it is the engineer who is responsible for the safety of the thousands of people carried at great speed through the country. Indeed, there is no class of workmen who so thoroughly deserve the sympathy and the respect of the American people.

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

Where Uniformity Is Possible.

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

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

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

Dissimilar Elements.

No doubt Mr. Mitchell's knowledge of bituminous coal conditions and his absolutely confessed ignorance of anthracite conditions are primarily responsible for the attempt to join the two in one organization. If any fact can be established by testimony, we have established the radical dissimilarity between bituminous and anthracite mining. We made every effort to convince Mr. Mitchell and his friends of the utter impracticability of his scheme. Our chief objection to his organization was that it was a foreign organization, interested in a rival and competitive business. We never could see the wisdom of permitting the bituminous coal miners to inject themselves into the anthracite situation. It has proved to be just as mischievous as in the beginning we believed it would be.

Powers Not Divisible.

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

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

Mr. Darrow: You mean he must work for the company?

Mr. Baer: No, I say I do not care who he is.

Mr. Darrow: Have you not changed your position on that?

Mr. Baer: I have not. I would not hesitate to change it if I found I was wrong.

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

Restriction of Output.

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

The Question of Monopoly.

The country is agitated over the possible dangers to the commonwealth there may be in combinations of capital. These combinations, or rather consolidations of many interests into one common company, are all based on the theory that they will result in greater economy, that the cost of production will be decreased, and that the public will be benefited in many ways, especially by regularity of production, stability of employment and reduction in cost to the consumer.

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

All free men oppose monopoly. This opposition is instinctive, and the possibilities of monopoly alarm us. The mere fear of it suggests all manner of devices to prevent it. It is unquestionably true that if the recent combinations of capital instead of proving a benefit to the public as their organizers honestly believe, shall prove detrimental and result in creating monopolies guilty of extortion and oppression, legal and peaceful remedies will surely be found to curb their rapacity and oppression. But these large industrial combinations produce only things which are desirable, not absolutely necessary to sustain life. If the price of steel or any other like commodity is too high, or its production is stopped by striking workmen, for the time being, because of low wages, or by owners because of low profits, the public will be put to temporary inconvenience, but it can cause no general suffering.

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

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

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

A Monster Monopoly.

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

Who has been benefited by it? Primarily, the bituminous coal fields. It was necessary for the Mine Workers' associa-

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

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

Operators Defended.

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

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

The record shows that an honest effort was made to convince the United Mine Workers that their demands were unjust. Who now will say, in the light of the testimony, that the demand for a uniform rate of wages extending over all the anthracite regions was reasonable? The differences in conditions between the anthracite operations and the bituminous operations were clearly pointed out to these labor leaders.

You asked the question whether I had changed in this, that I was willing to meet representatives. Listen to my story.

Story of Early Conferences.

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

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

Second Meeting.

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

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

Some Unpublished History.

Now, mark you, one thing about that. With a great deal of caution the resolution was passed that the meetings of this committee should remain a profound secret, and nobody should divulge the result except before the Civic Federation, which was to be reconvened at the call of the chairman to hear the report of this committee. The committee met, and they met in my office in New York; and I do not know how many hours each day we were there, but we spent the whole of the day there. One day we did not go out of the building; we took our lunch there. We spent the next day there, eating our lunches quietly, and we had a pleasant conversation, and we discussed these questions as fully as we could.

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

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

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

Mr. Baer: Mr. Nichols can give you the dates. I have not the diaries here.

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

Never Convened.

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

One of our distinguished gentlemen connected with that Civic Federation, whose vocation almost prohibits me from criticising him, has contented himself with saying that if Mr. Mitchell and Mr. Baer could have been eliminated from the situation, the Civic Federation might have accomplished results. (Laughter). Not unless the Civic Federation is born again. (Laughter). The world is still deceived by honor (?)

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

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

Victim of Yellow Journalism.

I want to say here that the public press have amused themselves by inventing a great many interviews with me; and I have had to stand it. Somebody asked me why I waited until the eleventh hour to deny something that had been said at Washington. My whole summer's work would have been taken up in denying reports if I had ever started on that line. I am responsible for the things that I have said under my name, or said publicly; but I protest against the vile stuff that has been injected into interviews purporting to come from me, some of which were quoted here by one of the speakers, saying "There is nothing to arbitrate," and all that sort of thing. I do not blame him for it; because the average man has a right, if he is simple-minded, to believe the newspapers. (Laughter and great applause).

Mr. Darrow: I agree with you about that.

Mr. Baer: Well, I am glad we agree on something.

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

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

One-Sided Arbitration.

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

Well, with the experience we had, without regard to the general unfairness of such a proposition, would any reputable man have agreed to such a proposition? We did not; and we are justified. It was unfair in its terms to ask that anybody should select an arbitration, and the people that were asked to select it were not fair and disinterested people.

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

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

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

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

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

All these things are problems that would enter into the question of the society these American citizens were to go into, so as to conform themselves to the usages of American citizenship. Some of them I knew would be rejected because some of the things which seemed to be consistent with American citizenship are not worthy of it.

Meddling Interference.

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

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

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

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

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

never agreed to anything of that kind he tells us, with a sweet assurance that we are "ante-diluvian captains of industry." (Laughter).

Having Fun with Lloyd.

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

Then comes his citation from New Zealand. New Zealand and Australasia have been, in the past, a fine theme for all manner of theorists. It is a wonderful country. Oh, such great things were expected of it. I have watched its progress closely. New Zealand has progressed marvelously. It has a public debt now of $300 per capita. That would amount in Pennsylvania to a debt of eighteen hundred millions. The taxes are nineteen dollars a head there. The annual loss in the operation of railroads for the last ten years has been in the neighborhood of a million dollars a year, and so beneficial to the public has the Australian system of railroads been, that we have the authority of a professor of Harvard, quoting Mr. Henry Wood's book for the statement, that in Australia it costs as much to transport on the railways there a distance of two hunded and fifty miles, a bushel of wheat, as it does to take it from Chicago to Liverpool.

A Perplexing Problem.

The anthracite coal trade has for fifty years been a most perplexing problem. It has, perhaps, aroused greater expectations and caused more disappointments than any large business enterprise in the country. To the untutored mind it seems so easy to dig coal and to sell it at a profit. But to the men who have given their best thoughts and years to the problem it becomes, perhaps because they are ante-diluvian, one of the most complex of all industrial problems. Indeed, when I look back over more than thirty years of my own connection with the Reading system and recall the struggles of the system and the able men who have gone before me, it seems that their labors were like those of Sisyphus.

The problem was to persuade the public to use anthracite as a fuel. New stoves and new furnaces had to be invented and perhaps the first real result in bringing about its consumption was in the furnace. Some competent Welsh manufacturers coming early to this country, iron manufacturers, discovered, what the chemists knew, that anthracite coal was a natural coal, and they constructed furnaces capable of burning anthracite coal as a substitute for charcoal at that time, and in a very few short years the old charcoal furnaces in the history of Eastern Pennsylvania disappeared and the charcoal furnaces were converted into anthracite furnaces. That gave a great impetus to the trade, and year by year its consumption grew wider and wider and year by year the development of the coal industry increased abnormally. Up in the Wyoming region the mining of coal is practically simple. At least, it was in the beginning. The veins are flat and no very great expense was required to open a colliery. The conditions were somewhat similar to many conditions in the bituminous coal fields. Railroads were built in there and they wanted traffic. They gave all manner of inducements to individuals to develop the mines, so that in a very few short years there was a production of anthracite coal in great excess of the market demands. The Wyoming region has continued to develop on those lines so that, taking up the distribution of coal under normal conditions, you will find the Wyoming region produces thirty million tons a year, what we call the Lehigh produces seven and from fourteen to sixteen are produced in the Schuylkill region. Here was the property. You know that coal cannot well be stored. Bituminous coal can not be stored in very large quantities because it is apt to ignite. Anthracite coal can be stored, but the cost of storing it is very great. We have made some experiments with the question of storing coal and picking it up again, together with the breakage and the lowering of the grade of coal, and it amounts, as near as we can get at it, to 26 cents a ton. We have found that we can not store coal and pick it up under a less charge than that, and then the facilities must be extraordinary. But we have never been in a condition to get these yards. We have tried it, for the purpose of storing coal, and in the past this has been the condition of the trade: In the summer months people do not want coal. The great consumption of coal is in the domestic sizes, although the manufacturers, of course, consume the small sizes of coal during the summer months as well as in the winter. The result has been in the past that during the six months from April to the first of October we could not operate our mines at all, because there was no market for the coal. The inconvenience was enormous in this, that for the transportation companies their cars were out of use, their locomotives were out of use and all their crews were remaining idle. They lost the investment not only of all their capital, but they were compelled to keep up that equipment so that in the six months of the year where there was an active demand for coal the whole system would not be congested, and the movement of coal itself by the railroads was accompanied with great additional expense. That condition we have tried to meet in various ways, and it has resulted undoubtedly, at times, in depriving the miners in the coal regions of steady work. No one has ever denied that was an evil. The trouble in the anthracite coal regions in the past was not the rate of wages, but whatever ground of complaint these men might have was in the fact that by reason of market conditions it was impracticable to carry on colliery operations every day in the week or in the month, and thereby their ability to work six days in the week was taken from them. Although the per diem wages were fair, when men could only work three days a week the annual result was not satisfactory. But it was a condition that could not be met except by the enlargement of the markets.

The Strike of 1900.

When this exceptional prosperity came upon us again in 1898 and 1899, there was a demand for coal, and the men, instead of being given work three days, were enabled to work five and six days. Then came 1900, in which the demand was still great and increasing, so that both the operators and the transportation companies were being taxed to their utmost to mine and transport the coal to the markets. Then came the disturbing element, the Miners' union, and under exceedingly favorable conditions—I mean favorable to them—they succeeded in getting an organization, and getting up a strike which resulted in a compromise of 10 per cent. Let me show you how little they gained, so far as that is concerned. At that time, and for years we had been operating in the Schuylkill region under the sliding scale, a system of profit-sharing whereby when the price of coal increased, the wages increased, the only fair and honest way in which to increase or decrease wages, so that the men shall share in the prosperity, and so that they shall practice economy during the periods of depression. The only objection made to the sliding scale was that it had not a minimum basis. Perhaps it ought to have had. I have discussed that in a pamphlet which I will hand to the commission, and shall not now review that situation, but simply to point out this, that if the Philadelphia and Reading Coal and Iron company had accepted Mr. Mitchell's proposition of 10 per cent. as was done in the other regions, they would have received less money than they did under the sliding scale. We voluntarily, because we felt that only a limited number of our men belonged to the United Mine Workers, increased that in 1900 from 10 per cent. to 16 per cent., so that the men in the regions would receive the same wages they would have received under the sliding scale, and on page 11 of this pamphlet I have shown you what under the prices that prevailed since, the wages of the miners would have been. They would have received on an average throughout all the months, even including April, 1902, 15 per cent., and in some months—October, 1901—they would have received 20 per cent. increase.

Ever since that time we have been pressed for coal. We cannot produce as much coal as the market would take. A series of floods and disasters in 1901 and 1902 of course destroyed our colliery capacity, and it is therefore possible on existing wages in the region for any man to make average wages equal to those paid in any other industry in the United States.

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

The Question of Market.

Now, what other problem have we to meet? We cannot arbitrarily fix the price on coal. There are market conditions that we are not masters of. I see the Mine Workers' vice president, according to an item that Counsel Wolverton read, thinks that they have the power to control the markets. Probably they have, but I still will not believe it. They are not as easily controlled as men think they are. There are limitations peculiar to the anthracite trade, and one of these is that 40 per cent of the output of anthracite coal must be sold in competition with bituminous coal, and the normal price we get for that 40 per cent. is below the cost of production; they include all the small sizes, and furnace coal.

I call your attention to page 153 of "Documents Relating to the Anthracite Strike of 1902," where you will see given the percentage of shipments made according to sizes, showing that 60 per cent. has been of the prepared sizes, and of the small sizes, the pea, buckwheat, No. 1, and smaller than Buckwheat No. 1, 32.7 per cent. These small sizes are sold for steam purposes in competition with bituminous coal, and must be sold below the cost of bituminous coal in order to induce purchasers to buy. The lump coal is used in furnace practice and is in competition with coke. So that, in point of fact, any increase in the price of coal goes upon 60 per cent. of the coal, which represents the domestic sizes. If you will make the calculation you will see that, roundly, any 1 per cent. increase in wages will cause an advance of two and a half cents on a ton of domestic sizes of coal. In addition to this, we must not overlook the fact that if wages go up, then materials and supplies necessarily participate in the increase, and the general cost of mining coal is increased, the proportion being about $1.45 to $1.50, representing the average cost under the conditions of producing a ton of coal—that is, the wage labor of producing a ton of coal—and from 40 to 45 cents representing the supplies that go into the cost of the coal.

Our coal roundly costs us about $2 to put on the car, and $1.45 to $1.50 represents wages. You can make your own calculation. We had 25,610 employes in the Coal and Iron company in January, and we paid out in cash $1,190,000 in wges. I do not think any people are starving when an average of such conditions as that is going on—and that is only an average of what is going on all the year around.

I do not want to discuss this question of wages very fully. The evidence is before the commission. I confidently believe that it justifies the position we take, and that any increase in the rate would not only work injustice to the operators and to the consumer, but that, for reasons which I shall give, would be of no practical benefit to others.

Three Parties.

The production of coal is one of the few industries in which there are three parties to be considered: First, the operator, because he controls the business—for the present at least. (Laughter.) Second, the workmen, and third, the consumer. In most industrial operations the consumer is only indirectly interested. He does not purchase the things if their cost is too great, but coal he must purchase. If he is a manufacturer, he requires it for power, and every one needs it to cook his breakfast and warm his stockings. The price can not be arbitrarily fixed. It is undoubtedly true that the mine workers must receive an adequate compensation, measured by like wages under similar conditions in other industries, and, I take it—with some hesitation—that the operator may be permitted, under a normal condition of society, to have a little profit on the capital and work he bestows in the business. If the anthracite mine operator fixes the price on anthracite coal so high that the manufacturer cannot use it, the manufacturer will do one of two things—purchase bituminous coal or, if in the locality of his manufactory that can not be had to advantage, he will abandon the site of his manufactory and go to a more favored locality, where fuel is cheap and plentiful. This has always presented a most troublesome problem in the anthracite business. Whatever theorists may say, it has been fortunate for the general public that the transportation companies have been financially interested in the management of the collieries. Why? Why, for the past twenty-five years the sharpest and severest industrial competition has been waged between the industries west of the Alleghenies and the industries east of the Alleghenies, and time and again, with the developments at Pittsburg, Alabama and Chicago, the prediction was made that all the industries of Eastern Pennsylvania would be destroyed by reason of the power of these Western manufacturers to produce at a lower cost.

Fuel the Foundation.

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

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

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

The Question of Wages.

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

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

Surplus of Labor.

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

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

Under the mining laws of this state, a man, of course, must be a certified miner. But there are from the old country flocks, hordes of strong men. They come here as laborers and obtain work in the mines. They are paid larger wages than they ever dreamed of in their own countries—from $1.50 up to $1.75 or $2 a day. They work away for two years in the mines, receiving this pay, and at the end of that two years they can become certified miners. That is the only apprenticeship they have served. After that they can go into the mine early in the morning and drill their hole and blast their coal, and at 11 o'clock walk out to smoke their pipe and enjoy that leisure which the eight-hour system, it is proposed, shall bring about—that leisure to enable them to learn to read good novels and sound religious books. (Laughter.)

Not a Skilled Trade.

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

ing for a living, and is compelled to buy coal to keep him warm and to cook his meals?

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

Against the Eight Hour Day.

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

That brings me to say one word in defense of our own companies. I submit that in the long months you have taken testimony the companies I represent, the Philadelphia and Reading Coal and Iron company and Lehigh and Wilkes-Barre Coal company, have suffered the most at the hands of these people, in that, as I have told you, a number of our collieries are destroyed. Where is the evidence of our wrong-doing? What have we done? Have we ill-treated our men? Have we wronged them in any way? Is there any testimony here to cast a shadow of doubt on the integrity and the honesty and the fairness of these companies, in dealing with their men? I want to know if there can be found anywhere in this land more upright men than Luther, than John Veith, than Richards? And I want to know who, among all the hundred of superintendents, has been pointed out to you as dealing unjustly or unfairly with any employe of the companies I represent; or who is there that will dare to say or has said that the humblest man in our employment has been refused redress or consideration of any complaint.

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

Proposes Sliding Scale.

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

I can hope that the general prosperity of the country will continue so that wages can be even increased. But I do not know the future, and as a business man I am not willing to bind myself to the payment of wages for three years based upon the existing condition of things. I do not know the day, nor the hour when a break may come and, as a cautious man of the world charged with grave responsibilities, I want some system adopted that will work like the governor on an engine and regulate the speed at which we go. Normally there ought to be no increase of wages. During the last few months we have advanced the price of coal and then only for a temporary purpose until normal conditions would be reached. I do not know whether they are here or not. There are sounds from afar that are quite threatening. I do not like the suggestion that in January, taking all sizes of coal, there were nearly six million tons of anthracite coal produced. I want to say, that while it is entirely true that some of the men have not been as prompt as we wished them in working on holidays, and some of them have shut down the breakers at one colliery and another to go to a funeral, and sometimes in times of great distress they would not work when we thought they ought to work, I will say, that taking the whole situation through the men in our companies have behaved themselves since the strike is over most admirably. They have rendered efficient work and produced all the coal which, under the circumstances, could be produced, unless they had worked on these exceptional holidays, and while that would have been desirable, you cannot ignore the conditions and the traditions of people, and if these foreigners come here with many holidays and have been accustomed to observe all their holidays, I am not going to find fault with a man who keeps his native holiday even though it does deprive me of a little coal. There are some things that must be allowed to individual freedom, and this is one of them. I would have them work on Mitchel day when there was a scarcity of coal, because he is alive. He could wait for all those honors in the future. (Laughter).

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

That from the first of November to the first of April, 1903, all employes, other than contract miners, shall be paid an additional 5 per cent.

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

What This Would Mean.

Now, before I give the result, let me just explain what that means. We will take the risk of guaranteeing for three years the present basis of wages. I say risk. We take a great risk in doing that. It means that the price of coal must be kept in New York harbor $4.50, or otherwise we are carrying on operations at a loss. We are willing to take that risk and pay, in addition, one per cent. increase in wages for each five cents increase on coal, taking the prices at New York harbor, which eliminates all calculations, as a basis.

The average price for each region to be ascertained by a competent accountant, to be appointed by Judge Gray, chairman of the commission, or, in case, for any reason, Judge Gray cannot act, then by one of the United States circuit judges holding courts in the city of Philadelphia. The compensation of the accountant to be fixed by the judge making the appointment, and to be paid by the operators in proportion to the tonnage of each mine; each operator to submit a full statement each month to said accountant of all the sales of white ash coal, and the prices realized therefrom free on board New York, with the right of the accountant to have access to the books to verify the statement.

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

In Conclusion.

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

Mr. Darrow: Not reckless.

Mr. Baer: What was the word, improvident?

Mr. Darrow: Not well organized.

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

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

But, if that cannot be done, we will still have to worry along with the numerous people who want to give us good advice but do not know how to do things themselves.

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

Proceedings of Saturday, Feb. 14.

[From The Scranton Tribune, Feb. 16.]

Philidelphia, Feb. 13.—The anthracite coal strike commission, after being in public session for more than three months, closed its open hearings today with an all-day argument by Clarence S. Darrow in behalf of the miners. The commission will meet in secret in Washington next Thursday, and begin the consideration of its award. It is expected that by the end of this month the arbitrators will be ready to make their announcement. If an increase in wages is determined upon, the increase is to date from the first of last November, the commission having decided on that date on October 31. After the session today the commission held a short conference with the lawyers for the several sides and asked them to hold themselves in readiness in case they are called upon by the commission.

The crowd that heard Mr. Darrow today was fully as great as that which listened to Mr. Baer and Mr. Darrow yesterday. He took up the entire time of both sessions—five and one-half hours. He touched upon almost every phase of the strike, and when he closed he was greeted with long applause which Chairman Gray did not suppress. President Mitchell was in court all day, but did not have anything to say to the commission in parting.

Following is a complete stenographic report of Mr. Darrow's address:

THE ADDRESS OF ATTORNEY DARROW

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

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

The commission, of course, has been very patient. Everybody has been very patient. The commission, I suppose, will appreciate how difficult it has been for us to arrange and sort out our evidence and present it in the best possible way, with the least possible waste of time and strength. We have appreciated it from the beginning. I feel that our thanks are not only due to the commission, but to others who have been associated with it, especially Doctor Neill, who has done perhaps more than anyone else, not even excepting the commission, to see that we got at a fair basis for all of these calculations, and whose task has been greater than I would like to have undertaken, and who has discharged it, it seems to me, with perfect impartiality.

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

I scarcely know what to say in opening this case. We have spent a long time in examining this evidence and bringing it before this tribunal. It was the result of a long and bitter strife, a strife in which men on both sides were turned into wild beasts and forgot that common sympathy and common humanity which, after all, is common to all men when they are approached from the human standpoint and the human side. This hearing, coming after this long and bitter siege, looked to me from afar as if it would be bitter, too. I felt, as I came here and felt as I was coming here, that I would do all in my power to make the feeling less bitter than it was. I felt that I did not wish to go away from this region and feel that I had helped to stir up dissension rather than cure it, help increase this feeling of bitterness and hatred between two rival parties, instead of bringing them closer together, so that they might live together in that peace and harmony in which it was meant that all men should dwell together on earth.

Not Criminals.

But I find myself, just at the closing, in a position where I have to take very good care that all my good resolutions do not go for naught, and I shall take the best care I can. I have listened for nearly three days to the arguments of counsel for the operators, not all arguments, much that is argument, much that is vituperation, much that is abuse, much that is bitterness, much that is hatred, much that should not have been spoken here, much that could not have come from a brain which sees widely and largely and understands fully the acts of men. I have heard my clients, one hundred and forty-seven thousand workingmen, who toil while other men grow rich, men who go down into the earth and face greater dangers than men who go out upon the sea, or out upon the land in battle, men who have little to hope for, little to think of excepting work—I have heard these men characterized as assassins, as brutes, as criminals, as outlaws, as unworthy of the respect of men and fit only for the condemnation of courts. I know that it is not true. I have too much respect for the state of Pennsylvania, I have too much respect for any body of my fellow men, wherever they live, to believe that any great mass of them have turned into criminals and cutthroats, excepting for some cause that drives them to it. These are men, men like any others, men who, in the midst of sorrow, travail and a severe and cruel crisis, demeaned themselves as nobly, as bravely, as loyally, as any body of men whoever lived and suffered and died for the benefit of the generations that are yet to come. I shall apologize for none of their mistakes, and excuse none of their misdeeds. But I do say, it does not come from their accusers to call them criminals, and I cannot refrain, in speaking of a long series of causes which brought about these dire results, from characterizing some of these acts in such plain English as would be applied to my clients if they were in this court, as they are, and were being charged with some of the many offenses that can be laid to the doors of the operator.

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

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

Says Baer Was Tardy.

Why did not Mr. Baer go to Mr. John Mitchell nine months ago, as he came to this commission today? Why did not Major Warren and Mr. Torrey and the other counsel in this case go to this band of criminals nine months ago and say they would meet their agents and negotiate and talk with them? Why was all

of this deferred until seven hundred and fifty thousand men, women and children were brought to the verge of starvation and this country was facing the most terrible fuel calamity it has ever known? Yet we are met here today, and in the last two or three days, by these gentlemen, who all these long and weary months have refused to know us, to recognize us, have demanded as a condition that these men must give up their union, dearer to them than their bread, for it is their bread and their life as well—that they must give up their organization and must come to them with their hat in their hand, each one in a position to be discharged the next moment if they dare to raise their voice. This is the condition in which we have met today.

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

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

The Chairman: Oh, well, I think we shall get along. (Laughter.)

Mr. Darrow: It interrupts me; that is all.

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

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

Mr. Darrow: Either one of those reasons that I have stated might account for it. So the commission may dismiss it from their minds.

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

Wandering from the Text.

Seriously, it seems to me that this case has not been discussed by my friends, the operators, in a way to throw any true light upon the controversies that you have before you. We are all accused of being dreamers on our side, and I will admit for a moment that I have always had a sort of a penchant for associating with dreamers. I have attended all kinds of social and economic and religious meetings in my time, but I do not believe I ever heard a series of papers in my life anywhere that deals so much with abstract questions—most of them wrong—as that with which they have regaled us for the last three days. We seem to have forgotten this case entirely, and what it is about, and why we are here, and what we are to settle. I propose to let Adam Smith and all the rest of the patriarchs rest for this afternoon, at least, and assume that I am here in a court trying a case, where two parties have some substantial matter to be settled by this commission, and nothing else. And I want to settle these questions according to the rules of logic and according to the rules of law—so far as the law is applicable to this commission—and, I take it, that is to quite an extent, at least.

A large part of the evidence in this case has no bearing upon the issues in the case. So far as the demands of the Mine Workers are concerned, it makes no difference whether crimes have been committed or not. If John Smith earned $300 a year, it is no answer to say that Tom Jones murdered somebody in cold blood. That does not relieve you. It is no answer to say that some one's house was burned. It is no answer to say that some person has been boycotted. The question is, what has he earned? Are these men entitled to more money? Are they entitled to shorter hours? As reasonable human beings, should we recognize the union, or should we run against it like a stone wall, and still swear that we do not know it is there? These are the propositions.

As to Recognition.

Gentlemen, I can dispose of that very easily. You can do just as you please about recognizing the union. If you do not recognize it, it is because you are blind and you want to bump up against it some more; that is all. It is here. It is here to stay, and the burden is on you and not upon us. There is neither the power nor the disposition in this court, I take it, to destroy the union. It would not accomplish it if it could, and it certainly could not if it would. And if these wise business men, with the combined wisdom of business gentlemen and the agents of the Almighty, can not see the union, they had better blunder along still a few more years, and, possibly, afterwhile, they will know it is here and recognize it themselves. These questions are here to be discussed, and they are the practical issues in this case.

When we ask for wages, they say: "Oh, no; you are criminals, and therefore we should not raise your wages." When we asked for shorter hours, they say: "Oh, no; you burned a house, and therefore you should work ten hours instead of eight." Suppose we were no more logical than these business gentlemen. We do not claim to be business men—we are theorists, and lawyers. When they refused to raise our wages, suppose I say: "No, Mr. Operators; you are criminals." I say that legislative body after legislative body, court after court, investigating committee after investigating committee have pronounced you criminals and outlaws. What of it? It is true; but what of it? I say that you are carrying on your business in conflict with the spirit and the letter of the constitution of the great commonwealth in which you live. But what of it? That is no reason why you should pay us any more wages than we are worth. We are not entitled to $2 for $1, any more from you than we would be from a body of law-abiding gentlemen. (Laughter.) If we work for you, it is not your moral character we are interested in, it is you dollars, that is all. We are not examining you to see how well you come up to the commandments of the Decalogue, or to the civil law. We take you as we find you. If we did not, we could not take you at all, and we only ask of you what our day's work is worth.

One Thing Settled.

This commission settled this matter long ago. When we intimated to the commission to show that these gentlemen owned the railroads and they owned the mines, and were taking money out of one pocket and putting it into the other, and were charging exorbitant freight rates and making false statements, the commission said, "What has that to do with the question?" And they said wisely. What has it got to do with the question? These men who are engaged in the business of mining coal, if they work for these operators, have no more right to demand anything from them because they are respectable citizens, or are not respectable citizens, than they would have if the opposite were the case. Neither have they any right whatever to plead to this organization, or to its people, in answer to our demand for wages, anything whatever about the kind of men they are. I do not think it comes with a very good grace from these gentlemen, neither do they say it very squarely, but as such things are generally said in this world by men who do not like to say them openly; I do not think it comes with good grace from these gentlemen, whose breakers, whose mines, whose every dollar is up there surrounded by my clients, whose families are living from the profits that are made from the work of my clients in the ground, these men who have issued their bonds and their stock upon the lives of these despised foreigners, and these unruly boys—it does not come with good grace from them to say that the men who have made them rich are criminals and entitled to no consideration from this court. And yet that is their position before this body. I take it that that position cannot appeal to reasonable men; that all that has been said on this line is aside from this case. It has been said, in order that, in some way, they may wring a few more dollars from these men who give their labor and their life that their bonds may be greater and their stocks more valuable on the exchange.

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

The Question of Wages.

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

We have been told through several long, and more or less weary, days that the miners did not know what they were getting. Well, they did not—not if these gentlemen are right. These miners, if they were only Christian Scientists, would be all right. If they could believe that they had the fine houses—now, I say this in a popular sense. There may, possibly, be some Christian Scientists on this commission, I do not know. (Laughter.) But I say this in the popular sense. These miners, if they could only believe that they had the fine houses and the money in the bank, and the good health, and the long life, and the good school and church facilities, and the great wages for the composite men, that these gentlemen believe, could be happy, and we could settle this strike. Now, if, with all their wondrous other achievements, they had instituted some sort of a mind cure to make their unfortunate employes sincerely believe their statements, then we would not have had this trouble.

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

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

The Chairman: Except the lawyers?

Mr. Darrow: Oh, they have got the advantage there. (Laughter.) We are not worrying so much about the lawyers as we are about the commission. (Laughter.)

A Matter of Bookkeeping.

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

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

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

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

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

Based on 1901 Earnings.

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

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

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

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

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

Learning About Mining.

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

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

But, let us see, as near as we can, what these gentlemen were getting. Mr. Baer and his first lieutenant, Mr. Veith, do not seem to quite agree. I have a very high opinion of Mr. Veith and that opinion, taken in connection with Mr. Baer's eulogium upon his chief lieutenant, leads me to think that Mr. Veith is right, and Mr. Baer is wrong, so he will pardon me if I take Mr. Veith, instead of himself, in these matters, to ascertain how much Mr. Baer is paying and how

much work he is getting. I am going to be governed by him, and by their books, and not by the eminent gentleman whom they put on the stand, and who caused me for the first, and I trust for the only time, to lose my temper in this case, who fixed up the diet of pig iron and raw jute and carbolic acid for the miners to live on, which is a very good diet for his composite man. (Laughter.) But it is no good for mining coal. A composite man has got to dig coal or he cannot even stay on the payrolls of an expert accountant.

Mining Requires Skill.

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

Now, what does Mr. Veith say? I take it, Mr. Baer never mined coal, although the fact he once worked for fifty dollars a year might seem to indicate he was mining coal. (Laughter.) He did not tell us what he was doing. Mr. Baer informed the country, when he was telling it, what a bad set of men the miners were and what an unreasonable demand they had made, that the miner went into the ground and he stayed there from four to six hours, and he got out at 11 o'clock in the morning, and he told this commission the same things, except that he raised it an hour, he said from five to six. Of course, he was a little more cautious when he came before the commission than he was when he went before the country. I am quoting, now, from the statement in the book of the Reading company. He said these gentlemen worked from four to six hours. Mr. Veith said that the men in his employ, the miners, worked from six to seven. I take it that Mr. Veith knew and that he had failed to communicate his knowledge to Mr. Baer, and that Mr. Baer, in some mysterious way, had seen fit to give this out to the country without ever asking his chief lieutenant anything about the facts of the case. I think probably six to seven is long enough to stay down underground.

But Mr. Baer says it does not take skilled labor. Anybody, almost, can be a miner—it takes nothing except a pick and a reckless disposition. You might get along without the pick, (laughter) but I do not see how you could get along without the other, unless you are horribly hungry. But Mr. Veith says that it takes three or four years' experience to be a good miner. These gentlemen who have performed eminent services in the way of expert figures, have laid all the stress upon the contract miner, men who are skilled workmen, men who work longer to be a contract miner than they would to be a carpenter, or a bricklayer, or a lawyer, a mighty sight harder, and, I guess, as a clergyman, although I am not so well acquainted with that business. Three to four years, and they worked in the ground, where six out of a thousand are killed every year, to say nothing of the healthfulness of the occupation, which they can get doctors by the score to swear to, just the same as an accountant. But six out of a thousand die. Miners are not very good figurers. They do not think about it. If they were going into war and knew that when they went in that six out of a thousand would be killed in a year, they would hesitate. They might figure how long a life they would probably have and what sort of a death they would meet, but they would go down into the ground—I am speaking of the inside workmen, where six out of a thousand are killed every year—and they learn their trade in three or four years, where eighteen to twenty-four out of a thousand are killed, to say nothing of the hundreds of others who are maimed and crippled by reason of this occupation which requires neither skill, nor intelligence, nor religion, nor morality, nor wages. You have seen the miners come here day after day, whether called by them or by us, and there was scarcely one of them who had not been seriously injured, broken bones, eyes lost, some blind, some maimed forever, almost all of them more or less disabled, and six out of every thousand every year, who do not come at all, and yet anybody can be a miner. It is easy for a railroad president and a lawyer to say that anybody can be a miner. Mr. Baer forgot to tell us what his salary is now. I trust it has been raised since he got fifty dollars a year.

The Average Wage.

Five hundred dollars a year is a big price for taking your life and your limbs in your hand and going down into the earth to dig up coal to make somebody else rich. These contract miners that they talk of, require three to four years' experience. They are working at a trade where six out of a thousand are killed every year, and what do they get? I will show you what they get. I have had a computation made, covering every company that has filed schedules with this commission, and I have taken it from their books—not from our pay rolls, but from their books—and in Mr. Baer's company only about a third of them got over four hundred dollars in the year 1901. You may lop off a very few who get over $900, and this has been explained, if this commission has not learned it, they have not learned much. There are particular places and soft places, even in the mines. I asked Mr. Baer's accountant to turn to the highest man upon his books, and tell me what he got and he turned to a man that got $1,800. I said, how many men did he employ. They showed me 15. This man took a contract for doing certain work, just as another one would take a contract for building a house, or driving a tunnel, and he made $1,800. Some other time he might have lost as much, but I will take it that almost every man in this business who received more than $900, and there are only 2 4-10 per cent. who got it in Mr. Baer's company, almost every man was a contractor, and a great many got less. Yet the public has been fed upon this information, in order to defeat as righteous a demand as any body of laborers ever made since the world began. A man who claimed to be a literary man, who is dead, and it would have been better for his fame if he had died sooner, wrote a story for Mr. Wanamaker's magazine, in which he told this country that the miners got $150 a month, and they owned their own homes, and they had cheap coal, and money in the bank, and then he hired some men to stand out and pose for a riot, that this could be sent broadcast over the country in payment for the gold that these gentlemen would keep up to pervert the public opinion of the United States. $150 a month! There is not a miner in the anthracite region who gets it. Now and then a contractor may get it at the expense of those men who are working, those men who are bound to toil to make their living, instead of a small class of men who happen to be the brothers, or the sons, or the sons-in-law of some petty, feudal boss, who is managing the industry of the anthracite region.

Only 2.4 per cent. of all of Mr. Baer's skilled workmen get $900 a year. We can safely leave them out, as being of that class who do not mine coal, but who mine men, the same as he, who get their profits, not from digging so many tons of coal, but from exploiting so many hours of labor of some one more unfortunate than themselves. Let us take all the men over $800, and in Mr. Baer's system there are but 5 per cent. who get $800. These are plainly all contractors. The 5 per cent. who get above $800, including the two and a half per cent. above $900—we will eliminate those. As Mr. Torrey suggested, the high and the low should be wiped out alike. Let us take the class less than $200. Forty-nine per cent.—nearly half of all the men who appear on the pay-roll as contract miners—get less than $200 a year. Now, I do not want this commission to take those figures. I mean to deal fairly with this commission. I would be afraid, if I were not honest, to ask them to take something that was not reasonable. Our only confidence is that this commission will understand the truth, and I propose to bank upon that. Of those 49 per cent. who get less than $200, large numbers worked only a small fraction of the year. That is true. And in the calculations which I make, and which I consider fair for this commission, I entirely eliminate them. I propose to throw out not only that 49 per cent. who get less than $200, but 9 per cent. more who get less than $300, and then some besides that. But let me say this, in passing, everybody has his own theory about the conduct of business. Mr. Baer tells us he is a wonderful business man, and I presume he is. If a man has a good many men working for him it demonstrates that he is a business man, or he would be working for himself, instead of having other men working for him. But I want to say this, that there is not an industry in the country that is properly run for the sake of economy if one-half the men are drunken and idle and lazy—not one. God knows that the conditions in this country, and in this mining regions are not so good that men will be content to sit down and earn $200 a year. If they are, they had better get rid of these men at once. The fact that very large numbers of Mr. Baer's men get such ridiculously low wages must be due to the fact that the conditions were very, very hard. They would drift around from one mine to another; from one leading to another, from one vein to another, in the wild hope that somewhere there would be a better chance. Men who mine coal are not tramps by profession. They are not wandering around because they wish to wander around. Some of them are. In every calculation which affects human beings, we must make some allowances for imperfections of character, no doubt; but, after

all, the great, common, natural laws are above us all. They control. What is true in mining is true in railroading; it is true in banking; it is true in every industry and vocation of life, and you can not show me the pay roll of a railroad company or the pay roll of any great industrial institution where fifty per cent. of the men are idle, vagrants, drunkards, as is claimed in this case, to bolster up the paltry pay that they give to skilled men.

Yearly Gross Earnings, $528.

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

Now, what else? That is not all clear money. We have had various testimony as to how much it costs the miner, outside of the powder which the company furnishes. This $528 is independent of the powder and independent of the laborer. Some of our men have said it costs $5 a month. I think that is too high. Some have said it costs $50 a year. Some have said it costs $40. Now, I do not know. I am free to say I do not know. I know this, that the superintendent of the Lehigh Valley Coal and Navigation company swore that he made 30 cents a week difference for oil, that is, $15 a year for oil. Now, if my clients were lawyers or bankers, or judges or generals, or railroad presidents, I would not be quibbling here over $50. I would say, let it go. But $50 is a good deal to the miner, and I do not want the commission to forget it. It is a good deal to them. In addition to that, they buy they own tools. They buy squibs, cotton, their shoes wear out—they say that they wear only about two months, at the longest, and they are expensive. They buy these supplies, which our miners say, some of them, amount to $40 and some say to $50, and some say to $60 a year, but $15 of it is settled by the operators themselves. I take it that it amounts to $30 or $40 a year—$40 a year would not be extreme. I know there is at least one member of this commission who could figure it more accurately than I can, and I am perfectly willing that his statement shall go entirely upon this matter. Assuming that it is $40 a year, then these gentlemen got $488 last year. That is the amount, the highest average, that could be paid by Mr. Baer for these experienced men.

Still Further Reduced.

But, now, that is not all. This was based on 1901, twelve per cent. above the average; with Mr. Baer's company, ten per cent. above the average; but I have made the computation upon the basis of twelve. You member that Mr. Baer said that this ten per cent. raise slid in the first time the sliding scale slid up, so they got something extra. But make it 12½; that is another proposition.

It is based upon the production of 1901, that is 12½ per cent. too high. You would have to subtract from that 12 per cent., making it $436. That is, this—that any finding that this commission can make in this case must be based upon the idea that over any considerable period of time these men got $436 a year, and that is all. I am figuring this, not from our books, but from theirs. And yet lawyers, who have not taken the trouble to understand these figures, or even read them, have been content to stand here and use the testimony of so-called expert accountants, who have manipulated and twisted and used figures for the sake of defrauding 147,000 men, that a few might grow still richer and still greater by the iniquities practiced upon the many.

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

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

The Basis of Increase.

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

Mr. Darrow: Why, if you are paying by the car, it should be 20 per cent. more per car; if you are paying by the yard, 20 per cent. more per yard.

The Chairman: No, you do not understand me. I have not made myself clear. You were speaking of the rates of 1901 not being a fair represenation of what the average wage of the miner would be in a series of years.

Mr. Darrow: I understand.

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

Mr. Darrow: Yes.

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

Mr. Darrow: It ought to be on the 1901 basis, certainly—certainly. But I do not want the commission to overlook the point. If you are to ascertain what a ton weight is, and pay us by the ton, and simply add twenty per cent. to the ton, we are getting it, not on the 1901 basis, but on the average. But if you are doing it by the yard, as it has been admitted it will be in the Reading district, you are getting it, not on the 1901 basis, but you are getting it on the average. Of course, it ought to be on the 1901 basis. On the 1901 basis, these figures are less than $500; and there has not been an operator on the stand who has presumed to say that less than from six hundred to six hundred and fifty dollars would be a fair compensation; and most of them put it higher than that.

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

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

Wage Figures Unfair.

Of these five companies, the Lehigh Valley Coal company, the Lehigh and Wilkes-Barre Coal company, the Lehigh Coal and Navigation company and the George B. Markle company—there are six companies, however—none of these are fair, for this reason:

Every one of these companies only takes those men who appear on every pay roll. Some of them include, in some of those, only those which, for some

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

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

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

That is the condition of the Reading figures. So, out of the thirty-seven collieries, we have got six collieries which pay the best wages. They are nine per cent. higher than the others. This allowance has been made in these figures, and it should not be figured up again. I will just state it, so that the commission will understand that there seems to be a variance. The commission will remember that I asked Mr. Jones, their accountant, to take this list, and, if nine per cent. was not correct, as we had figured out, to report to us at 2 o'clock, which he did not do. So it will be safe to assume that that is true. If not, Mr. Neill will understand it.

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

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

Average Net Earnings, $525.

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

Let us see what else. They are not the only men who go down into the earth. Of course, in this world, you know that the men who get the best pay are always in evidence the most. The lawyers are in front of the miners and the miners in front of the mine workers. Most of the people we have had on the stand were contract miners—the poor devil that loads the coal, we do not want to forget him. What has he been getting? He works in the ground. The falling rock, or a stray car, or a belated blast, will catch him the same as the experienced miner. His business is almost as dangerous as the contract miner. More than five out of every thousand of his craft are killed every year, to say nothing of the maimed and the crippled and the blind, who are turned out under the beneficent laws of the state of Pennsylvania, to the almshouses and highways and the byways, because no man can recover in this state, and I say it advisedly, that I believe there is not another state in the union where it is as difficult to recover as in this commonwealth of Pennsylvania. When I think of the cripples, of the orphans, of the widows, of the maimed, who are dragging their lives out on account of this business, who, if they were mules or horses would be cared for, but who are left and neglected, it seems to me this is the greatest indictment of this business that can possibly be made. There are thousands of them, and many of them have come before this commission to tell their story and to exhibit their misfortunes, under our advice. Of these laborers, five out of a thousand are killed every year. There is not any record of how many accidents there were. An accident must be pretty serious to be recorded. As our old friend Gallagher said, you do not count it an accident in the mine unless you get half killed, and, you remember, he had been half killed twice. They have come in here with broken arms, and disfigured faces, and broken legs, and with one eye, and with no eyes, to tell the tale of this business, upon which all the industry of this country, especially the east, is resting today. If, forsooth, these poor miners are to have shorter hours, or more pay, nothing short of a calamity will overtake the industry of the east!

Well, I do not like calamities, especially when they come to me. But if the civilization of this country rests upon the necessity of leaving these starvation wages to these miners and laborers, or if, as my friend Reynolds indicated to this commission yesterday, it rests upon the labor of these poor little boys, who from 12 to 14 years of age, are picking their way through the dirt, clouds and dust of the anthracite coal, then the sooner we are done with this civilization and start over anew, the better for the humanities that, after all, must survive all forms of civilization, whether good or bad. I do not believe that the civilization of this country and the industry of the east depends upon whether you leave these men in the mines nine hours, or ten hours, or whether you leave these little children in the breakers. If it is not based on a more substantial foundation than that, then it is time that these captains of industry resigned their commission and turned it over to some theorists, to see if they cannot bring ruin and havoc a good deal quicker. These gentlemen will find a way when they have to find it. It is a trick of human nature that they never will find a way until they have to find it.

Laborers' Pay.

But I was speaking about the laborers. These laborers got, last year, $333. Princely wages, and yet we are told that all was peace and joy and happiness in the anthracite region until Mr. Mitchell came. $333 a year for these men who shovel coal in the mines nine and ten hours a day, and five out of a thousand killed by accidents every year! What of the rest? This was last year. The fact is, that they got about $300 on an average until Mr. Mitchell came here, with this much-abused organization of his to create desolation and havoc among these serfs. It was about $270 a year in those halcyon days. No wonder that they long for the good old days again, the days when everything was so peaceable and so happy, before the war. (Laughter.)

What about the company men? Here is where we get our composite men. I have not seen one of these composite men yet. All we know is that the composite man gets bigger wages than the real man, and he does not need as much to eat. No wonder their figurers love the composite man. He has every element for a good, useful citizen, from their standpoint. About sixty per cent. of all the employes are composite men, and they are paid by the month. Nobody knows what, but still they are paid by the month. They do not know themselves. They give us a rate of payment, and they assume in this rate of payment most of them are idlers, and vagrants, and drunkards. I think they must buy pretty cheap whiskey, to say the least. On this list the largest number of men are laborers. I will not take the time to go ever each company by itself, but, assuming they were real men, instead of composite men, the laborers got $334 last year. Now, they do not get it. Their figurers figured they got it. They would have got it, if they had worked every day the breaker worked. But we will take the figures as they are—they are bad enough. If we cannot get a raise on them, I do not think we will get a raise on a smaller amount, because if they were down much lower, everybody would think they were not worth it. But the laborers, who are the largest class in these companies, averaged $334 last year. I am taking their figures, not ours. They are the best we have got, and if I was the commission, of course, I would take them with all

of these allowances that will readily appear to all of us.

Next to them, the largest class is the loaders. They got $370 last year, that is, the company loaders, the company laborers. They got more money than the contract laborers here. Here let me refer to the company miners. We are told of the big wages. Why, this story is too absurd to talk on. There is not a mine in this country, there is not a mine in the anthracite region that does not keep on its pay roll something like five, ten, fifteen per cent. of company miners. In the presence of Commissioner Watkins, I will not be quite sure of the exact percentage, but it is somewhere along there. At least, they keep on their pay rolls a considerable number of company miners. These are paid by the day, or, rather, by the hour, and are paid for ten hours' work in the mines. If they only stay there eight hours, they get eight-tenths of a day's wages. If they only stay there three or four hours, which these gentlemen would have us believe, they would get three or four-tenths of a day's wages. What do they get? They get from $2.09 to $2.50 a day. There is not one company in this region—possibly one—that pays over $2.50, and almost none pay that much. The Reading, as I recall it, pays $2.32 a day for ten hours, for company miners. If they only work five, six or seven hours, it is easy to see what they get.

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

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

Pay of Breaker Boys.

But let us see what else there is on this schedule. The slate pickers are a very large class. Of course, they are children. Mr. Baer told the commissioner of labor, and he told the United States senate, and he told the people of the United States, that the lowest rate that he paid to slate pickers was 85 cents. Of course, Mr. Baer is a busy man. He is a practical man. He is not a dreamer or a theorist. He got the figures transposed. The books that he has filed show that the rate is 58 cents instead of 85 cents. But, like his other mistakes, he has not found it out yet, at least not until now. He informed the country that the lowest rate of these boys was 85 cents. It is 58 cents. Now, I do not know what you will do, but if I were the commission I would raise these boys' wages to $2.50 a day. (Laughter.) So that they would get rid of all of them—every one of them. If the work of this commission does not result in getting rid of this abominably disgraceful evil of child-labor in Pennsylvania, then I think the people may well say that it has been a failure. You may not get rid of it at once, but no man ever lived that could make an excuse for it. I do not think any man ever lived that would not blush because of the money he gets from it. I was surprised that my friend Reynolds, in his zeal, should defend it—defend the taking of a boy 12 years old, and setting him down to labor in this everlasting cloud, for ten hours, or eight hours, or any hours—for what? That you may get gold. That is all. Can any man frame an honest defense for it? Where are your sons and your daughters? Let me say this, that until you, Mr. Railroad President, or you, Mr. Lawyer, will take your child by the hand and lead him up the breaker stairs and sit him down to pick at that trough of moving coal, until you will take your pale girl to the silk mills, let me speak for the children of the poor. Is there any one who can defend it? This custom has grown up in the state of Pennsylvania because there is money in it, and the industries of Pennsylvania are dependent upon it. Shame upon the industries of Pennsylvania, if this is true! If it is so, of little avail have we protected this great state for half a cetury, if the result of all of it is that men shall grow rich from the labor of these little children.

Child Labor.

Another thing, it is not easy to generalize. I have sought to the best of the ability I have to study some of these important problems. I may have studied them wisely, I may have studied them foolishly, but at least I have sought to find out. The evidence in this case shows that every single one of these industries is run by the labor of these children. It shows more than this. It shows that in the vicinity of Scranton are at least twenty mills—silk mills, knitting mills, thread mills—where little girls from 12 to 13 or 14 years of age are working 10 hours a day, 12 hours a day, and 12 hours at night as well. Do not tell me that that is due to the inhumanity of the father or mother. It is contrary to natural law. The wolf suckles her young. The wild animal cares for its offspring, and the human being is not less kind than the wolf or the beast. The instinct of life planted deep in all living things provides that the old must care for the young. It provides that the parent, whether man or beast, must care for its offspring. It needs no human law to enforce it. It needs nothing but a chance for those common, eternal instincts which have kept the human race alive. Is there any man so blind that he does not know why that anthracite region is dotted with silk mills? Why are they not on the prairies of the west? Why are they not somewhere else? Why is it that men who make money that is spun from the lives of these little babes, men who use these children to deck their daughters and their wives—why is it that they went to Scranton and to all those towns? They went there because the miners were there. They went there just as naturally as a wild beast goes to find its prey. They went there as the hunter goes where he can find game. Every mill in that region is a testimony to the fact that the wages that you pay are so low that you sell your boys to be slaves of the breaker and your girls to be slaves in the mills.

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

When these railroad presidents were finally called to book before the president of the United States one of them shed tears because the United Mine Workers allowed these boys to join their organization, because they taught these poor babes doctrines of anarchy and disobedience of law. This railroad president shed tears because the United Mine Workers were spoiling the souls of these poor children, and yet he was willing to take the earnings of these poor children that he and his family might be richer because of their toil. These babes know their friend. There is not one of these children so ignorant, not one of them so lost to natural instincts that he does not know who loves him. There is not one that would not run from a railroad president to the open arms of John Mitchell; and they are right. I have no doubt the railroad president loves children. Neither have I any doubt that the wolf loves mutton. These men make a living out of these children and if they can do nothing else in this region, this infamy should end. These little children get $165 a year.

The Chairman: You mean the boys?

Mr. Darrow: The boys.

The Chairman: Not the little girls?

Mr. Darrow: Oh, no. We have only indirect jurisdiction over them.

The Chairman: They get from 5 to 7 cents an hour?

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

Commissioner Clarke: Yes, 3 to 5 cents an hour.

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

Mr. Darrow: They are better off than the boys.

The Chairman: Oh, no.

Mr. Darrow: I mean the boys are better off than them.

The Chairman: Yes.

Mr. Darrow: Boys generally have the best of it in this world.

Commissioner Clark: Until they grow up. (Laughter.)

Mr. Darrow: I shall have occasion to refer to this again. First I want to dis-

pose of these wages, so far as they go. These company men, outside of steam men, firemen, and engineers, all range from $300 to $350 a year. If that is any reasonable rate of wages, gentlemen, all right. They are not reasonable. They are not just. They are not fair, in any fair meaning of the word. So much for the wages.

This commission has these schedules. The contract miners of this region last year received less than $595. Before that they received in the neighborhood of $460; and that was after the 10 per cent. raise of 1900, before which their wages were about $400 a year. Up to 1900 the contract miners of this region were getting something like $490 a year and the laborers who toiled all day in the mines were getting less than $300 a year.

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

Abram S. Hewitt Quoted.

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

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

Mr. Hewitt has been quoted here; and I should speak kindly of him even if he was not dead. My Scotch friend, Brother Burns, whose radical speech could only be explained to me upon the theory that for once in his life he had gotten on the wrong side and was talking against everything that he had professed all his life, and so he forgot himself; that is the first time I have heard Mr. Burns speak since he came into our hearing that I have not felt that it was not interesting and instructive, but I will refer to that again—Mr. Burns read from Mr. Gowen, a great criminal lawyer, who was prosecuting the Molly Maguires. Of course a criminal lawyer or any other kind of a lawyer trying a case is not the very best authority in the world. That is a habit of other lawyers—to look at things from their own standpoint. Pretty nearly all the other lawyers I ever knew did that; so I do not know about Mr. Gowen's arraignment of the Molly Maguires. I do not know much about the Molly Maguires. I remember that I heard of them when I was a very young child, and I then thought of them about as Mr. Baer thinks of a trade-unionist now. I think perhaps if I knew more about them I might find that even they had some redeeming virtues. In fact, I have generally found them in everybody when I looked for them. When I do not, of course I do not find them, because I am not looking for them. Human nature seems to be a good deal alike the world over. We are bound to find about what we look for and what we have the eyes to see and the heart to feel.

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

"In 1876, during the days of the Molly Maguires, I made a tour of inspection through the mining region. I found terrible conditions there. I found the men living like pigs and dogs under wretchedly brutal conditions. If the same spirit of sacrifice which has sent out our missionaries into every heathen land had been shown in the coal regions, and the same efforts had been made to establish and maintain the school house, the church, and above all the Sunday school, which have borne such fruits elsewhere in this broad land; if the hospital for the sick and the comfortable refuge for the unfortunate had been carefully provided; if reading rooms and night schools and rational places of amusement had from the outset been maintained for a growing and restless population, the coal regions today might have been a paradise on earth instead of a disgrace to civilization."

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

These gentlemen who do not live with their men, who appoint their bosses and their overseers and expect them to produce results—it is well for them to say we are anarchists and criminals, that we are drunkards, that we are profligates, that we cannot speak the English language, that we are unruly boys. But it would come with far better grace from them if they could show that ever once, ever once in all their administration of these lands and of these natural bounties which Mr. Baer thinks the Lord gave to him to administer—that ever once they have considered any one but themselves.

Countering on Baer.

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

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

How much truth is there in it? This story was repeated to the president of the United States. It was told to the commissioner of labor. It was told upon the witness stand. It has been told in the newspapers. It has been told wherever men could be bought or hired to listen to the tale. And what is it?

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

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

Here are the firemen, shoveling some days thirty, forty, fifty tons of coal, and even more. Here are the firemen working twelve hours a day, and every day in the year. They have no Sunday. They do not need to go to church or anywhere else—they are firemen. No Christmas, no Fourth of July, not even a John Mitchell Day (laughter)—nothing. They work 365 days in the year, with only one variation, and that is on leap year, when they work 366. (Great laughter.)

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

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

Mine Engineers.

What of the engineers? They say that is an easy job, they sleep. Do they? Every single employer was forced to admit it was against the rules and that a

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

Now, these men had struck once—they struck for eight hours. The union thought the time was not propitious and they told them to wait. This strike came on, and they said let us join, and they sent their delegates. What did the mine workers do? They said, all right, you may strike, but, before you strike, we will give ten days' notice, we will give notice on the first day of June that if they will not give you eight hours a day, by the tenth of June we will strike. These gentlemen say we held them up with a club; we abandoned our post of duty. I supposed that some of the ideas of feudalism had not found root in democratic America. Was this a post of duty? Was he a soldier, a sailor? It was a plain contract, to be terminated any day by notice by either party, and these men did not even give notice that they would terminate it, but they said to their employers, give us an eight-hour day and we will stay at work, and if you do not, we will strike. What was the result? They paraded to the country that these poor miners are responsible for flooding the mines. Gentlemen, this was an industrial war. I do not like the word much better than the chairman, but there are all sorts of wars—and this was no child's play. I am willing to say, although it is entirely aside from this case, you on your side were fighting 147,000 men, with their wives and their children, and the weapons you used were hunger and want. You thought to bring them to terms by the most cruel, deadly weapon that any oppressor has ever used to bring men to his terms—hunger and want. You, on your side, used these weapons. These fighting miners had the legal right and the natural right to use, upon their side, this weapon, had they seen fit, and say to these men, unless you surrender to us, accept our terms, your mines will go, we will give them back to Nature again and see what Nature will do. But nothing of this sort was done. They could not have complained, one party more than the other, but this was not the case. They went to their employers, and they said, grant us the eight-hour day and we will stay at the pumps, we will stay at the engines, we will fire them, we will attend to the mines while our brethren are on a strike.

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

Recognition the Stumbling Block.

How did these gentlemen meet them? They met them with contempt. Did they do it because they refused the eight-hour day? Oh, no. Counsel in this case say to this commission now that the firemen ought to have an eight-hour day. They said that much, after all these long, weary months. Neither do they seriously object, I take it, to the engineers having an eight-hour day, or the pump-men too. All of them concede the firemen should have it. These gentlemen did not refuse to give these men the eight-hour day because of the wages, because of the extra shift, because they could not afford it. Oh, no. When I pressed Mr. Rose for an answer, he said, we refused to grant the eight-hour day because we did not wish to recognize the union, and would sooner let our mines fill up. Think of it! These gentlemen, when met by their employes like honest business men, and were told they would protect their mines during the days of this trouble and strike, if they were granted an eight-hour day, said no, rather than do that, we will send to the four corners of the earth and bring, what Brother Burns characterizes as the scum and the off-scourings of creation to run our business, because we are thick-necked and pig-headed, and that was all there was of it. In one case, in spite of Mr. Baer's declaration, it has been shown in the evidence where this request was granted, and only one. In one or two instances they were willing to grant it to the firemen, but not to the engineers. With their old stubbornness, their old wilfulness, they had rather see their property destroyed than to concede that the men in their employ were human beings, with a human mind, with a human soul. Just one man granted it. Mr. Kemmerer was away, I believe, on his yacht, and his superintendent was in charge, and he seemed to have been a fairly sensible man, in spite of the fact that he was a boss. This was an old mine, pretty near worked out. I think nine-tenths of it was worked out and the boss understood that if the mine filled up it would never pay to pump it out. There was not coal enough left. So, in the absence of Mr. Kemmerer, he granted the eight-hour day to his firemen, pump-men and engineers, and they stayed at work and worked for seventeen days. Then Mr. Lehigh Valley and Mr. Pennsylvania Railroad Company, and Mr. Baer, and Mr. Tom, Dick and Harry, charged with this important business of managing their own affairs and the Lords', these gentlemen came to him and said: "Oh, you can't do it. Oh no. You are ruining our business if you ever consent to deal with these men." They came to this man, the only man in the region who had shown breadth, and sense, and conscience and mind, they came to him and said: "No, you must not do it." And it got into the papers, and Mr. Kemmerer one day sailed his yacht up to Philadelphia, and I assume he must have moored it somewhere in front of Mr. Baer's office, and the word went out to discharge the firemen and engineers, and let the mines fill up, and they did it. And now they come to this court, like little children, with their contemptible talk that these men who were striking for their liberty and gave them a notice they did not deserve, and demanded rights that were their due, these men, who reasoned with them and sought to save them, and protect them, they say these men were to blame, because in their blind and stupid prejudice they destroyed their own property. That lie has traveled up and down the country from the day this strike commenced until now. It is not only false and untrue in its every statement, but it is about as cowardly as anything that can be conceived. If these gentlemen were stupid enough to let their mines fill up with water, rather than grant this eight-hour day, all right. But keep still about it. After you have done it, the more you talk of it, the more contemptible it makes you look in the eyes of all men who think.

[Here adjournment was taken until the following day.]

An Argument on Delusions.

Mr. Darrow: Last night, before closing, I discussed one of the great delusions under which these operators have suffered, and made the country suffer, during all these months. A good many of our troubles in this world are due to mental condition; and some of the operators' troubles, and possibly some of the miners' troubles, have been due to the same causes.

I have done the best I could, in my humble way, to relieve these operators of some of the delusions they have been laboring under since this strike began; but I find, on listening to Mr. Baer's speech, that my efforts in most directions seem to have been in vain. He informs this commission, in the same attitude that the operators have used since the beginning of this strike, that we, 147,000 irresponsible miners—irresponsible, as Mr. Baer says, because we have not any property and therefore cannot be made responsible by the laws of the land—that we, a parcel of Huns and Goths and Vandals, men who cannot speak the English language, and boys who do not love discipline—that we are responsible for the coal famine, through which we have passed and are passing today.

Mr. Baer had a right, and should have been given the privilege, as he was, to state his views and let the country have the benefit of them. But the responsibility of the coal famine rests upon those people who were really responsible for this strike. If the cause of the miners was ill-advised or wrong, or if they struck without any just grievance, they are responsible. If, on the other hand, their grievances were just, their demands were reasonable, their attitude was that of rational men, considering not themselves alone but their duties to society—and every man must consider that, regardless of what the dead letter of the law may be; if their attitude was broad-minded and just and fair, and the operators, through blind and stupid prejudice refused to deal with them and to accede to their commands, and this strike resulted, then the blame is upon them, and not upon us.

Our clients have suffered through this strike. We did not have any coal to sell, and we have not been able to double the price on one commodity which these men disposed of to the highest bidder. They have used these winter months to recoup

themselves for the losses they have sustained on account of our just demands. We have had no such chance.

I wish this morning to investigate the question as to who was responsible for this strike—whether the miners can be charged with causing a coal famine, or whether the operators are the men whom this country rightly holds responsible for the high prices, the great need, the famishing conditions through which we have passed.

Responsibility for the Strike.

I want to say that this strike, from first to last, was due to the blind, autocratic, stupid spirit of these operators, that their men should not organize—nothing else. It was not because they thought they should have no more money, for I am inclined to think that these gentlemen would have raised the wages by this time, strike or no strike. At least, they came into this court, one after the other, and practically conceded that they should have raised them, and should now raise them. They were not willing to do it then; but I cannot understand how Mr. Baer, as president of the Reading railroad, can raise his wages, and how the president of the Pennsylvania railroad can raise his, when they are dealing with the railroads, and still say that these men, infinitely poorer paid, in an employment generally more dangerous, in an occupation certainly more disagreeable and onerous, should have no share in the increased prosperity which has come to them, and which has come to the common country.

It was not, then, the question of wages. These gentlemen precipitated this greatest conflict between capital and labor which the world has ever seen, this most gigantic strike in history, because, in their minds, it was a question of mastery—nothing else; because they felt and they believed that upon this contest depended the question of whether they should be the masters or whether the men should be the masters. Neither should be the result of this contest. They, with their feudal ideas that the men, who, in some mysterious way, have been placed in the ownership and the possession of industry are the masters, that they have the right to make the rules and the regulations and set the wages—set them, as I will show they did in this case, by nailing their schedule on a door—and they who believe that for one moment to accede to the demands and requests of these men would mean that they were no longer the masters, and therefore that they had better destroy thir property rather than submit. Neither can I believe that this was entirely due to the mine owners. When I consider that they were willing to take these fearful chances, to let the country face this coal famine, to let their mines be destroyed, I see in this stubborn, cruel fight, where the weapon used by the operators was starvation, where they depended not upon starving men alone, but expected that the men would listen to the starving cries of wives and children, to give up this struggle—I believe the operators were induced and urged by the railroad companies to believe that here in the coal region was the final struggle to determine who were the masters in this country, whether the men were chattels, or whether they were men, endowed with the same right to look the other contracting party squarely in the face, the same right to make their own terms as to the hours of labor, the days of labor, the price of labor, when they are selling their lives, as the master does when he is buying the laborer's life. This was the struggle, and this was the cause, and I wish to prove this matter to this commission, not from our testimony but from these gentlemen alone. I prove it from their own mouths, and place the responsibility where it belongs—upon these men, who cannot understand that the human race, through its long, sore and bitter travail, has been moving onward and upward and forward toward the final democracy of man, to the time when each human being shall be a man, clothed with the right to contract, with the right to live his life, not to be governed and ruled by such rules as the masters have ever imposed upon them.

Now, to begin with, these gentlemen, and to give one illustration of where this matter really begins. I read to this commission the indictment of the operators drawn by an operator—the indictment of the late Abram S. Hewitt, of the conditions in the anthracite regions during those halcyon days of which these operators are so fond of talking, the days when they had loyalty, and when they had discipline. How these operators do love that word discipline! They love it as the slave-holder loved it, when he raised the lash above the bare back of the slave. Those were the days when they had discipline; and in those days, says Mr. Hewitt, these operators had their service subject to such discipline that the men who went down into the mines and dug up the wealth for them were living like pigs and like dogs. And then Mr. Mitchell came into this region. Now, agitators never make revolutions. They are made by the other people entirely. All the pamphlets of all the dreamers and all the agitators in the days preceding the French Revolution amounted to nothing. It was the tyranny of kings and princes, the blind, lavish expenditures of the rich and great, wrung from the labor of the poor, that gave root to the words of the agitator. So Mr. Mitchell and his "paid agitators," as these gentlemen who work for nothing are so fond of characterizing them (laughter)—Mr. Mitchell and his paid agitators could never have come into the mining region and rallied these pigs, these men who lived as pigs and dogs, according to Mr. Hewitt, excepting through a long series of years they had been compelled to live as pigs and dogs. Loyalty to these bosses could never come with a whip or with starvation. It could only come through just treatment, and the recognition of common, fair, honest rights.

These gentlemen charged with the management of these great interests did not desire to see Mr. Mitchell come. The evidence of this from their own mouths is overwhelming. Away back in 1887, after the strike of 1886, the congressional committee investigating this region called on Mr. Whiting, then the superintendent of the Reading Railroad company, before the days of Mr. Baer, and they asked him what he thought about labor organizations, and the organizing of men in the anthracite region; and this was Mr. Whiting's idea then:

The Stubborn Spirit.

"Q. You say these striking men will come back and go to work?

"A. Yes, sir.

"Q. On your own terms?

"A. At the old rate; yes, sir.

"Q. What force do you rely on to bring them back?

"A. Well, sir, their necessities.

"Q. Starved out, do you mean?

"A. I did not say we would keep them out until they starved. I do not propose to put it in that shape."

He speaks too good English. (Laughter.) I am reading from the congressional report.

"Q. After their necessity has become sufficiently pressing?

"A. It is a necessity for everybody who works that they get work."

And then Calvin Pardee is questioned. Calvin Pardee has passed on, but he has left his mines, and his children operate them in his place.

"Q. Do you expect them to return to work?

"A. We expect them some day to return to work. Perhaps our patience will wear out one of these days in this matter.

"Q. When do you expect this strike to stop?

"A. I suppose when the men get enough of it."

Mr. Ariel Pardee—I think, perhaps, Calvin Pardee is still here, and Mr. Ariel Pardee is the one who has passed away—but, anyhow they are Pardees. There is a Pardee a party to this case. Mr. Ariel Pardee, the largest operator in this locality, emphasized the strike and organization as such.

"Q. Will you state the cause of the strike in the Lehigh region.

"A. I suppose the cause of it was that the operators would have nothing to do with the Knights of Labor and the leaders of the Amalgamated union; I suppose that was the cause of it.

"Q. You mean to say the men struck because the operators would not have anything to do with their organization?

"A. We would not negotiate with them at all. We have always been willing to deal with our employes, or a committee of our own employes, but we will not deal with the officers of these associations.

"Q. Now, I want to know, if these men, in fact, did have cause to complain, would you object to confer with them?

"A. No, not with our employes.

"Q. Would you object to conferring with them, even if they came as representing some organized body?

"A. I would not deal with them at all.

"Q. Suppose the employes of these mines should organize, would you refuse to confer with them in that capacity?

"A. I am not dealing with any organization, or the leaders of any organization.

"Q. Suppose that an association composed exclusively of your employes should send representatives to you in behalf of the men, would you treat with them?

"A. If they will come as our employes I would treat with them, but as representing an organization, I would not.

"Q. Why?

"A. Simply because I would not. I have been in a chronic fight with this organization. I commenced in 1847.

"Q. Then, before you will treat with them they must come in their individual capacity?

"A. In their individual capacity, or as a committee of our own men, and not as a committee of any association.

"Q. If the men now on strike should go to work upon an agreement to take the wages paid in the other districts, would the operators of this district enter into any such an agreement with them?

"A. Not under the management of the Knights of Labor or the Amalgamated union.

"Q. Then you will not take your own terms at the hands of the Knights of Labor?

"A. No, we will not give them a foothold."

Have Not Changed.

Now, Ariel Pardee has been gathered to his fathers, and twenty years have rolled away, and these men have learned nothing in all these twenty years. They are the men who declare that the world stands still and the sun goes around it, and characterize as dreamers and visionaries all who see any new light, or have any new theories, or new aspirations, not new, but any aspirations for bettering the condition of their fellow men. When this strike began, almost twenty years later, we find these operators still in the condition of Ariel Pardee; they would deal with their own employes, but they would not deal, they would not think of dealing, even upon their own terms, with any labor organization, labor union, or agent, unless that agent worked for them.

Let us put it concretely. Mr. John Markle, one of the chief figures in this great drama, leases a house to James Gallagher, who worked for him. He has a lease such as I never saw before, or read of, or heard of in my studies, in some regards. He rents a house for fifteen and a half cents a day. There may have been other leases such as that, but I never heard of one. I think I am on safe ground there. I have made some inquiry as to whether any human being ever leased a house by the day. Why, it is about as much as you want to do to go to a hotel with your trunk, or your valise, and rent it by the day, where you do not have to anchor a cook stove or take in your own folding bed. But Mr. Markle, in order, as his astute counsel says, that he may have room for the men who really work for him, in case of necessity, and I have no doubt that is the reason he draws a lease at fifteen and a half cents a day—I am not complaining of the price—a day's notice is pretty short to move a family, but the terms of the lease are even more stringent than that. Lest there be any mistake, lest the subtleties of the lawyer, or the subtleties of the judge might help out the tenant, he does not lease it for any term but he leases it at the will and pleasure of John Markle. If anybody can tell what that is, he can do better than I can after all my acquaintance with the will and pleasure of John Markle. I know something about his will, but I do not know anything at all about his pleasure, unless he got pleasure from evicting these thirteen men. Mr. John Markle has had a great deal to say in this controversy, and I have not any feeling against Mr. John Markle, as Mr. John Markle. I have no doubt, as he sees right and wrong, he is as good a man as I am and intends to do as near right as I do. My quarrel is with Mr. John Markle's ideas, and what he makes of them. He probably acts up to his highest light, and that is all that is given to any human being to do. My criticism is not of him, but it is of his position in this case, and his position as the overseer of his men.

John Markle.

Mr. John Markle then says to his men, "I will not deal, or negotiate, with any one of you for wages, unless you are in my employ, which means renting my house at my will and pleasure at 15½ cents a day."

Now, then, I have no doubt that a situation like that would conduce to the independence of the contracting parties. I once in a while put up with some inconvenience at a hotel. I have made up my mind I would strike for ice water, or soft boiled eggs, or something of that kind, but then when I thought a strike would result in my having to pack up my valise and carry it over to some hotel on twenty-four hours' notice, I continued to put up with the discomfort. But here is a man who has his household goods and his household gods all in one palatial residence, such as they furnish our clients down there, and if you do not believe it, read the statistics of the expert accountants, and they give him his job. There is nobody else within seven or eight miles that he can work for, and no other house, within two or three miles, that he could move into. They say to him: "We will negotiate with you, because you are in a condition that if you make us any trouble we can get rid of you in just about a minute, and we will send our general superintendent to help you set you cook stove out in the street—your cook stove and your sauer kraut." That was the condition of these gentlemen in the houses in the days they think so much of, and which they pray this commission to restore to them once again. They had no objection to dealing with their employes, but they could not deal with the man who did not work for them. Their employes could choose an agent, but the agent must work for them. They do not want any divided allegiance, that is, the agent must work for both parties, but especially for the employer. So, this was the condition of things when the negotiations for this demand begun.

In Campaign Year.

Let us see how it came about. Mr. Mitchell and his paid agitators had come down here in 1900. They had forced this peaceable, contented community to demand higher wages. Held them up at the end of a bludgeon to help better their conditions. They came down in 1900, and, as the operators say, at a time—an inopportune time—when our Democratic friend, Mr. Baer, was very anxious to have Mr. McKinley elected president of the United States. Newspapers out our way all say he is a Democrat, so I presume I may quote it; that is, all the Republican papers say so. Our people do not claim him, but the Republicans give him to us. Anyhow, he and the other operators, and I am not quarreling with their politics or their religion, it is only with their method of doing business, they say they were stood up right on the eve of a presidential election, and they reluctantly granted this ten per cent., whether they got reimbursed out of the campaign found I do not know, anyway, our people got it—a large share of it. It took this strike, however, of three months or two months—how long was it?

Mr. James H. Shea: Six weeks.

Mr. Darrow: Six weeks—it is strange I got that wrong. It took this strike of six weeks in order to accomplish this much. And here, let me call you attention to another matter, which shows how kind and generous these men have been in dealing with their own employes. These men, when they go down in the mine to shoot out the coal upon which they base their money and their stocks and their bonds, have to have powder. The owners do not furnish it to them, but they sell it to them. The powder costs the owners about $1.10 in cash—a member of this commission says from a dollar and even ninety cents up to a dollar and a quarter. We will call it $1.12½; we do not want to give them too much advantage. They were selling this powder to these miners, who took the kegs of powder on their shoulders and went down to blast out the coal for them, for $2.75 a keg when it cost them $1.12. A very comfortable profit that was, gentlemen, that you have been imposing upon these miners for all these years. And it took a six weeks' strike for them to reduce the price of this commodity, which cost them $1.10, from $2.75 to $1.50.

The thriftiness of these gentlemen in the powder matter is only excelled by the thriftiness of Mr. Baer in the proposition which he made to this commission yesterday, to show his generosity. And let me refer to that for a moment.

Baer's Sliding Scale.

These men have a habit of figuring everything their way. That is what makes a man thrifty, I take it. If I do not get rich after I leave these regions, from my association with these gentlemen, it will be my own fault. (Laughter and applause.) I do not know that it is deliberate; I am inclined to think that Mr. Baer believed he made us a nice, fair, generous proposition yesterday. Let me show it to you for a minute, and see what he thinks about the relations between capital and labor and common honesty.

He told this commission that the labor required to mine coal cost about $1.60 a ton. Now, I will prove after a while that he is too high there—that is, if I get to it. If I do not, I hope the commission will excuse me from finishing my address; because I am only going to take today. I know General Wilson is sorry, but I am going to finish today.

Commissioner Wilson: There is no one to whom I listen with more pleasure, Mr. Darrow.

Mr. Darrow: Thank you, general; you are very kind. But I want to refer to this right now.

He informed us that when a ton of coal was brought up out of the earth and put in the big car, it had cost the company $1.60. Now, we will assume the freight is about $1.50. The evidence in this case, I think, shows that it is $1.50. I suppose it is worth about sixty cents, but we will let that pass. Let us assume that it is $1.50. He proposed to make this schedule on a basis of $4.50.

The Chairman: Mr. Baer said, taking his words as we have them down here, that coal cost about $2 on the car—$1.45 for labor, and the rest for material and other expenses, which were reckoned in to make the cost.

Mr. Darrow: Was not the $1.60 for labor and the rest for materials?

Commissioner Wilson: $1.45.

Mr. Darrow: $1.45?

Commissioner Wilson: Yes; I took it down at the time he said it.

Mr. Darrow: I was going to call attention to the other matter; but my purpose is not to—

The Chairman: We simply want to get it right. This is for argument; that is all.

Mr. Darrow. Then we will call it $1.45.

The Chairman: For labor?

Mr. Darrow: For labor; that is the

only part I am interested in in this matter. Then there were other things—the cost of material, which I assume is royalty, although it may be other things, too—which bring it up to $2; but in that part I am not interested. The freight rate is about $1.50, but we will call it a dollar, for his benefit, as you will see when my figures are done. We will assume that the material and freight rates are $1.50. This scale was made on the basis of $4.50—that he would pay the present price at $4.50 a ton, and whenever the price rose fifty cents he would give the miners a fifth of it, or whenever it rose five cents, he would give them one cent. That is, he would let us run off with one cent while he retained four.

The Chairman: One per cent.

Mr. Darrow: I take it it was ten cents.

The Chairman: He said one per cent. I do not know what he meant, but he said one per cent.

Mr. McCarthy: Yes; one per cent.

Mr. Darrow: Well, one per cent., I take it, would figure out even much less.

The Chairman: That may be; but I am just stating what he said.

Mr. Darrow: Well, I understood it to be one cent; that is, if the price rose fifty cents, he would raise the wages ten cents.

Commission Wright: That would be twenty per cent.

(After a conference between Mr. Darrow and his associates).

The Chairman: We want to get the basis of our calculations right.

Mr. Darrow: I want it right, I am sure.

The Chairman: Yes; I know you do.

Mr. Darrow: Now, I am not now making my discussion to all the objections to this proposition, but am merely endeavoring to show their dealings and demands. It figures up a little less than one and a nalf cents in five. Assuming that the freight rate and the royalty is $1.50—it is more than that, according to their own figures; it is nearly $2—but putting it down to $1.50 out of the $4.50, that leaves $3 to be divided between the miner and the operator. Three dollars, assuming that it costs them $1.50 a ton to pay the royalty and to pay the freight from the mine down to the water, and they get $4.50 at tide water. That leaves $3 to be divided between the miner and the operator.

Commission Watkins: To be perfectly fair, Mr. Darrow, I think it has been shown that forty per cent. of it is sold at from $1.75 to, say, $3.50.

Mr. Darrow: Yes; but our basis is not made on that.

Commissioner Watkins: Your basis is on the price of the sizes above pea coal.

Mr. Darrow: Yes; but we are not getting anything at all for the small coal, I take it.

Commissioner Watkins: Well, on that basis, in getting at the cost, if you want to figure the cost of the coal above the prepared sizes on which the rates are made, you will have to take a higher figure of cost, because there is a loss on a certain amount of those sizes.

Mr. Darrow: This basis is made upon white ash coal, is it not?

Commissioner Watkins: Yes; that is about eighty per cent. of the output.

Mr. Darrow: That is the cheapest coal, or about one of the cheapest coals that there is in the market.

Commissioner Watkins: I think about eighty per cent. of all the anthracite coal is white ash.

Mr. Darrow: Well, assuming all that, of course according to their rate of $1.60, they only get about $2.50 at the mines for the coal, and claim that the labor costs $1.40. But to make it $1.50, it leaves $3 for the cost of the coal—half to the operator and half to the miner. That is, the operator proposes to, or does, according to their computation, take as much profit as the miner gets for his work.

Miner Equally Interested.

I am not at this time quarreling with that proposition. Let that go. But the miner, up to the $4.50 point, is at least equally interested in the cost of the coal. The operator is not proposing to take but half; and if the freight rates are just at $1.50, he is taking much less than half. He is taking about fifty or sixty cents where the miner gets $1.50. But, assume that he is taking half—he would not admit that he was taking over a third or a quarter; and yet he says that if there is any rise in this price he will give us one and a half cents out of every five in the rise, and he will put three and a half cents in his pocket. That is, these gentlemen will take more than two and a half times as much of the profit on every rise as the miners, who go down in the ground and do the work. This is their just system of profit-sharing, and the sliding scale!

Under the figures that they furnish, it is much stronger than this. There is not one single operator in this case who would admit that he got as much profit for his coal as $1.50 a ton. If he only got a dollar profit for his coal, then, up to $4.50, we are getting about three cents where they are getting two. And now Mr. Baer says, "If it rises above $4.50, give us three and a half cents, while you get one and a half cents. Give us all, because, forsooth, we own the mines, and we have our wonderful money invested, and you have not anything on earth invested except your labor, which is your life."

This is simply the thrifty way of looking at business. These gentlemen, from the beginning, have not been able to understand those dreamy theories which some of us people have, who are not practical, or, as Mr. Baer said, who have never employed any labor; because, of course, if a man is practical, the first thing he will do it to go out and set somebody to work for him. ((Applause.) Their idea is that they are the masters; and this is what they say. So when Mr. John Mitchell, from Indianapolis, the head of this organization, having had very good luck in 1900, and standing up these gentlemen for ten per cent. to save the country, commenced to negotiate again in 1902—they got through 1901 all right; and, strange to say, I asked operator after operator—not operators, though, because we could not get them in here. Some of the gentlemen on the other side have expressed regret that Mr. Fahey and Mr. Nicholls and Mr. Duffy were not put on the witness stand.

Mr. McCarthy: Mr. Duffy was on the witness stand.

Mr Darrow: Mr. Duffy went there. They could have asked him questions if they had regretted it seriously. They sat here, and they could have put him on. But they regretted the absence of Mr. Duffy and Mr. Fahey and Mr. Nicholls, surely not any deeper than my regret of Mr. Baer and Mr. Olyphant and Mr. Thomas, and all the other gentlemen who are their clients in this case—these gentlemen who did not even get near enough to take the chance of being forcibly called into the witness box until after the last words had been spoken and they were perfectly safe.

May Strike Again.

But the men who had struck in 1900 were not satisfied. It is a strange thing how you never can satisfy people; and sometimes the better you treat them the less they are satisfied. I am not here to enter into any obligations, and I could not enter into any, that if these wages were raised and these hours were reduced to a reasonable limit, in the evolution of business and industry and society, we would want to stay there. Nobody wants to, excepting the operators; and they want it, because they do not see how they could get a better thing.

Mr. Mitchell wrote them all a letter—a very respectful letter, such as he always writes—and he asked each of these operators if they would not join his organization or him in a conference in Scranton. This letter was written in February, for the purpose of fixing up a rate and some sort of an agreement between the operators and the men. They answered the letter; and I want to read some extracts from what they say, to prove that it was simply opposition to this union, and nothing else, that brought on this whole trouble. All of this is quoted from Mr. Baer's book that he has so kindly furnished to us, and that is a very interesting book, especially the parts he wrote.

Mr. Thomas writes as follows, among other things:

"I regret to say that the result of these observations, and the experience of the companies which I represent, has not led to the conclusion that a conference and the inauguration of the methods you now propose would be at all beneficial to either our companies or the employes. So far, the apparent effect of your association has been that at no time during the last twenty years has a greater spirit of unrest and agitation prevailed among the anthracite miners than has existed during the present year. Were the association in the anthracite region composed entirely of English-speaking adults, dealing with them would be an entirely different question from what it today presents."

Always criticising our organization, while we were willing to take them just as they were. Mr. Truesdale replies to the letter:

"As far as we are at present advised by any of our men working in or about our mines, they are well satisfied with their present rates of wages, their hours of work, and the general conditions under which they perform their work for us. They are prosperous, contented and we believe recognize that they have been fairly and equitably dealt with on all questions that have been brought to the attention of the management by representatives acting in their behalf." He declined.

Mr. George F. Baer, who now says he would like to sit down and talk with Mr. Mitchell and the Civic Federation and any other body of gentlemen about his business—although he confines it mainly to talk, and we have not shown yet where he acted, nor has he shown where he acted, though I will show that he did not want to even talk—Mr. Baer said:

"The experience in the past year has not been satisfactory. There can not be

two masters in the management of business. The objection to your proposition is not alone the impracticability of forming a uniform scale of wages, but it is to the divided allegiance it creates." And so Mr. Baer declines, because there can not be two masters, and if there were two masters, Mr. Baer could not be "it." (Laughter.)

Mr. Fowler, of the Ontario and Western, said: "This being my view, you will see that it would be futile to discuss any such questions as you indicate may be brought up by you at your convention with those whom we do not recognize as representative of our men, nor even conversant with the subject you propose to discuss."

Mr. Walter's letter (the president of the Lehigh Valley): "The proposition you submit is not one we can entertain, as the matters which it is proposed to discuss, it seems to us, are those which we should arrange by dealing directly with our own employes and do not call for the intervention of the organization which you represent."

The letter of Mr. Olyphant, of the Delaware and Hudson: "I beg to refer you to that letter, simply adding that time has confirmed my faith in the action then taken, or, rather, strengthened it, as in your last communication you plainly intimate that you expect the wage schedule to be reviewed yearly"—(agreed on yearly is what it should be)—"a condition which is at once unbusinesslike and utterly opposed to the proper conduct of the anthracite mining industry. I must, therefore, once more decline your invitation."

The letter of Mr. I. A. Stearns, president of Coxe Bros.: "I am not aware that there is any question of wages between our employes and the companies I represent. Knowing that our employes are thoroughly familiar with the existing conditions and much better qualified to discuss intelligently questions of wages than strangers would be, I must, in justice to our employes"—(how they do love their employes)—"as well as to the company I represent, decline to take part in the proposed conference."

Mr. Olyphant again: "The public will not meet such advances by submitting to an increase in the price of coal, and the operators can not meet them without such aid. I must, therefore, decline your proposition."

Every single one of these gentlemen when requested by Mr. Mitchell, the head of this organization representing as the evidence has shown in this case almost every man who mined coal in this region, refused to meet with him and discuss with him—not agree upon a uniform scale—there is no such demand in this case, but the request was a gentlemanly request from the president of this great organization—am I not right in saying there was no demand for a uniform scale; there was a demand for a minimum scale, and nothing more?

Mr. Mitchell: Yes.

Mr. Darrow: Every single one of these gentlemen refused even to meet and discuss the questions between this organization and the companies doing business in this region. Mr. Baer, I think, was in error yesterday when he said that we demanded a uniform scale in this region. I think a uniform minimum was asked for, and nothing more.

Mr. Mitchell: Yes.

Mitchell Opposed the Strike.

Mr. Darrow: But Mr. Mitchell was not satisfied with this. He did not wish to bring on this strike. These autocratic gentlemen who manage the industries of the country have a very strange idea of labor leaders; and the worst of it is they do not seem to learn. I have had something to do with labor leaders, and I think I know them, and this case has shown the gentlemen of the commission something about them if they never knew before. Any labor leader is loath to call a strike. Another thing that these gentlemen might learn, and that all the captains of industry who have appointed themselves captains of industry, might learn, is that it is much easier for them to deal with the men who are the highest up; and we have learned that too. I had rather go even to Mr. Baer than to some of his petty feudal tyrants such as the man who dismissed a miner because he came into this court to testify in this case. The man who has the greatest responsibility and the widest vision is the man to meet, and the sooner these gentlemen learn that the presidents, and the district leaders, and the men charged with authority are the men for them to meet, the better it will be for their own business and the common interests of the common country which all of us ought to serve.

Mr. Mitchell did not want a strike. Every labor leader knows that a strike means distress and suffering of the most grievous sort. Mr. Mitchell did not wish to take from these five hundred thousand men, women and children the means of living for an indefinite time, and place them in penury and want and starvation, and leave them perhaps to be thrown out homeless upon the street; he did not wish to take these families and assume the responsibility of feeding the hungry and clothing the naked which comes to every leader who assumes the responsibility of a great strike. So he was not satisfied when these great gentlemen contemptuously said: "No; we will not meet you. We will meet with our men, if they come as men, individually, to these great corporations, combined and consolidated as only the strong and the great can combine and consolidate; but you come alone. Come alone and defenseless. Come to us with your hats in your hands, and if we do not like what you say, we will give you notice to move out into the street." But no, Mr. Mitchell was not satisfied with this; so in March they had a convention and then he wired to the managers of every one of these big companies: "By direction of miners' convention, I wire to ascertain if your company will join other anthracite coal companies in conference with committee representing anthracite mine workers for purpose of discussing and adjusting grievances which affect all companies and all employes alike. Please answer." Not for a minimum wage, not for a uniform scale; but "would you join the rest to discuss the matter. Let us come together, man to man, face to face, and see what we can make of it. We are not so unreasonable as you think. We have been your servants for, lo, these twenty or thirty years, and we have reason and sense enough for you to employ us to go down in your mines to look after your property, and we simply ask you to come and discuss the question with us." And what do these gentlemen do? They wired answers, and I will read the answers.

First comes Mr. Thomas: "John Mitchell, chairman. Your telegram has been referred to me. My letter of Feb. 20, addressed to you at Indianapolis, so fully and clearly sets forth our position that I can not concur in your suggestion, without knowing more definitely what questions will be submitted to the conference proposed."

This comes from Mr. Truesdale, of the Delaware, Lackawanna and Western railroad: "I would respectfully refer you to my letter of Feb. 18, addressed to you at Indianapolis, in reply to your message to me of Saturday last." They did not change their minds in thirty days.

Then comes Mr. Walters, president of the Lehigh Valley: "John Mitchell, chairman: The attitude of the Lehigh Valley Coal company is so fully defined on all points in my letter of the 19th inst., that after full consideration I see no new points to be raised, and it seems to me that I can not do better than to refer you to that letter for reply to your message of the 22nd."

The Two Georges.

The wording of these telegrams would look almost like consolidation and combination, would it not? They are as nearly alike as King George's letter about the American colonies resembled the letter of King George the Last when he wrote about the condition of the anthracite miners, in whom the Lord had placed the care of these miners and their industries. (Laughter.) It almost seemed as if they had caucused before they sent these replies.

Again: "Mr. John Mitchell, replying to your telegram, our company's position is fully stated in my letter of Feb. 19. Irving A. Stearns, for Coxe Bros."

"John Mitchell: Replying to your telegram, I can only reply as I have heretofore, that our companies will be always ready to meet and discuss with our employes' complaints on their part. Can not deviate from that course. R. M. Olyphant."

"Philadelphia, Pa., March 24. John Mitchell: Always willing to meet our employes to discuss and adjust any grievances. I had hoped that my letter clearly expressed our views. George F. Baer."

"Mr. John Mitchell: Answering your telegraphic message of Saturday, I can only repeat to you the substance of my letter of Feb. 18, in which I informed you that while the coal companies under my direction would not participate in any conference with persons not connected with them in interest or business, they have always been and will always be ready and willing to confer with their employes on any subject of mutual interest. I. D. Wister, vice-president Pennsylvania Coal Company."

Now it will be observed that Mr. Mitchell's telegram was March 22. On March 22 Mr. Mitchell wired these gentlemen for this conference, and that was a month after their correspondence by letter. The answers of these preseidents came on March 24, two days after Mr. Mitchell's telegram had been sent. Every single president refers Mr. Mitchell to the letter that had been written a month before. It is also inconceivable that in two days these gentlemen, who seemed to be scared for fear that the laboring men are going to create a trust, these gentlemen, who so love the American people that they are willing to save the American people from the men who have not a dollar in the world, and who have nothing to give and never had anything to give

but their labor for the benefit of the world—these gentlemen, representing all the anthracite coal in the United States, and not only that but a large share of the bituminous coal, too, had met together and agreed that, though the heavens fell, they would not meet John Mitchell.

Oh, no, millions for conquest, but not a cent for tribute. They understood that there could not be two masters and could not be a divided allegiance. Mr. George F. Baer and his associates were the masters and the allegiance of the men were to them, and so they made a contract themselves and this was the next step in the proceeding.

The Matter of Contracts.

They took time by the forelock, these gentlemen charged with great interests. Mr. Baer tells you how perfectly proper and fair were their contracts. The law has a great deal to say about this question and I need only to quote a few common elementary principles. In determining whether a contract is a just, a fair and a voluntary contract, the greatest attention must be paid to the conditions of the parties to the contract. For instance, the contract of a lawyer with his client is scrutinized with the greatest care and doubt. The contract of a guardian and his ward, the contract of one party who occupies a confidential relation to another, and I take it that it only needs a carrying out of the same principle to say that the contract of a man living in another's house and getting his daily bread from him and renting his house at his will and pleasure for 15½ cents a day, is such a contract, if that question ever became necessary in this case. These gentlemen never made a contract. Never made a fair, open contract and could not, and they never placed themselves in a relation to do it. But they did this: On the 14th day of March, almost one month after Mr. Mitchell had written letters to every president of these companies asking for a meeting, asking for a joint agreement between the operators and the men, asking simply to meet them and discuss the question of wages, almost a month later and without, so far as the evidence in this case shows, ever going to their own men, or calling them together, or meeting a committee, or consulting them, they posted this notice upon the doors of their work, on March 14, 1902, the operators posted the following notice at each colliery: "The rates of wages now in effect will be continued until April 1, 1903, and thereafter, subject to sixty days' notice." There is a contract for another year, and a beautiful contract it is.

"Local differences will, as heretofore, be adjusted with our employes at the respective collieries."

It is an easy thing to make a contract when you can dictate it to your stenographer and post it on the door of your factory. That is what they did. Not a contract for a day, or a week, or a month, but when these men went to work they found posted on the doors, "We have concluded to maintain the present wage scale for a year and thereafter, except on sixty days' notice." What had these men to do with it, these men in the face of the demand of their representative and their president? In the face of the effort of the president of this organization to meet these men to discuss wages and all the conditions of the contract that ought to be made?

The Next Step.

What is the next step? Mr. Mitchell was not yet content. Still unwilling to call this strike, still anxious to see if it might be averted, he wires them again. Then rather than bring on this strike, after they had been spurned with contempt as another king had spurned with contempt the just petitions of his subjects, for these men were their subjects, he proposed the only thing that is left, and that is arbitration I insist there is nothing else left. Industrial peace is not possible in any other way. Under the strict letter and rule of the law it is the right of these coal companies to combine and turn their employes in the street if they wish to reduce wages, and no man can deny it. It is their right under the laws of this country to call to their aid that last weapon which has caused more surrenders than any other weapon since men fought their fellowmen, starvation, if they wished. The weapon which they employed here, thank God, with such ill effect. They had the right to turn these employes out, and on the other hand, the employes had the right to walk out and tell the public, devise a way to prevent both operator and workman from paralyzing business and industry. They must both continue to have this right and we must defend it for them the same as for ourselves.

But Mr. Mitchell, acting not as they acted, although not a business man, and so far as the evidence in this case is concerned never having hired anybody in his life to work for him and make any money for him, although not a business man, he was unwilling to precipitate such a crisis upon the people of the United States. He was unwilling to ask this great body of men, of whom he was the shepherd, and I insist, as wise and kind and humane a shepherd as ever lived, he was unwilling to ask them to face this horrible crisis until every means had been exhausted to prevent it. So he wired these gentlemen and asked them to arbitrate their differences. You claim one thing, we another. If we insist upon our point, we refuse to mine coal; if you insist upon your point, no more coal can come from the mine. We will suffer, the public will suffer. I may be wrong in my demands and there is only one way to determine whether I am wrong and that is to submit my demand to some person who can judge calmly and fairly between the two. So he asked for this and these are the replies he got to his request:

"New York, May 8," four days before this strike, when any men but business men, any men who recognized any law except the dead letter of the statute would have considered some obligation, they sent this reply: "Mr. John Mitchell, President of the United Mine Workers. Your message of this date received. You failed to state in it that the notices posted by this company not only agree to continue paying the 10 per cent. increase granted our mine employes in 1900 until April 1, 1903, and thereafter subject to sixty days' notice, but it also states our mining superintendents will take up and adjust any grievances with our employes. The reasons why we cannot grant your demand have been most fully explained in our recent conferences and my letter to you of Feb. 18 last. In view of all these facts I am sure you cannot expect us to concur in either of the propositions contained in your message referred to. (Signed) W. H. Truesdale, President of the Delaware, Lackawanna and Western."

Here is another one:

"May 8, 1902. John Mitchell, Chairman. Not only from our standpoint, but from yours as well, the matter has had such full and careful consideration in all its features at our several interviews last week as leaves little to be discussed. In addition, my letter of Feb. 20 cannot fail to make it clear to you, as it is to us, that the subject cannot be practically handled in the manner suggested in your your telegram. E. B. Thomas," president of another company.

Now comes Mr. Baer. His telegram is long and is sent out a day later, took a longer time to write, I have no doubt. This was after consideration.

"Philadelphia, May 9, 1902. John Mitchell, Scranton, Pa."—I am mistaken about this—"I was out of town; therefore the delay in answering your dispatch." Now for his contract. "By posted notices, the present rates of wages were continued until April, 1903, and thereafter subject to sixty days' notice. Local differences to be adjusted as heretofore with our employes at the respective collieries. By written communications, by full discussion before the Civic Federation, by protracted personal conferences with yourself and the district presidents, we have fully informed you of our position. We gave you the figures showing the cost of mining and marketing coal, and the sums realized therefrom in the markets, in the hope of convincing you that it was absolutely impracticable to increase wages. To your suggestion that the price of coal should be increased to the public, our answer was that this was not only undesirable, but in view of the sharp competition of bituminous coal it was impossible. We offered to permit you or your experts to examine our books to verify our statements. Anthracite mining is a business, and not a religious, sentimental, or academic proposition. The laws organizing the companies I represent in express terms impose the business management on the president and directors. I could not, if I would, delegate this business management to even so highly a respectable body as the Civic Federation, nor can I call to my aid as experts in the mixed problem of business and philanthropy the eminent prelates you have named. George F. Baer."

I do not suppose I need to read the signature. I hope he did not have to pay for that at three cents a word. He could better afford to raise the miners' wages.

Mitchell Eulogized.

Now, this was the condition up to the strike. Every request, every demand, every prayer of these men had been contemptuously refused. Mr. Mitchell had asked to meet and discuss. He has asked, when that failed, that they submit their differences to a body of men, or to an individual man, and let them settle, before this civil strife was precipitated upon the people of the United States. No human being could have done more, and no conscientious, intelligent man, true to the high position which he represents, and there is none higher, no matter what it is, no man could have done less. These men, whose life and liberty and condition in a way were dependent upon him, not only that, but all the future generations that are dependent upon the just treatment of the generation in which we live, all these caused him to make this demand, which was just and

reasonable and which they have largely conceded in the closing days of this historic hearing. They spurned it with contempt. We will not meet you, we will not raise wages, we will not shorten hours, we will not submit our differences to unprejudiced, fair-minded men, we will post our notice upon the door, and this shall be your contract for twelve months to come.

Gentlemen, you may have all the consolation that you can get. You may take all the notices that you may pay for, but you can never deceive the American public, who understand where the responsibility of this great strike rested, from beginning to end. You allowed this strike, nay, you forced this strike, that you might demonstrate to your men that you might demonstrate to the generation in which you live, that you might demonstrate to the generations yet to come, that the owners of capital are the masters, and no divided allegiance could be tolerated for a single moment. This strike, from its inception and before, was brought about for one purpose, and only one, to crush out this union, which had brought to these down-cast, suffering men, women and children, the first ray of light and hope and inspiration that had ever come into the darkness of their lives. Yet these gentlemen were not only willing, for the sake of destroying the union, to plunge this country into disorder and danger, but they come here in the last days of this hearing and charge to this commission that the men who were fighting for their liberty, fighting for their rights to make a fair contract between man and man, fighting for the right to meet their masters and discuss their grievances, and nothing else, that these men were responsible, because, forsooth, they were not willing to take the notices that were posted on their employers' door. If I thought that there was any sort of danger that any number of American citizens could place the responsibility there, then I would despair for the intelligence of my countrymen.

Philosophy of Unionism.

Mr. Baer thinks a labor union is a terrible thing. He objects to the United Mine Workers. Every word that he uttered, however well disguised, showed that his real grievance was against this body, who had dared to come into this region and dispute his imperial authority. He says it is a cruel thing, and a terrible thing, that four hundred thousand mine workers, representing the anthracite and bituminous fields, can form a monopoly of all the coal that is produced in the United States. And he warns the country that if this is possible they may awaken some day and be unprotected from the cold blast of the winter. He says this is still more cruel because these men have no financial responsibility—because they are poor. Educated in the law and in the ethics of business, he has taught himself to believe that the danger would be less if these mine workers were rich. Does not Mr. Baer understand by this time that the American people fear his monopoly more than ours? And does he not understand that they fear it because it is so rich, and because it has financial responsibility? The poor man is utterly unable, except for a limited time, and under limited conditions, to control and regulate the conditions of trade. But take the power of the great railroad companies of this country, which control the trade both of the bituminous and the anthracite fields, and it depends upon the sweet will and the sweet pleasure of one man to paralyze the wheels of industry. Your responsibility, Mr. Baer—and by the word "responsibility" I mean what he means—your financial responsibility is the thing that the American people fear. Mr. Baer, afraid of the Mine Workers, and the people of this country, afraid of these men who dig their coal? Why let us look at the other side of the picture. I do not believe much in monopoly myself, and I propose to treat both of these monopolies in the same way, because an organization of labor, to a certain extent, is a monopoly, as I shall discuss further on. But Mr. Baer ought to know, and does know, that his people have a monopoly, too. The Pennsylvania railroad and the Reading railroad and the B. and O. are one thing. In fact, all the great trunk line systems are pretty nearly one thing. And these roads not only bring the anthracite coal, but the bituminous coal to market as well. Either one, under certain conditions, might paralyze industry and bring ruin and want, and I am willing to join with Mr. Baer and say that I believe that condition is not right—not right for a single moment; and I have my views upon this question, which might or might not be interesting to this commission or germane to the subject. They are not the views of Mr. Baer, however. Mr. Baer says, "Ah, the thing to do is to crush the United Mine Workers, and leave it with us. We are Christian gentlemen, in whom the Lord, with His infinite wisdom, has placed the management of these properties, and everybody's interests are safe in our hands." Mr. Baer might as well understand, and he will learn if he places his ear close to the ground—he has carried his head so high that he has never done that—he might as well understand that the people of America will not always place themselves in a position where they may be dependent for fuel or any necessity of life, either upon mine owners or mine workers. (Great applause.) And I hope they will not.

Mr. Baer and all of his friends ought to understand that the people of the United States do not believe in any such absolute ownership of the earth on which we live that will allow them to hold all the coal that the Lord has placed in it, and make the rest of us freeze, except they give the word; and when the time shall come, it will be settled, not by destroying the Mine Workers, but by the people taking possession, in some way, and under fair terms, of this coal and providing a means for themselves, so that they will not freeze, so that industry will not be paralyzed, so that their necessities and their wants will not be dependent upon one man, or ten men, or four hundred thousand men; and they never can protect themselves in any other way. (Applause.) But I did not mean to follow these gentlemen into an academic discussion. I meant to stick to the case.

Trying to Settle the Strike.

The strike came on, and everybody excepting the operators wanted to settle it. They knew the power of their weapons. Senator Quay took a hand in it, and Mr. Baer wrote to him. The commissioner of labor investigated, and Mr. Baer made statements to him, and this is what he said to him, or is quoted as saying: "For example, the lowest scale of wages is 85 cents"—which is not true, as you will see—"for boy slate pickers; three thousand of them get 85 cents a day; men slate pickers, who are too old to do any other kind of work, get $1.20." Mr. Thomas says: "We had boys earning 14 cents an hour, when their fathers were working on the track at 12 cents on hour." It did not occur to Mr. Thomas to raise the wages of the fathers, and cut off the boys entirely, of course.

Mr. Baer also says: "I also submit a statement to show what the average daily wages of all the employes are, without regard to classification, including breaker boys, and everyone, taken from our pay roll. In January, 1902, we had 15,976 inside laborers, and 9,828 outside laborers, a total of 25,804 men. The average pay per day, which included the boys in the breakers and at the veins, was $1.89." The figures are on file with this commission, and they are thirty per cent. lower, including all these laborers, than this information which was given the commissioner of labor, to be sent out broadcast through this country, upon which the people should base their opinion.

Mr. Olyphant says: "We had twenty-three years of perfect peace—nothing to trouble us in our minds anywhere." Well, this is not the only condition of perfect peace. During those twenty-three years of perfect peace, we cannot forget what Hewitt said about it. It was the perfect peace of the graveyard, except that the men could work.

Mr. Baer says again: "Now, what I have said is that the management of business belongs to the owners." There is the trouble with this case. Gentlemen of this commission, these men can never understand that the management of business does not belong to the owners. The man who builds a mill and equips it and draws his profits from it, under the laws of this country, has a right, of course, to say how many hours men shall work, what wages they shall get, to say anything not inconsistent with the law I admit it. But the man who is bound to sell his labor and spend his time inside the doors of that mill has the same right to say how many hours he will work, or how many days he will work, or for how much money he will work; and there can be no gainsaying it. If the mill owner sees fit to pay 15 cents a day, or 7 cents a day, which was one of the comparisons that the operators' accountant gave us, as a basis in this case—that was from China, although I did not read it, because I did not have time to follow up all the figures; the commission will find it filed safely away, China, 7 cents a day, and British India, 14 cents a day; I do not know which they expected us to use—if they did want to place us upon this Chinese level, or any other level, under the laws of this country, as they exist today, they have a perfect right to close their doors and only open them when their demands are acceded to. And we have that right. What does it mean? It means industrial war, and industrial war is all that the laws of America have provided for. So long as it has provided for nothing but industrial war, then we insist upon the part of labor that you have no right to compel the laboring man to lay down his arms upon the field of battle. If it is industrial war, well and good. We can fight as well as you can fight, and until the country provides some other way, we must have our chance as well as you. (Applause.)

I wish, Mr. Chairman, that you would request that there be no applause.

The Chairman: At the request of Mr. Darrow, I must again beg that the audience will refrain from applauding.

The Moral Law.

Mr. Darrow: That is the law. I take it there is a moral law that is higher. Whatever Mr. Baer may say, and I will be charitable enough to believe that although his words were written he did not think what he said, it is too late in the world for any man, however high and mighty, to say to any intelligent human being that there is no distinction between the laws of the land and the moral law. Why, a hundred years ago and more, Mr. William Blackstone, the great commentator, and almost the father of English law, wrote it down that the man who squared his conduct by the letter of the law was neither an honest man nor a good citizen. Neither is he. The civil law does not pretend to take into account everything that is good and bad. The civil law does not take cognizance of all the rights and the duties and the obligations of men. If it does, we had better nail up our church doors and close our school houses for ever, and burn most all of our books that have dealt with the questions of moral conduct. If a civil strife like this comes on, then those responsible for it must consider the moral questions. The man who owns the factory must consider whether he has any moral duty, and the men who are dependent upon him, in a way, for bread, and the danger and evil to society that will result if he closes his doors. The workingmen must consider, too, their responsibility to those dependent upon them and to the community that their labor serves; and I insist that if either one of them recognizes the moral law they will say: "I may be looking at this question from my standpoint. I will submit my differences to some one else." And some time I have no doubt that the civil law will recognize this much of the moral law. Mr. Mitchell recognized it. Mr. Mitchell offered to submit this controversy to a board of arbitration, but the operators said "No." Repeatedly they said: "We have nothing to arbitrate." It is the old, old question, "What is there to arbitrate? Arbitrate wages? Why, we have posted the wages on our breaker doors, and the contract runs until April, 1903. There is no question of wages; that is settled." It is settled like every controversy in the anthracite regions for fifty years; and "there is nothing to arbitrate."

Regarding Violence.

And so the strike came on. For a moment I want to omit the strike and show that this condition continued in the minds of these gentlemen clear to the end. Unfortunately for them, the sentiment of the country was with the miners, and the people sent their money, and their clothing, and their relief to prolong this struggle. We of Chicago have been criticised because we gave them some of our money, and an eminent railroad president said that Boston deserved to freeze this winter because she sympathized with the strikers last summer. The whole country has been criticised by these gentlemen, because in this most gigantic contest that the labor world has ever known their sympathies were with the poor instead of the rich. We can stand our criticism. I believe the great mass of the citizens of Chicago would have been ready to huddle together during the winter and keep themselves warm by living in one great room rather to have had these men give up the fight that they were making, not for themselves, but for the common humanity of the world, and for the generations that are yet unborn; and I believe that is true of the great mass of men in all the United States.

The strike came on because these men refused to recognize their workmen as human beings, and October came around and they saw the winter in front of them, and they knew then whom the country held responsible for this cruel struggle; and the country has not forgotten today. Then the president of the United States, in obedience to the wishes and the prayers of his countrymen, asked Mr. Mitchell to come, and he asked the presidents of the railroad companies to come and see if they could not agree on some terms to settle this industrial strife. And they came. And Mr. John Mitchell's words were conservative, calm, wise, ethical, human. The words of these operators breathed the spirit of the serpent, if serpents have spirits; they breathed the feeling of a hyena; they showed that even with the winter in front of them and with a most direful calamity possible that the people were to face, they still had not learned anything. They went there, and these are some of the things that were said before the president of the United States as late as October:

Mr. Truesdale said: "It is first and foremost our duty, and we take this occasion to state it and press it upon your consideration, and through you upon that of the authorities of the state of Pennsylvania, to insist upon it that the existing conditions of anarchy and lawlessness, of riot and rapine, a condition which has been raging with more or less violence throughout the anthracite regions during the past five months, be immediately and permanently suppressed. To this end we ask that the entire authority and power of the state of Pennsylvania, civil and military, and, if needs be, that of the United States government as well, be exercised forthwith.

"Second, we ask that the civil branch of the United States government, taking cognizance of and following the decision of its courts rendered in litigation growing out of previous similar conditions, at once institute proceedings against the illegal organization known as the United Mine Workers association, its well known officers, agents and members, to enjoin and restrain permanently it and them from continuing this organization, and requiring them to desist immediately from conspiring, conniving, aiding or abetting the outlawry and intolerable conditions in the anthracite regions for which they and they alone, are responsible. We are advised by our counsel that such civil action will lie on the part of the United States government as it is well known that the United States statutes are daily being openly and grossly violated; that previous decisions of the courts justify fully such action being taken at this time, and that ample remedy can be given immediately and effectively for existing conditions.

"Fourth—Another duty, Mr. President, and we regard it as the most supreme: One-sixth of the membership of this illegal organization is composed of young men and boys between the ages of 14 and 20, the future citizens and law-makers of the great state of Pennsylvania. These young men and boys during the past two years have had their young, immature minds poisoned with the most dangerous anarchistic, distorted, wicked views and errors concerning the rights of citizenship and property that any one can possibly conceive of; all taught the teachings and practice of the officers, organizers and apostles of the United Mine Workers association."

If this gentleman were half as tender and careful for the young bodies of these children as he pretends to be for their young minds, then he would close his breakers or place men there to pick his coal. This is the answer the president receives from him.

Next Mr. Thomas: "A record of 20 killed, over 40 injured, and with constant and increasing destruction of dwellings, works, machinery and railroads by mob violence, with no proper enforcement of law or order by the proper officials, is not the time to act on Mr. Mitchell's suggestion of this morning to arbitrate with men not in our employ." Still, "Not in our employ."

Mr. Markle states: "I fully endorse these remarks from you, and as an American citizen, and a citizen of the commonwealth of Pennsylvania, I now ask you to perform the duties vested in you as president of the United States"—a modest request, from this gentleman, who no doubt believed that the president of the United States held all of his vassals under a tenure of a lease at will and pleasure, for 15½ cents a day, and that if President Roosevelt said the word he could tell them to move off into the ocean just as Mr. Markle could tell his employes to go. (Laughter.) So he says: "Mr. President, you do your duty, and that is all we will need." Then he goes on: "A record of twenty-one murders, a long list of brutal assaults, houses and bridges dynamited, daily acts of violence now taking place, and several washeries burned down are actual evidences of this condition of lawlessness existing there. Are you asking us to deal with a set of outlaws? I can hardly conceive of such a thought. The respectable citizens of these United States will insist upon the officers in power giving to the citizens of Pennsylvania law and order, and the right to work if they so desire.

"Mr. President, I represent the individual coal operators and in addition thereto we represent far better than Mr. Mitchell does a majority of the anthracite coal workers, including some 17,000 men who are now working, and endeavoring against great odds to relieve the public of the possibilities of a coal famine in making this appeal of you."

And then Mr. Baer speaks. Sitting there, presumably, whilst all the rest were speaking, he comes last:

"The 'domestic tranquility' which the constitution declares is the chief object of government does not exist in the coal regions. There is a terrible reign of lawlessness and crime there. Only the lives and property of the members of the secret, oath-bound order, which declared that the locals should 'have full power to suspend operations at collieries,' until the non-union men joined their order, are safe. Every effort is made to prevent the mining of coal; and when mined, Mitchell's men dynamite bridges and tracks, mob non-union men, and by all manner of violence try to prevent its shipment to relieve the public.

"Under these conditions we decline to accept Mr. Mitchell's considerate offer to let us work on terms he names. He has no right to come from Illinois to dictate terms on the acceptance of which anarchy and crime shall cease in Pennsylvania. He must stop his people from killing, maiming and abusing Pennsylva-

nia citizens and from destroying property."

Sarcasm for Baer.

Surely a temperate, judicious, business-like speech to make to the president of the United States upon this occasion! He showed that he is not only a business man but a constitutional lawyer. "The 'domestic tranquility' which the constitution declares is the chief object of government does not exist in the coal regions!" I presume he is more familiar with that provision of the constitution than the provision of the constitution which absolutely forbids any man from being an officer in a coal company and an officer in a railroad company at the same time.

These gentlemen were meeting at the request of the president of the United States. They were meeting, not because the president desired to settle the differences between them and their employers, but because the president of the United States, heeding the cry and prayers of seventy million people, feared the calamity that would come upon us in the winter unless some settlement was reached. Mr. Mitchell said: "I am willing, I will turn over my cause to you. I will do what I have been ready to do from the first. If I am wrong I will submit it to my fellow-citizens to decide. You may appoint a court of arbitrators if you will do it. I will accept every man you appoint, and we will submit to their findings; and in the meantime our men will go back into the earth and bring up coal to prevent the famine that otherwise must come."

These gentlemen said: "No; oh, no, Mr. President; this is not what we demand. We demand more soldiers, more guns, more bayonets, more violence. What we want is that you will send the army of the United States to kill these anarchists, these law-breakers, these criminals who have been our employes for fifty years."

Regarding Violence.

And then they lied to the president of the United States. Mr. Thomas and Mr. Markle told the president of the United States that this body of mine workers had committed, one said twenty and the other said twenty-one, murders: and that a condition of anarchy and violence and turbulence and disorder existed from one end of this region to the other—as if, instead of this country being settled by peaceable, quiet, Christian men, it was inhabited by wild beasts.

They have had their day in court—and I will refer to this in a few minutes. They have had their months and their weeks in court; and they have brought to the attention of this commission four men who were killed, not one of whom was murdered within the meaning of this language, although one was severely beaten, beaten to death—not, perhaps, by mine workers, but I am going to discuss that in a few minutes, and I will try to discuss it exactly as the record is. But with all of their research and investigation and their time and their money they have brought four and we have brought four—four of our men that were killed by them, four of theirs that were killed by us. And, regrettable as it is, and unfortunate as it is, the penalty perhaps is not too great a price to pay. Nothing can come in this world without penalties; nothing ever did come or ever can come. It is regrettable that that is the law of life, but it is the law of life, and we must recognize the law of life. There is no evading it; and it had better be recognized than be treated with as these gentlemen propose to treat the union—as if it was not there.

Again Refused to Arbitrate.

At last, for the sake of inducing the president of the United States to send soldiers and bayonets to shoot down inoffensive men and women and children, if need be, their employes and their wards for fifty years, they deliberately told him that twenty or twenty-one murders had been committed by this set of desperadoes; and they again refused to arbitrate, clear up until the first of October. They met the request of the president with contempt. "Although the winter is coming, we are still the masters. You, Mr. President, have one duty to perform, and that is to send out the standing army to help us mine coal and shoot down the men who have made our fortunes for us."

But he did not do it.

Now, I will discuss, in a few moments, the question of violence. But I want to refer briefly to some other reasons, to show that from the beginning to the end this whole strike was precipitated because of the blind and stupid resistance of these gentlemen to the organization. They wanted to destroy it.

I want to refer to the action of Mr. Coxe, or the Coxe company. After the strike, Mr. Kudelich, the superintendent of the Coxe company, sent out this letter to his employes:

"I have held back your approval because the records show that you have violated rules of the company, regardless of repeated admonitions. Before you are employed, I want you to understand that I do not care about what transpires in your meetings; I do not care about what instructions you receive from Tom, Dick and Harry, in connection with some society or union; but I want you to understand that no rules of a society or union shall interfere with the workings of Coxe Brothers & Co. Therefore, you either make up your minds to comply with the orders you receive from the officers of this company, and you comply strictly with all existing rules, or do not start again with this company. No union or society shall interfere; and it is first of all necessary that you make up your mind that you will, while employes, consider the orders of this company paramount to any other instructions which in any way would interfere with the workings of Coxe Brothers & Co.'s collieries; and except you can faithfully promise to do so, you shall not be re-employed. (Signed) Kudelich, foreman."

And then, as if that was not enough, he posted this notice upon his door.

"Notice—Any man who, by intimidation or moral persuasion attempts to induce a co-employe to leave or join a society, or anybody who objects to working with another employe because he does not belong to the society will be discharged."

And yet they tell us, "Oh, we have not any objection to the union."

And then, after the strike was over, and the men had gone back to work in faithful obedience to the wishes of the chief magistrate of the country, and to relieve the sufferings of the people, and to wait patiently through months and through weary weeks the deliberations of this commission, Mr. Olyphant, the president of the Delaware and Hudson, writes this letter to Mr. Rose, his superintendent:

Mr. Olyphant's Letter.

"C. C. Rose, Esq., Superintendent.

"Dear Sir: The 'strike is ended,' so the message reads. Now to sum up.

"First—We are to stand by the men who have stood by us, but caution them against any intemperance of language or threats to others. In other words, if they 'are reviled, revile not again.' It takes two parties to make a fight.

"Second—Make allowances, so far as possible, for men who are coming back and treat them kindly on their return. Give a good welcome. They are not all bad who are misled.

"Third—If more men return than can be employed at once, a fair selection should be made.

"Fourth—Gross agitators and men who are known to have been guilty of crime cannot be employed.

"Fifth—You should instruct you foremen to act discreetly, and by fair dealing try to regain the good will and re-establish kindly feelings toward the men under him. Yours very truly,

"R. M. Olyphant."

The Chairman: That is a pretty fair letter for an operator, is it not?

Mr. Darrow: That is just what I was going to say. You must have gotten the words right out of me.

The Chairman: That shows we agree.

Mr. Darrow: I hope we agree all the way, through, judge.

Now, I want to give every man full credit; and I do not condemn any man, even if he does not agree with any of my propositions, although I may think he is wrong. This letter is a very strange mixture of genuine, sincere, Christian spirit with the feudal ideas of the owner and the employer. Now, I have not any doubt but what Mr. Olyphant was sincere and genuine in this letter; and when he says, "If any man reviles you, revile not again," no man can say more or do better. That is a kindly way to look at it, and he meant right.

But good men make their mistakes, the same as bad men. In fact, I never knew exactly how to distinguish between the good and the bad. We all of us get so far over on the one side or the other that we do not even know, ourselves, whether we are good or bad. (Laughter.) But let us look at this letter just as it is.

Compared with Slavery.

Here is a man, who, I understand, is 75 years old, or nearly 75 years old—undoubtedly a man of good, kind spirit and heart, who wants to do right as he sees the right, educated in the old ideas of political enonomy and of business economy, without any possible conception of true democracy or the real rights of man, except in so far as kindness or charity are concerned. He writes this letter very much on the lines that a kind, generous, Christian slave owner might have written to his boss; and the old slave owners were kind gentlemen, many of them, as good as the rest of us, although the time was that I did not think so. It was the way they lived, and their point of view of life, just the same as it is with you and me and with every man who lives.

This man had no idea that his men should organize, should build up their organization, should make a collective bargain, should send their representa-

tives to meet him in his office. He had refused it by letter, he had refused it by telegram, he had denied every request, no doubt moved by a mixed feeling of duty and business.

The strike is over; and he writes to his superintendent and says: "Be good to these men. They are poor, misguided fellows, because they chose to follow John Mitchell instead of me." Now, part of this is Mr. Olyphant's language and part is mine. I call your attention to that fact, because our language is so much alike that you might not know it. (Laughter.) But he says: "Be good to these men. They are really good fellows. All men are not bad who have been misled."

Misled how? Misled by whom? Misled because they united with their fellows; misled because they joined this union; misled because they struck; misled because they made these demands, which we insist that every intelligent employer of labor must recognize, and recognize very soon, or he will be relegated to the past. He will be an ex-employer. There will be nobody to work for him, and nobody to buy his wares.

Then he said, "Take these men back, excepting gross agitators and men who have committed crime." Now, we will not quarrel with him about the men who committed crime, although I would take them back whether the bosses would, and wipe the whole slate off and start over new; I would forgive them all because I know and I understand that there is not one of those men, on either side, who committed crime during those long, dark days, but they were acting according to the bitter, cruel environment in which they lived and they could not help it. Those men, master and man alike, whether they held the whip of starvation above these poor men who were fighting for liberty and life, and for the generations unborn, they did not mean it, and I know they would not have done it, and I know if a hungry person would go to them they would give them food, and yet they condemn me for sending money to keep their children alive. I would forgive those, too, who, in their blindness and their ignorance and their violence, struck out blindly, sometimes cruelly, sometimes brutally, but still struck, they believed, for this cause which is infinitely just and which sometime must prevail. I would forgive every one upon both sides, just as I would approve of the policy of President Lincoln when he issued a general amnesty against those men who had fought to destroy the country of which he was the chief. Men are not so much responsible. Men to judge others must place themselves in the condition which surrounds the man. They must consider his intellect, his vision, his life, his environment, and then, if they are willing to take the responsibility of judges, let them judge. For my part, I prefer to leave the judgment to somebody else—I do not wish to make it.

Question of Life Vs. Death.

So with this letter of Mr. Olyphant, he plainly breathes into that letter a Christian spirit, which I have no doubt is genuine and sincere, but at the same time he says that a man who is a gross agitator, which, in the hands of a boss, or a superintendent, or even Mr. Olyphant, might mean anything in the world, any man who went out and made speeches and urged these men to stand together, that those men must not be taken back. He says the men that went out on this strike were misguided men, misguided because they struck. This is an example of one of the best of the men in charge of this region. It shows that even the best were permeated with the spirit which, deep down beneath everything else, was the feeling that at all hazards, the union must be destroyed. This was exactly what it meant. This contest, upon the one side, was for its life, upon the other for its death, because, as Mr. Baer said, no man can serve two masters, and there can be no divided allegiance in the coal regions. I am not quarreling with Mr. Olyphant, neither, in spite of what seems to be, am I quarreling with Mr. Baer. I admired the ability, and, in many respects, the breadth of the able and instructive paper that he read to this commission. I am glad he read it, not that it helps my side, for I couldn't say that, but it is well to get the views of these different men. It is well that this commission and this country, so far as possible, should understand the standpoint of men. I am glad to get them upon my side, and I will give all these gentlemen with whom I have associated for these months the credit to say that they seemed to be glad to get them upon their side, and both together will no doubt work out good.

But what I wish to say is, that all of the evils and trouble of this great strike grew from the blind determination of these men that there should be no organization of labor. I call your attention, as another example of this, to the Delaware, Lackawanna and Western union. Major Warren, with an ingenuity which seemed sincere, but I hardly think it was, although he is an estimable gentleman, I give him credit for things that are not quite sincere, because he is a very brilliant man, but he says to this commission was there anything wrong in the Delaware, Lackawanna and Western getting up an organization of their own, was there? Now, Major Warren, I take it, from his address, is just beginning in his study of social economics. I do not want to discourage a young man starting out, because he has done pretty well, but after he has read further, as far as I have, he will not need to go but just little further, and if he does not know now, he will find that the very first thing the employers attempt to do when a union is about to be formed among their men is to get up another union, man it with their officers and tie it down with conditions. It is not possible that the Delaware, Lackawanna and Western people did not know that. If they had read the history of trade unionism from the beginning they would have found it out. It has been attempted over and over again in the history of the world from the beginning, and I suppose will be to the end. So they sent their bosses out among their employes and asked them to form a union. Let me read you what this union was to do. They asked them to leave the other union, too, as one of the witnesses testified. Some of them refused to do it. This is the kind of union they wanted to form of their employes: "The object of this union shall be to promote the interest of miners, laborers and all employes of the D., L. and W. mines morally, socially and financially and to spread intelligence among them. It is an organization for the protection of men who believe that by proper action they can secure justice and have their grievances remedied without resorting to strikes. An organization independent from any other organization controlled by soft coal or outside interference."

D., L. & W. Union.

Everybody, whether miner or boss, was eligible. I know that Major Warren really understood what this meant. I know that anybody who has the first knowledge upon these questions understood that when the bosses and foremen went through the mines and urged their men to give up their union and join this, they were doing it to destroy the Mine Workers' union. I will not say that it is not possible that they might have gotten some benefit out of this union. I do not want to misjudge these men. I do not pretend for a moment that every act of their lives has been a selfish act and that sometimes they are not good and kind. But I do say that this old dodge of forming a union by the bosses and the employers, and getting them to leave their own union, is so old, and gray, and decrepit, that I would not have supposed it would have found countenance among the anthracite mine owners of Pennsylvania. I would have supposed that even they would have gone beyond that stage.

After the Strike.

That is not all. It is not half. I am afraid when I get through I shall have to ask leave to print, although I do not suppose the commission would ask leave to read after it was printed. After this strike was over and the men went back loyally and faithfully, they laid down their clubs and their dynamite and they took up their shovels and their picks and they did their part. But Mr. Coxe, or somebody up there who runs Mr. Coxe's business, refused to take back four hundred and thirty-nine men whose names have been given, and you will find them in the record of this case when you read it through, and the men said no, we will not go back and leave four hundred and thirty-nine of our men idle, and finally they met Mr. Kudelich and he reduced the number to one hundred and thirty-five, and they still said they would not go back, and up to the time this commission met in Scranton and during its deliberations, Coxe Bros. had not commenced operations because they refused to take back one hundred and thirty-five of those men, their employes, who must have been gross agitators, not men who had committed crime, for no attempt has been made from the beginning to reinstate any unfortunate person who has been charged with crime. Not the slightest. The United Mine Workers have not asked it, although I would ask it and I would go right to the presidents and ask it and I think I would get it, too. No effort has been made to have those men taken back but they simply refused to take back these one hundred and thirty-five men because they were gross agitators. These were the men who were responsible for this long and bloody contest and they could not go to work. Not only would we starve them into submission, but when all the miners in the anthracite region had listened to the voice of the millions who were calling upon them for coal and had ceased hostilities and gone back to work, they would still starve them and their wives and their children, the war was still on and the one hundred and thirty-five must fall victims to it. Mr. Markle came in with his long list that he refused, and there is not a company in this region that did not refuse, not because men had committed

crime, gentlemen of the commission, but because these men were agitators which the snug and comfortable class of the world has always considered the most serious offense that could be committed upon them. Agitators! It was Garrison and Phillips and John Brown and this handful of men who could not be forgiven before the war, but who will be reverenced as long as sentiments of humanity, justice and freedom live in the human breast. Not one of these companies but what has been guilty.

Discrimination.

They tell us there has been no discrimination. I can only call your attention briefly to several cases. William Hale was refused work by the Delaware and Hudson on account of the union. Balderson was discharged from the same company because he belonged to the union. Miller was discharged from the Erie on account of the strike. Dreisbach, of the Lehigh Valley, was refused work because he struck. John Fetzer, the Reading engineer—and Mr. Baer said will you point us to anything the Reading has done which is wrong—I ask you gentlemen to remember John Fetzer. It takes a pretty big man as a witness to stand out in the remembrance of so many who have been called in this hearing. But John Fetzer was an old man, I think sixty—

The Chairman: Do you call that old?

Mr. Darrow: He was a young man of sixty (laughter), with a big red beard. He had held his hand on the throttle while he lifted coal up from the mines and sent the empty cars back. He had held his hand on the throttle for twelve hours and had not only the property of the company resting literally in the hollow of his hands, but the lives of his fellow-workmen resting in the hollow of his hands and in the judgment of his brain for twelve hours a day. He had been for more than thirty years an engineer, like James Gallagher, without a black mark against his name, never had an accident even, no life entrusted to his keeping or his care had ever been lost and no accident had happened, and not a pound of coal had been lost, so far as this record shows. But he struck because he thought twelve hours was too long to work and because of his loyalty to the other men He struck for eight hours. He went back to get his job and a miserable boss, clothed with a little brief authority from the great president of the Reading, second-handed at that, getting his authority through the superintendent and maybe through another boss above him yet, this boss says no, you cannot go back to work because you have been an agitator. Fetzer said yes, I agitated: I went among the men in this strike and I told them to preserve the peace and sustain the law. This boss said, that does not make any difference, you cannot go back to work. So Fetzer went from boss to boss and was refused because he was an agitator. I want to say, however, in justice to Mr. Veith, for whom I have a high regard, that he sat at the table and heard this old man's story, this young man's story. (Laughter.) He had known him for a good many years and he went out with him that night and he put him back in his place, or another place as good.

That was the attitude of these gentlemen, starting with the president and running clear down to the last man who had the least bit of authority over his fellowmen, and they brought on this strike.

They did not stop at that. You will remember that we proved that in the midst of this strike and contest, when everything was dependent on the bravery, loyalty and fidelity of these men, a miserable politician named Grimes, who had divided his time between being the boss of a coal mine and the boss of a ward up in Scranton, sent for two men, Ohara, and I do not recall the other man's name now, and asked them to come down to Congressman Connell's headquarters, that he wanted to make a proposition to them. There he told them, and each of these men detailed it thoroughly, and no human being has come before this commission to deny it, and it is true, he said other men are giving up in other parts of the country and I want you to go into your local and get a resolution passed declaring the strike off and I will give you two thousand dollars apiece. Nobody can tell until the secret records of this case are written, if that day shall ever come, how many of these poor men, driven by want, by hunger, by the cry of wife and children, and bribed by the gold of these operators, sought to betray and did betray their locals and fellow-men back into the slavery of their employers. It must have been few. Here and there throughout the region would come the word that someone had surrendered, some one had given up, some local had raised the white flag of truce, but from the beginning to the end of this great contest the ranks were almost unbroken. I have no doubt in the light of this evidence and in the light of what I know of human nature that wherever one of these leaders fell by the wayside, it was not only in obedience to the cries of hunger and want and suffering, but at the behest of the operators' gold. I could talk much longer reciting to you the instances of where this union has been discriminated against over and over again.

The Blacklist.

I will call your attention to only one more case because I must pass to something else. They say there is no blacklist. There is nothing in a name. A man may be blacklisted in one colliery, or at all the collieries of a company, or all the companies of the region. If a man has a home, a family, a cook stove, a barrel of sour kraut in the cellar, even with a one day lease at the will and pleasure of a mine owner, it is a pretty serious blacklist if you do not give him work at that colliery or with that company, and you send him off adrift to pick his way through the region and see if, perchance, some other boss will not hire him, some other boss who has not heard his name and does not know him. A blacklist is something like a boycott. It is not the easiest thing to prove and it is pretty cruel in its effects. I do not like either of them. I am bound to defend both of them within the limits. I hardly expected that these gentlemen would come into this court and swear that they had a blacklist. I am free to say I am pretty easy, but I did not look for that. So I was not surprised when man after man came upon the stand and said oh, no, we never heard of a blacklist. Although we had proven over and over again where leaders of labor organizations had been discharged, turned from their homes and refused work. In the case of Coxe Bros. they picked out every man who was a leader and there was not one officer left. Their sharpshooters were more deadly than the Boers in the African war. They never missed an officer even though the officer was on a relief committee. That seemed to be worse than any of the rest, because it prevented their favorite weapon of starvation from getting in its deadly work. Over and over again we showed their discrimination. We brought poor old James Gallagher back here, who had served more than thirty years for Markle and who was turned from his home on a November night and who is still without work, although as clever a man as I have met in the anthracite region, not even barring the astute lawyers whom it has been my pleasure to meet. I suppose the facts are, if the truth was known, that James Gallagher is too clever. If a man is too clever he is not any good as a working man. He ought to be a lawyer, then the bosses could hire him. He would get a better salary. But if he is too clever, he makes trouble and I presume that is the reason. But that is another story, I do not want to get switched off. There was one man however, who could not get out of his blacklist and that was Warrener. He is a gentleman. Mr. Warrener is a college graduate, a polished gentleman, the superintendent of a large company. There was a strike at the Maltby colliery. He said the strike developed into a boycott. Thirty or forty men were engaged in this strike. They would not go back to work. I do not know whether the strike was just or unjust and I do not care. They thought it was just, or they would not have struck, and they had a right to strike. Finally these men went away from the jurisdiction of this feudal baron and got a job with Thorne, of the Temple Iron company, another feudal baron. These thirty or thirty-five men, who had laid down their tools in one place got a job in another, and thereupon, Warrener, under his own admission, met with the other superintendent and said to him, "These men are strikers in the Maltby colliery and they should not have work" and they were discharged.

The Chairman: He did not say that, he mentioned the fact they were strikers.

Mr. Darrow: That is right. He said to them they were strikers from the Maltby colliery. I asked him why he said it whether to get them discharged or not, and he quibbled and he dodged, and he avoided, and he evaded and he gave no excuse whatever. He plainly admitted that it was on account of this strike at his colliery and, I take it, that anyone with the ordinary amount of inteiligence must know that it was true and that Mr. Warrener did not tell the whole truth to this commission upon the witness stand, because the fact remains that these men struck and Warrener went to Thorne and told him of it, as he practically admits, for this purpose and Thorne discharged them, every one of them. Then some trouble was made about it and some representation was made to Thorne that they did not go there under false pretenses and he took them back, but every single one of them was discharged because, forsooth, the employer of this company, not content to boycott his men in his own collieries because they exercised the right of common American citizens and struck and refused to work, he followed these men throughout the anthracite region to deny them bread and to reduce their families to want.

This is the condition, and this is the grievous offense of which the United Mine Workers are guilty—that they have taken this mass of men, this 147,000 men, that they have bound them together in one

body and said to each man: "Here is a friend. This organization is your friend. You may come to us with your complaints and your grievances and your wrongs, and we will stand by you." And it was for this, for this determination upon the part of these employes to crush out this body so odious to them that this five months' strike ensued.

With Regard to Crime.

Now, what do they tell us about it? "Ah," they say, "but you committed crime." I do not propose, in the discussion of this case, to avoid any question—any question, however much I might think it would be against us. The light of day, so far as possible, must fall upon this region; and men who wish to know and who wish to fairly judge must pass judgment upon these two contending forces, and say which is right and which is wrong, and how far each was right and how far each was wrong.

We have heard the evidence in this case. We came here demanding more pay, shorter hours, recognition of our union; and they have replied: "You are cutthroats and assassins and murderers and outlaws, and therefore you will work for what you get!"

Let me examine that. First, it is no answer. It can make no difference in any issue in this case, excepting the recognition of the union, what violence was committed in the anthracite region. That is the first proposition. It can make no more difference in the determination of this commission than the crimes committed by the operators; and they have been many, if you call violation of law a crime, which it is not always, although sometimes it is. (To the chairman): No; I still think I am right, judge. There are violations of law which call for a civil remedy and others which call for a criminal remedy. I am speaking of what Mr. Baer calls the written law; I am not speaking of the moral law.

The Chairman: I thought you were speaking of the criminal law.

Mr. Darrow: No, no; I did not mean that exactly. Every violation of criminal law, of course, must be a crime. I was referring to those laws about rebates, unjust tariffs, ownership of coal mines by railroad companies. (I think, however, that those are all criminal, but I have not investigated them.) I do not care anything about them. They have nothing to do with this case. We are not interested in the moral character or the moral obligations of any of these gentlemen. We are only interested in finding out what wages we can get out of them, and under what terms we can work for them; and I do not ask this commission to go any farther.

What about the crimes that they have charged to us? We have heard a good deal about it in the long days and weeks this commission has been in session. The so-called non-unionists have had a lawyer or lawyers in this case. They have been represented at this court; and they say they have been beaten stoned, abused, called "scabs," and sometimes killed.

I do not admit that anybody hates suffering or injustice any more than I. I hope nobody does; because if they do, they suffer a good deal. I do not like it. I have not an enemy in the world whom I would like to cause any suffering; and I do not really like to say unkind things about Mr. Baer, although I may seem to like to. And I am sincerely sorry that any workingman or any other man caused any kind of suffering in the anthracite regions. I am sorry I could not help it; if I could have helped it I would have. I have no doubt Mr. Mitchell would. I have no doubt Mr. Nicholls would. I have no doubt that even the men who held the club in their hands would have avoided it if, in their minds, and under the way they saw life and the way they were surrounded, they could have helped it. I have not the slightest doubt of it.

I want to discuss this question, gentlemen, as broadly as I can. Unless this commission views it broadly it seems to me they are not fitted to grapple with this great question that must be decided by them. I mean to discuss it in the light of what really is, and what must be recognized by all thinking men, however much we may deplore some things and I wish the world had been made differently from what it is.

Who were these men, first of all? Who were they? The investigation of the subject of crime has for many years been rather a hobby of mine, until I may have gone all wrong, and come to believe that in the ordinary meaning of the word there is not any such thing. There are acts which produce social disorder, and which are anti-social; but it is neither just nor logical nor humane to say that those acts necessarily come from a brain that is better or worse than mine or any other man's. I want to discuss these acts as acts of men under these conditions, and see who was responsible, and what was the measure of responsibility.

Non-Union Men's Lawyers.

First, who are they? Counsel have come in here specially employed for this purpose—not openly and bravely, in the clear light of day, but secretly and covertly and under false pretenses. I do not care how many times they prove that crimes have been committed in this region, if they prove it in the right way and under the right circumstances. But the operators, for some mysterious reason, thought their case would be stronger if they hired some lawyer who pretended to represent somebody else, and let him appear before this commission to use his clients as a club, just as they used them from the beginning of this strike until the last word is spoken to this body. They must take that responsibility. Their case would have been stronger if they had presented this evidence themselves, instead of coming here and asking a lawyer to go upon the record in this case as if he had betrayed his clients, which he did not; as if he came into this court and filed a petition asking this commission to raise his client's wages twenty per cent., to shorten his hours to eight, to help him, and then spend two or three long weeks and half a day's argument and never make one reference to anything that could help his client, but only use him as the scab is always used—to do the dirty work of the employer and to defeat the honest aspirations of the men and the organization that would seek to better the conditions of their fellow-men. (Applause.)

That is the way they have come into this case; and they have told us that our men are assassins and cutthroats. Now, is that true?

They committed some things that are called crimes, just as some are committed every day in Philadelphia—more, but as disconnected and dissociated with anything else, just as others are committed every day in the same region in which this investigation and this terrible strike took place—more, perhaps, but as disconnected, excepting that they grew out of the passions and the feelings and the struggles of this great contest as any crimes are disconnected from any other acts. In a sense they are disconnected, and in a sense they are connected.

Whenever you raise the price of wheat it means that more men commit crime. Whenever you raise the price of coal it means that more men commit crime; because, after all, natural laws control the universe, and ever must control the universe. And the feelings and the despairs and the hopes and the criminal instincts of men grow from this bitter contest, and would grow from it in any country in the world and in any age of the world, and will do so so long as man has aspirations and fears and instincts. And it matters not what is the finding of this commission; they cannot cure this condition, and they cannot change it. It is a natural condition.

The Chairman: These statistics of crime cannot justify crime.

Mr. Darrow: Oh, no. Well, I want to say a little about that in a few minutes. I do not expect that many of this commission would agree with my view upon that question, and it is not material to my side of the question whether they do or not. In my philosophy these men and all of us are the product of our heredity, of our environment. We cannot help it. I do not believe any man has the right to judge his fellow in any of these relations. (Applause.) I cannot pronounce one of them a criminal. I have no right to pronounce one of them a criminal. There is not any man who can honestly and seriously ask himself the question, "Had I been born as this man was, had I been reared as he was, had I suffered what he did and undergone what he did, would I have done any different from him?" and be sure that he would not.

I cannot say that I would have been in any different position from the poor, unfortunate Pole, who, in his clouded intellect, felt it his duty to strike Winston over the head with a club, deeply as I regret it. I cannot say that I would be in any different position from Mr. Baer had I been born under his environment and lived under his surroundings. I do not mean to condemn either one of them in this case; and I think it is the only broad and fair and logical way to look at it.

The Chairman: Do you think it right to tell the man who struck down Winston that it was his environment that made him do it?

Mr. Darrow: I should tell him so, and I do not think he would be a bit more apt to do it again. But that is another question. I would go as fast as I could to tell him not to, to urge the reasons why he should not, as I would to Mr. Baer to tell him he should not have precipitated this crisis upon the country. But I do not think it does any good to scold either one of them after it is over, and I would not do it. I would approach them upon an entirely different basis from that; and I think the whole philosophy of life would teach us to approach them upon an entirely different basis from that.

But who are these men? In the civil war you found the whole section of the South armed. They armed their men and their boys and sometimes their women and sent them out to slaughter us, and the whole North armed their men and

their boys and sent them to slaughter them—all of them honest, absolutely honest. There is no man who loves justice who can say that as a man with high and noble instincts General Lee was not the peer of General Grant. One was fighting for liberty, the other fighting for slavery, but both fighting for the right as God gave it to them to see the right. Neither was responsible for the conditions under which he lived. A great conflict placed both these men where they were; and it is not possible that you can have a conflict that takes in 500,000 men, women and children that will not leave its victims.

You can not put up a twenty-story building in the city of Philadelphia but that a certain number of men must die—die because of it; and although the narrow reasoner may say there is no connection, there is a connection. It is all due to the social relations of man, and it all falls under natural law.

Are the men criminals as a class? Does this commission believe that that poor Pole, whatever his name, who struck Winston over the back of his head with a club would have done it under other conditions and other environments? Why, he was a man who took his dinner pail in his hand day after day and went down in the mines to earn money for his wife and his children. He was a man undoubtedly—although I never saw him and do not know his name, and do not care for his name—I will guarantee he was a man who, if Winston had come to him hungry, suffering, to his door, would have taken him in and given him succor and help. He was a man who did this deed in what he conceived, in his blind ignorance, and his passion, to be a duty to his family and society, although I believe, and all our leaders believe that in this he was wrong.

The Chairman: I hope I shall not encounter a man who thinks it is his duty.

Mr. Darrow: Well, he would not do it. Does your honor believe that if this man were out of jail and met you on the street he would rob you, or kill you? Under no sort of circumstances. These conditions come from something entirely different from that. It is an entirely different class of criminals—if there are classes of criminals. We are told by these gentlemen that our clients, the Mine Workers, are criminals, anarchists, destroyers; that they deserve no mercy and no justice from any court.

The Chairman: Is not that rather extreme, Mr. Darrow?

Mr. Darrow: Well, a little. (Laughter.) We are told anyway that they are anarchists, criminals, cutthroats, and assassins.

The Chairman: That is not much better. (Laughter.)

Mr. Darrow: I am quoting all these words. We are not told directly that they deserve no justice, and yet this evidence is arrayed in this court for no purpose except to influence the judgment of this court; nothing else. If this evidence has no bearings upon the wages you shall give, upon the hours you shall give, upon the questions involved in this case—and they say the recognition of the union is not involved—then it has no bearing in this case.

One Judgment Already.

The Chairman: I can say now that this commission do not believe the United Mine Workers were assassins, cutthroats or criminals. (Applause.)

Mr. Darrow: I have had no doubt of it, judge, from the beginning. (Applause.) I have visited their homes, as this commission has visited their homes. I know it is not true. I do not care what language they speak, whether it is English or not. I do not care how strong their passions or their feelings. I know they are men, like us. I have visited their little homes, and on their walls in almost every instance, no matter what language they speak, you would find the picture of the Madonna and her child, with its same lesson in every language and in every clime. You can not tell me that those people, no matter what they do, when moved by strong feelings, strong desires or great provocation—no matter what they do—that they have not the same instincts of love and pity, and hope, and charity and kindness that are the heritage of every man who lives. I have found that, and upon their walls also I have found the picture of John Mitchell. You need not tell me that the one picture comes from the feeling of love and devotion and reverence, and that the other is born with the feelings of the brute, of passion, of hatred, and crime. They both come from the same thing, and in the organization no matter what it does, any organization that could take that heterogeneous mass, drawn from every nation on earth, from every land and every clime, and weld it into one common homogeneous mass, with common aims and aspirations and hopes—any such organization must be grand and glorious and doing good on the earth. (Applause.)

Father Hussey told us that when the soldiers came to Hazleton on one Sunday morning his people were at church. If Father Hussey is telling the truth, and he has lived there for many years and been the shepherd of a large flock, they are not the people who have been described by the operators and their allies in this case. When that gallant old general, whom Mr. Baer never forgets to pat on the back, General Gobin, marched his troops into the town expecting an ambuscade, or a frowning fort, he must have been surprised to find the enemy at church. It would have been just as well if his troops had been there, too.

From a Natural Standpoint.

But let us look at this question of the disorder in the coal region from a natural standpoint. You and I may have our theories of crime and of criminal responsibility, but there are some things, I take it, that we can agree upon that have no relation to the question of moral responsibility. Men and women have arranged themselves in a system which we call society. As much a system as the revolving planets, each moving in its orbit, each escaping the other because they keep their place. As much a system as the infinite number of infinitely small molecules that make up a piece of iron, or a piece of steel, or a piece of wood, each having a separate orbit, and the harmony of the whole depending upon the observance of the relations between these separate atoms. That is what society is. That is what it is broadly. Men and women rather automatically take their places. They live their lives, they tread their paths, they go their way, regarding each other's rights, in their own orbits and living together in harmony and in peace. But if peace and harmony is disturbed then comes a new adjustment, a new relation. These particles must form again in some other way. It is the same in the physical world, in the moral world, in the spiritual world, the world of beasts as with men. Let some cataclysm occur and destroy all the particles of matter in the physical world, and they must readjust themselves. First is disorder and tumult, but finally they readjust themselves once more. The same is true of man. In a war, a pestilence, a great strike, all these social relations are changed in a moment. The orbits of the individual atoms are changed. It means force, it means violence, it means a clashing of individuals, a clashing that caused the orbits to change and society is changed. There can be no disturbance of human relations, or of physical relations, that does not bring this conflict, I do not care what it is. You can never have a great strike excepting here and there violence is done. You can never construct a great building out of the ordinary, excepting here and there some violence is done. Nothing can happen to disturb the common, ordinary walks of life except these atoms will clash. So it was in the coal fields. Here were 147,000 working men, a population perhaps of seven hundred thousand people living very close to the limits of life. We have read of the wealth of these men, it is not worth talking about. The Erie company brought its land agent to prove how much its employes were worth. What did they say? They went to the tax records and they proved that twenty-eight per cent. of them were paying taxes upon property and they brought, not its assessed value, but its real value, the assessed value multiplied by two and in some instances two and a half, which we will assume is correct, and they figured out that twenty-eight per cent. of their employes had property averaging a thousand dollars apiece. Then we sent our people to investigate. They took every tenth man in the regular order upon the list, and it showed that one-half of that property was either mortgaged, or judgments against it, or not theirs at all. Whereever a miner has come into this court and has told anything of his possessions, the evidence has shown that he and his children have toiled for years to get a little home above their heads. They were frugal, they were saving, they were self-denying. They worked for years and scarcely an instance has been shown in this case where any man has had one, or two, or at the most three thousand dollars, but what it was the combined savings of all his family covering years. This was the condition. These people were gathered from every portion of the earth, with all degrees of inteiligence and all degrees of feeling; and it does not follow that the man or the woman of the deepest feeling is the worst man or woman. The man with cool judgment and little feeling, who is never moved to strong loves and strong hates, may pass along through life in the beaten path. But many of these people, close to nature, people of deep feeling, of other races than ours, no doubt kind, no doubt generous, no doubt of warm sympathies—I have seen them in the coal regions, fathers and sons and brothers and neighbors, men kissing each other at parting, which you rarely see with men who can speak good English. I knew they were not operators; I was sure of it. (Laughter.)

They were the despised Huns, the Goths and Vandals whom the operators employed, but whose natural love and whose natural sympathy would bring men

to kiss each other at meeting and at parting. And these are the men who committed crimes—men of strong emotion; men not cool and calculating, and weighing evidence and human actions like a judge upon the bench or a lawyer who is paid to weigh them. They were men who act upon the emotions which God gave them, whose school was the mine and hard work and bitter experience; men who have not learned to control their natural sympathies or their natural passions. And these men were thrown out for five and a half months to fight with famine for themselves and their wives and their children.

It is a short-sighted man who could doubt what would be the result—a short-sighted man. If this commission were sitting here today, and were informed that in a valley a hundred miles in one direction and fifty miles in another and peopled by a miscellaneous people, five hundred thousand souls were to be reduced to want for five and a half long months, months of idleness, months of excitement, months of intense social feeling, would you doubt what would happen? Not a man would doubt it. You would know that in spite of every law of man and God, in spite of every instinct of humanity and charity, which, after all, are planted deep in the hearts of men, which after all make for the preservation and the uplifting of the human race—that in spite of these the feeling of the brute would here and there arise, and these scenes of violence and crime must inevitably come.

Mr. Baer knew it. Mr. Olyphant knew it. Mr. Thomas knew it. Every one of these railroad presidents knew it when they insolently and cruelly refused to meet their men in calm, decent conference, and thus let slip the dogs of war.

The responsibility, gentlemen, is not upon these men who were your chattels and your servants; these men who begged and plead and prayed for the commonest right that every human being should have from the master for whom he works. The responsibility is for those men who severed their relations with their fellow-men. When Mr. Baer and Mr. Thomas and the other captains of industry severed their relations, there could be but one result, and there was one. The wonder in this case is not where these gentlemen have placed it.

A Natural Price.

I read the other day of a horrible accident upon the Reading railroad, where twenty or thirty people, as I recall it, were killed or at least injured. I would not charge that accident to Mr. Baer or anybody in the service of the company. When I consider the number of men who ride up and down our railroads every day, the wonder to me is that more men are not killed and more accidents do not happen. When I consider that in this mining region there was a population of 700,000 men and women and children, to say nothing of several hundred thousand more dependent upon them—more than a million of people, more than there are in the city of Philadelphia, always living close to the limits of life—when I consider that these conditions existed there for five and a half long months in the face of the most serious strain, and when the passions of men were awakened, the wonder in my mind is that there was not more violence instead of less. And if it had not been for the loyalty of these men to their union, for the judgment and the coolness and the watchful presence of their leaders, could anything have prevented the destruction of an enormous amount of property? Let us see what it was.

Not a breaker was burned, not a piece of property destroyed that belonged to these coal companies, excepting that here and there some windows were broken. There was no organized raid in any direction and to accomplish any end. In all the testimony we have had not one instance has been shown where any leader of this organization ever counseled, advised, committed or tolerated violation of the law—not one. Here and there some poor fellow, driven by desperation at the sight of the man who was going out to take what he called "his job," who was going out for the purpose of destroying the righteous cause for which these men were suffering and fighting—here and there some men, maddened by this sight, committed acts of violence for which we are as sorry as this commission can possibly be. But I cannot overlook the facts, and I do not care to overlook the facts.

They tell us that we were cruel. Were we? I will not charge any of these wrongs upon the poor, stuttering Pole, or the Slav or the Goths, or the Vandals, or any of the rest. I think it comes with a poor grace from these men who have taken their labor for years to charge that they cannot speak English, and are therefore not responsible for their contracts, and are men who commit crime. I will not concede for a moment that the evidence in this case or that what I know of my fellow-man shows that this body of men are worse than other men; and I do not want to take the responsibility from the Irish or the Welsh or the English or any other class of men who can speak the language that we speak and place it upon the shoulders of these poor men—unlettered, uneducated, close to nature, but doing the best they can. A warm-hearted, sympathetic, emotional, religious people, living close to the heart of nature and feeling her every pulse-beat—these men are the peers in courage, in devotion, in conscience of any man who lives.

The evidence in this case may show that they the more often overstepped the law. It may. But there is the law of the land and there is the moral law. Let us look at this case of Winston, which, I take it, is the clearest and the best-defined of any case that has been brought to the attention of this commission, where it is claimed that the Mine Workers committed some depredation. The case of Beddell is very clear; but there was a great, tumultuous ocean of people, a Babel of tongues and of occupations; and nobody knows who was responsible, or whether anybody was responsible. Two people have been tried for the crime, neither one a Mine Worker, and both of them acquitted. No one can tell.

The Case of Winston.

But take the case of Winston. The evidence in this case shows that three Poles living near Mr. Winston's house committed this act. Mr. Winston had been a member of the union, and as I recall it, an officer of the union. He had gone out on the strike. He had stayed out, as his wife tells us, I believe, until he had no money, and being a Mine Worker, of course that was not very long. Then he went back to work. He and his son-in-law started down the garden walk, out of the back door to go to work when their brethren were on a strike—a strike in as righteous a cause, I believe, as ever man fought for. In one way I would excuse Mr. Winston; in another way I would not. Under the laws of the land he had a perfect right to go to work, and no man had the right to molest him in any way. That is perfectly true, but I believe that Mr. Mitchell's testimony, quoted here yesterday as being so absurd, is absolutely true. No man has the right, the moral right—whatever his legal right may be—no man has the moral right even to work when that work interferes with the social, the moral, the living relations of his fellow-man, and I do not speak the words of dreamers. I can speak the words of law. We have for years excluded the Chinese from this country because we believe that to bring them here, at the wages for which they work, will reduce our American workingmen (whom we profess to love so fondly), to the standard of the Chinese, and we say "No, you can not work." We have regulated the hours of children, the hours of women, the pay of men—even the hours at which man may toil in certain callings, and even generally the hours, as was done in Utah, and held to be valid by our Supreme court, as I understand, although I have never read the opinion.

The Right to Work.

We have by law denied any such absurd principle as that there are no times and occasions when a man has not the right to work. For instance: Supposing a body of men would be willing to work eighteen or twenty hours and live upon rats, or any other cheap diet. Can any man tell me they have the moral right to do it, if by that means, as most inevitably would result, they are lowering the standard of life of the American people, which is the most jealous thing for us to preserve. Man is an individual animal and he is a social animal. He must work in such a way as to promote the welfare of his race, and I take it that no mind that feels justice can look in any way except with contempt at the person who will voluntarily, of his own free will, see fit to undermine and underbid his fellow-man and lower his condition in life. Mr. Winston was doing this. Mind, I am not charging this up against him. Mr. Winston had a wife and children and undoubtedly to him the pressure seemed great for he himself had been a striker. He had recognized the justice of this holy cause. He had called upon his brethren to lay down their tools with him, and he had gone out to meet this very same condition in which he found himself when he walked down the walk. I presume the necessities were great; and yet, he did not need to starve. Men could live there, even, for of ten million men, all the honest toilers of America were turning in their money to support these miners. Every man whose heart beat for humanity was giving his mite to keep them alive in this terrible contest. These Poles—

Commissioner Spalding: Were they not Lithuanians, Mr. Darrow?

Mr. Darrow: I do not know.

Mr. Murphy: They were Russians—Russian Poles.

Commissioner Spalding: Were they not Lithuanians, and not Poles? Lithuanians are all Russian, and the Poles are not, by any means.

Mr. Darrow: Lithuanians.

Commissioner Spalding: It seems to me that was the testimony.

Mr. Darrow: I am not quite certain.

know they were of one of those northern peoples. They were workers. They were out in this struggle. They saw Winston and his son-in-law going to work against them, against their wives and their children, against their country, against their instincts of justice and of fair play and of righteousness, and they went out in the morning and hit them over the head with a club. No, I have no idea in the world that they ever intended to kill them. They did not kill the other man, and yet he was there helpless before them. They did not kill him. They went away, and these men were both alive, apparently simply hurt. They did intend, of course, to beat him. They did intend to drive him from his work. They did intend to violate the law, and this court may do what this court thinks is right and just as to that matter. But I can not look at the condition of those men without considering their environment, without considering their long and bitter struggle, without remembering that they did not do this because they were criminals, but they did this from a mistaken, a sorely mistaken sense of what they thought was the right. We do not excuse it or condone it. We would be glad to welcome any conditions which would make these things impossible; but I want to say to this commission that you can not preach a sermon loud enough or long enough, or use the English language vigorously enough to abate one jot or tittle of the same thing if the same conditions shall arise again. There is but one way to prevent this, and that one way is to teach our captains of industry that they must respect their fellow-men. If these gentlemen had met John Mitchell and John Mitchell's organization, Winston would have been alive today, and so would Sharp, whom they killed, and so would the three or four more victims whom they killed, to say nothing of the three more victims whose bodies have been directly or indirectly traced to the doors of the Mine Workers. You can not cure it in any other way It is idle and futile and useless to talk of curing it in any other way. But there was force and violence present in this case for which men are more nearly responsible than this. Let us see about that, for after all it is a pleasanter subject to me, and I think it has more direct bearing upon this case. All these matters were consequences. They were results. Here and there dynamite was used, never once to destroy life, always to frighten. Always deplorable. We deplore it. Counsel for the non-union men say that the strikers abuse women. Where? Where? It must be said for this body of men 147,000 strong that in this long warfare there is no one word in this case showing where they have raised their hands against a woman or against a child; not once. They called them scabs at times, that is true; but they were always safe—as safe as if one hundred policemen stood on guard. These men were not criminals. These men were men engaged in a great contest, in which the feelings and passions and emotions of men were stirred, and when the contest is over I will guarantee that you will find that each of these poor men is as decent, as honest, as humane, as generous, as kind, as loving, as any other man who ever lived. When the feeling and the cause is gone, then the normal man is the man again; whether operator or workman, the rule holds good and must hold good.

After Markle Again.

But there were some of these operators who were less kind. How about Mr. Markle? There are all sorts of force. I insist that Mr. Baer's definition will never do. I have no doubt but what every gentleman of this commission will at once disagree with Mr. Baer in saying that no man has any duties except his legal duties. He says if we were to consider moral rights where would we come out? Where would we end? One man thinks one thing is a moral right and another man thinks another thing is a moral right. Well, I have known lawyers to disagree as to legal rights quits as much as moralists disagree as to moral rights, and perhaps more. The whole training and education of the youth and the man is to teach them the difference between right and wrong in human relations, to teach him those relations which make for the peace and the good order and well being of society, and those which are anti-socialistic and tend to the disorder of society. There are moral rights and there are legal rights. After the strike was over Mr. Markle felt so outraged and so incensed that his men dare to strike, that he used force more inexcusable and more to be condemned than any violence of any ignorant man that has been proven in this case. The war you remember was over. The president had settled it and the men had gone back to work. Then he evicted thirteen men, not one of whom had committed a crime so far as this record goes. One man, who had been more than thirty years in his and his father's employ, he picked out and he not only said he would not employ these thirteen men again, but he drove them from their homes. How did he do it? Let us see. The evidence as it went into this record was somewhat disjointed. It was put in in three different bundles of papers. One bundle consisted of the correspondence between the recorder of this body and Mr. Markle. Another bundle consisted of the correspondence between Mr. Markle and his men. Another bundle contained the proceedings in those court cases. But when you take them to pieces and put them together, what does the record show? All of this took place after this commission was appointed, directly in the face and the eyes of this commission appointed to settle this controversy, and while this man was within the jurisdiction of this commission, corresponding with it at least. Had this commission been a court, with the powers of a court, every bit of this would have been in utter contempt of court and worthy of a sentence in a common jail.

MARKLE'S "SUBMISSION."

What is the first step in this proceeding? We find Mr. Wright telegraphing to Mr. Markle that this commission had been appointed and asking him whether he wanted to come in. Upon that day we find him sending word to his men to bring in their brass checks, which meant they were to be discharged and hired over again if he wanted to hire them over again. Then we find him answering this communication from Mr. Wright and saying that he did not know whether he would come in or not, that he was having some difficulty with his men. Then we find that his men went there in a body and, hearing the rumors of this discrimination, told Mr. Markle that they would not come back unless they could come together. Then we find Mr. Markle giving notice that he would not hire them all and then sending a communication to Mr. Wright saying that he was having some difficulty with his men, some of them who had committed criminal offenses would not be taken back and he could not tell yet whether he would enter into negotiations with this commission or not. Then he goes to his lawyer and he takes his cutthroat lease, a lease at the will and the pleasure of John Markle at 15½ cents a day, containing a clause allowing a confession of judgment, and he hands it to his lawyer who signs his name to it, as James Gallagher's lawyer, and he confesses judgment to oust him from his home. Then when the last one of these men is ousted, he sends word to this commission that he is ready to come into court. That is John Markle. How did he do it? Can any one imagine a more cruel and heartless eviction than this? Why, if this had happened in Ireland, we would have had speeches in every town of the United States. Even Independence Hall in Philadelphia would have been opened to condemn it, if it had not been so near home. I do not suppose there is any place but Chicago where we could have got up a meeting to protest as long as it happened here, and we would not have done it if it happened in Chicago. But if it had been in Ireland, then the case would have been different. How did he do it? Mind you, there was not one of these men who had ever committed a crime. I will guarantee that if Mr. Gallagher's brain could be taken out and weighed it would be the equal of Mr. Markle's, and if you weighed his conscience in some way you would find it was heavier. (Laughter.)

Commissioner Spalding: Lighter, you mean. (Renewed laughter.)

Mr. Darrow: There is more of it. I suppose his lungs are blacker, as has been demonstrated in this case happens to all miners, but that is another question. Mr. Gallagher says that he had served there for thirty-one years and he defies them to show one black mark against him. If that is so, he has done better than I could have done. Possibly it would trouble any of us to do as well. Nothing but a very faithful and very obedient man could have that record. But, anyhow, he was not discharged because he had committed a crime, neither were any of the rest. What was he discharged for? Why, his son had been a member of the relief committee, that is the nearest he could get to it. He had gone around feeding women and children against Markle's will and pleasure, for under his will and pleasure, which were the terms of his lease, these men, women and children should die, or go back into the mines. The others were officers of the union, everyone of them officers and leading members. He got his attorney to confess judgment and they waited, as men always do wait when they are being driven from their homes, not believing that John Markle could do it, or that any human being could do it. They waited and John Markle's lawyer goes over to Wilkes-Barre at twelve o'clock at night and gets the papers and brings the sheriff, or directs the sheriff to be there early the next morning. He comes there in the morning at eight o'clock and comes to the door of these men, and he goes to Henry Coll, among the rest, whose wife was lying sick upon her bed and whose blind mother-in-law, a hundred years old, was lying sick upon her bed, and Henry Coll begged of the sheriff to give him two hours' time, not two days, but two hours,

to find a place where he could lay his sick wife and his blind mother-in-law. The sheriff said, I will see what I can do, and he went down to John Markle's office. There he found John Markle and John Markle's lawyer in the office waiting for this eviction and, according to the testimony of his general superintendent of eviction, the sheriff asked John Markle, and John Markle turned to his lawyer—a lawyer is a bad man in which to place the keeping of your conscience, unless he is a conscientious lawyer. (Laughter.) It is about all he can do to advise about the law—but he turned to his lawyer and undoubtedly his lawyer knew what kind of advice John Markle wanted. He had doubtless worked for him before and he said no, you had better not do it, they might get out an injunction against you. An injunction! As if any court could ever issue an injunction in a case like that. An injunction to keep a poor devil in a house worth four dollars a month for a few days more. Why, if an injunction had been granted in that case John Markle's mind would have filled with water, and Mr. Baer would have said that the fabric of civilization would tumble down around our heads. But my learned friend, Mr. Dickson, takes a different view of the case. We cannot quite harmonize John Markle and Mr. Dickson. John Markle's excuse was that he was afraid of an injunction; Mr. Dickson says he believes those men put up a job to get turned out. Mr. Dickson and his client had better caucus and agree upon some theory in this case. Be that as it may, Henry Coll asked for two hours, and, according to one story, he said not ten minutes; according to another story, he said no. Probably the latter is more correct because it is shorter. (Laughter.) He sent his superintendent while he stayed in the office, his superintendent of evictions, Williams, and they got some wagons, because there were some of those fellows who were so far away from the highway, the only place where these poor people had to lay their heads and they had to load the goods into the wagons, and in one place they found a barrel of sour kraut which showed they were not quite starved out, and in another place I think thirty bushels of potatoes, and that is all the commissary that was left so far as this record goes. And they dumped them out in the middle of the street; and the superintendent was there, and John Markle in his office, closeted with an attorney.

Mr. McCarthy: No, the attorney was there too.

Mr. Darrow: They took out their stoves and their chair and their beds and their sour kraut and they left them in the street. And they got through with this glorious job at 6 o'clock at night of a November day, when the rain was coming down and it was dark, and they were there upon the street—men, women, children; the well, the sick, the blind, the infirm, the helpless, two miles from any shelter. And then the superintendent turned his back upon them and drove away and went home and got his supper and reported to John Markle!

Gentlemen of the commission, you may roll together all the cruelty and all the violence and all the misery that all of these irresponsible Goths and Vandals have committed in the anthracite region, you may pack them in one, and they cannot equal the fiendish cruelty of John Markle when he turned these helpless people into the street simply to satisfy his hellish hate. (Applause.)

There are all kinds of violence in this world. It is cruel. I would like to live in a world where there was none of this cruelty and this inhumanity of man to man. I have never found that it was all upon one side or by one class. It flows from the feelings of man; and when judges condemn it they must condemn that feeling wherever it is, and however it manifests itself, or whether it manifests itself at all; because it is the feeling that is bad, and not the man that is bad.

I do not propose to judge John Markle. Very likely he may have some religion or some philosophy that justifies his cruelty. But his acts are bad, inexcusably bad; more inexcusably bad than the casual, uncertain violent acts of any of the weak and poor people who have been charged here with crime.

Concerning the Soldiers.

But let us see whether there was any other violence. They sent soldiers there; and I suppose I must speak very gently about this question in view of my good friend General Wilson.

Commissioner Wilson: Do not worry about him; he can take care of himself, Mr. Darrow. (Laughter.)

Mr. Darrow: That is what I am worrying about. They sent soldiers there, and they sent policemen there. Now, let me look at it.

I take it that all of us will agree that soldiers are not all angels, and even policemen are not all angels. They are a good deal like miners and mine owners and lawyers—and the rest of us; not the lawyers. They appointed one Gobin chief commander in this great war. Of course he imagined that he was Napoleon (laughter), issuing orders upon his field against the allied armies of Europe; a considerably bigger man than Grant in the Wilderness or Sherman on his march to the sea. He got his soldiers up there, and he took up his headquarters in the hotel at Shenandoah, in a rocking chair, I believe. (Laughter.) Then he commenced operations, playing at war.

Now, you know, when we civilians come to be soldiers we make a sorry plight of it.

Commissioner Wilson: He said he was educated as a lawyer, Mr. Darrow.

Mr. Darrow: Yes, he was a lawyer—just a common lawyer. He ought to have stuck to his briefs. (Laughter.) But he went up there into the coal region. I do not know whether he got his military terms on the road, or whether he got a book of instructions when he was made chief of the Home Guards. I do not know where they came from. But as soon as he got up there he forgot that he was a lawyer, and he became a soldier.

The first order that he issued was a general congratulatory order to all his men, congratulating them that they were alive and in the enemy's country and there with him. (Laughter.) The first important report he got was this one. You will observe the military terms:

"On the morning of the 3rd of August I received from Colonel Hoffman, commanding the Eighth regiment, this communication:

'Headquarters Eighth Regiment, Infantry, Third Brigade, National Guard, Pennsylvania.' "

That does not tell exactly where it was, but I presume military gentlemen would know. (Laughter.) If we had written it we would have said "Shenandoah Corners," or something like that; but he did not.

"I have the honor to report that at 10.45 last night No. 13 sentinel, in the regimental guard of my command, was knocked down by a stone, thrown from the laurels. The sentinel fired several shots, and at 10.50 the entire regiment was awakened and in line and ready for action." (Great laughter.)

I would not like to be disturbed so soon after going to bed.

"I sent Company E down the road to the outpost, and Company B through the bushes to the same point." (Laughter.)

These were daring fellows. (Laughter.)

"The outpoost captured a foreigner (laughter), whom I have confined in my guard tent. Shortly after this No. 14, at the stable, was attacked with stones. At 3.15 a. m. No. 14 was again attacked, and as the guard was sent there Nos. 12 and 13 were again attacked with stones. The regiment was again aroused with the call 'To Arms,' and after firing in about five minutes was held until 3.30, and then sent to quarters."

The Chairman: Is it not "after forming?"

Mr. Darrow: Forming? Perhaps it is. It says "firing," but I rather think it is "forming." It says "firing" up above there. (Laughter.) If those soldiers would shoot in the dark they might hit somebody. But, anyhow, they put them all to bed again at 3.30 in the morning.

"I would respectfully recommend that you visit my camp and examine the prisoner confined. He claims to be innocent. Perhaps the town constabulary might be able to identify him and testify as to his character. Very respectfully,

"Theodore F. Hoffman,
"Colonel Eighth Infantry."

Now, of course, their sleep must have been greatly broken that night. No doubt they were cross and peevish, and that will account for much that happened. But, now, here is General Gobin's report. He went over and visited him. I am not much familiar with military terms, but I presume this is a good military report—not.

"Respectfully forwarded to the adjutant general for his information. I have examined the man arrested, and find him a stocky son of a Lithuanian"—whatever that might be. It is interesting, anyway. (Laughter.) "The only evidence we have of his participation in the affair is that he was running away from the laurels surrounding the camp, and ran into one of the outposts." (Laughter.) I presume he thought it was a hitching post. (Laughter.) "He is a prolific liar, contradicting himself quite frequently, and admits that he and three others were there in the evening, but denies participating in the stoning. The chief of police does not know him. He had on a Mine Workers' badge, and reasonably well dressed. I have issued ball cartridges to the guard, twenty rounds, and have doubled them in number, and propose to take care of any further attacks of this kind." (Great laughter.)

Now, there is the man to whom I am glad to add my tribute and help pass him down to history as the greatest general of modern times. (Laughter.) I won't go back to Caesar and Hannibal, but I will include Napoleon and Wellington and Grant and Sherman and—Sancho Panza. That is General Gobin!

Poking Fun at Gobin.

But that is not all of General Gobin. I wish it were.

Mr. Baer and my friend John Lenahan say he is a valiant soldier. He does not hesitate to break the rest of his camp at night when duty calls. But here is another report that is more interesting still, which will throw a sidelight upon these gentlemen who are playing at war. You remember the old fable of the ox that did not wish to substitute botchers for butchers, because the butchers knew their business and the botchers did not. It is good in the law, it is good in the mine, and it is good as a soldier. A soldier is trained to his duty, and he knows when to shoot and when not to shoot. But place a man of this stripe in a position where he has the lives of his fellowmen in his hands, and clothe him with a little brief authority, and place the epaulets upon his shoulders and the uniform upon his back, and there is no human being who knows what he will do. I do not suppose he knows himself. Mr. Baer had told him he was a great man, and he believed it.

On August 13th he got another report. This was not written by the great General Gobin. This was written by one of General Gobin's colonels and it reads as follows: "I have the honor to report that at 10 p. m. yesterday a man was seen skulking near the stable of this command. He was challenged, and upon refusal to halt was fired upon by the stable guard, without result as I regret to say." (Laughter.) That is not amusing. These were the civilian soldiers whom the captains of industry desired to come and help control or kill their men. Here is a state, not of war, but of peace—no crowds, nothing; 10 o'clock at night, and a sentinel placed somewhere around the camp, probably marching up and down to say that all is well, and looking at the moon. (Laughter.) There was no danger, no army. Martial law was not declared. They were there to help, if help were needed, to disperse a mob if it were necessary to do so, and they were as much under the power and dominion of the law as the humblest citizen in the land. They had no more right to transgress the laws of Pennsylvania or the laws of God, than the humblest mine worker who goes down in the earth to dig coal. And yet this man, a guard—we do not know who he was, excepting that he was No. 13—clothed with a gun and a little brief authority, saw a man skulking. When did skulking become a capital offense? What does skulking mean? And he said "Halt!" And the man ran away, and he shot at him and did not kill him, and then this commander sends word back to his officer that he regretted that he had not shed human blood. He had no more excuse to kill that man than a midnight assassin who meets you on the street—no more, under the laws of either God or of man, and yet he sends back this report to his commander saying he regretted that he had not killed this man. And what does the commander say? Does he say discharge him? Does he put him in the guard house? Oh, no. I asked him if he approved that act, and he stuttered and stammered and dodged and quibbled between his reluctance to admit that he approved it and his reluctance to deny it and say that he left it unpunished, but on the whole he did approve it, that this man had not killed somebody, who had been guilty of the horrible crime of skulking, in a land where there were no belligerents, where these men were as much under the law as the common policeman walking on his beat, and not less. Then General Gobin, not content with that, issues this order on the peaceful, or the riotous citizens of Shenandoah, I do not care which. He issues this order:

The "Shoot to Kill" Order.

"Headquarters Third Brigade, N. G. P." —what that stands for I am not sure (Laughter). If he had left the "P" off so that it would have been "N. G." I could have interpreted it. (Laughter). "August 29, 1902. General Order No. 3. It is very evident from the recent conduct of a riotous element in this section that the conservative attitude with which the troops have borne insult has been misunderstood, and has encouraged this element to repeated assaults upon the men in the performance of their military duties. This can no longer continue, and I have personally informed the chief burgess of Lansford and Tamaqua and directed that information be furnished the authorities of Summit Hill and Coaldale that the troops will no longer submit to insult or violence from any one. You are therefore directed to arrest any person using insulting language, epithets or violence toward the troops while in the performance of their duties. Have such parties arrested and taken to your guard-house for future disposition. In moving troops place reliable, competent and skillful marksmen on the flanks of your command and among your file-closers with loaded guns, and instruct them that in case of an attack upon the column by stones or other missiles, where the attacking party cannot be reached a man thus selected shall carefully note the man attacking the column, and, being certain of his man, fire upon him without any further order."

That was the historical "shoot-to-kill" order. Now, then, I am willing to waive the strict requirements of the law, so far as the soldier is concerned, although under our government the balance must be strictly maintained between the civil and the military, each supreme within its jurisdiction. Sometimes the military is there to aid the civil authorities and sometimes, under proper legal forms, the civil government is abandoned for the time and the military government is supreme. But this is a civil government, and I take it that every one familiar with the law understands that until this action is taken, until military law is declared, the civil government is supreme, and no officer or no soldier has a right to act excepting under the provisions of the constitution and the law.

What did General Gobin do? He said in his interview, and he admitted on the stand that this characterization as to shooting those who threw stones was meant to apply to boys, although he would not place the limit of the age below fifteen; but it was meant to apply to boys. He instructs his men that they shall place the sharpest shooters on the flanks of their moving column, and when they move through the streets, if any one is stoned, and they cannot catch the person who throws the stone, they may use their own judgment and shoot, and shoot to kill—and this in the state of Pennsylvania! No wonder that this gentleman has earned, deserves and receives the flattering praise of Mr. Baer. He is entitled to it, and may he keep it. He will need it sometime.

Coal and Iron Police.

And who were the coal and iron police who were sent up there to preserve order? We were told in the beginning of this case that in every instance they were picked men, men tried and true, citizens of the country. I have no doubt that in some instances they were—not the slightest. But we brought here ten or twelve of them—at least ten—some who had been convicted of crimes, some who were notorious lawbreakers and thugs, all of whom were utterly irresponsible and evidently conscienceless; and these men were armed with Winchesters and sent into this territory to stand guard over their fellowmen. We were told by one of these men that when he went there two carloads went with him; that they gathered them from Pittsburg, from Philadelphia, from Chicago, from New York, from every portion of the United States—men armed with these instruments of death, to shoot down mine workers if need be, at the beck and call of these operators who, when the president asked them to give the suffering people coal said, "For God's sake send us soldiers and bayonets and guns instead."

There was violence there. I regret it. I cannot help regretting it. I know that in this great contest I stand for the weak. I have stood for them, for now these many years. I know that the other side has every means for influencing public opinion. I know that I cannot come even before as fair-minded and as high-minded a body of men as this before me, and expect all of our positions to be fairly understood or given fair weight. I know that we speak in a way against things that are. I believe that we dream of things that are yet to come, and hope for things that the future still holds in store for us; and I know that whenever violence and bloodshed ensues, these gentlemen, with all their power and influence, are ever ready to charge it to us. I believe there is no laboring man and no friend of the laboring man but what deprecates it and hates it and grieves over it, as I know I deprecate it and hate it, and grieve over it. I want to say in fairness to the other side who have said to me: "Oh, but you have not disciplined your men. You have not discharged them from the union," that if my advice were asked, I would not do it. I would use all my power and endeavor to prevent these things, if I could, but I would withdraw from no human being, no matter who he is, no matter what he had done, or what he might do, I would never think of withdrawing from him one single prop or support that might possibly help him the more to be a man. (Applause).

The Boycott.

But what of the boycott? This is in the same line. I might first, in speaking of the boycott, refer to one historical example. You and I may form our notions upon the strict line of ethics as we see that line, but the world does not move upon that line and never did. Hatred and bitterness never produced a result in the hearts of men and in the hands of men. We have one illustrious example, at least, in the United States, of the boycott, of violence, of the scab, and that was in the Revolution. I have just been reading the history of the loyalists of the American Revolution written by one of the professors of the University of Illinois. There is not one specific act that is charged to the mine workers in

this case but what was charged to the loyalists, to those men whom we regard today as patriots and whom on every Fourth of July we teach our children to love, venerate and respect. Not one. One hundred thousand men in America, men good and true, men of culture and refinement, clergymen, lawyers, judges, bankers, a hundred thousand of the men who moved in the highest society were driven from their homes into exile, their houses burned, men murdered, stoned, hung in effigy, boycotted, refused association, absolutely driven from the United States never to return. Nova Scotia was almost settled by these men. While today you can scarcely find a man in America who would trace his lineage to loyalists, while everybody whether they have a right to it or not are proud to trace their lineage to the fathers who built up this country through their blood and their suffering and their toil. The forces of the law are sometimes one thing, the forces of society and the forces of nature are quite another. You and I may sit here and judge men by the dead letter of the law. We may say that this act is right and that act is wrong, but up there sits the living God and He judges the acts of men by another standard from ours. He does not weigh with our scales, nor measure with our short tape lines. He would prepare the continent to raise heat for men and He sends a glacier from the north to grind it and to pulverize it to the soil. He would prepare the human race and He chooses a way which may be simply divine to him, but which we in our weakness and our shortsightedness cannot comprehend and cannot understand. You cannot make me believe that the God whom it is said notes the fall of every sparrow was unmindful when James Winston was killed, or that he was unmindful when the coal and iron police shot Patrick Sharp, but rather that in His own infinite way and for His own infinite purposes, which we cannot understand, He let this work out for the eternal betterment of all in the end.

Ancient and Respectable.

Now, what about the boycott? Let me say there is the legal side and the moral side. The boycott is an ancient and a respectable weapon; it is respectable when they use it, but not respectable when we use it. That is like all other weapons, like a gun, or a sword, or a revolver. It first came into prominent use in this country at the time of the American Revolution, but it was old then. When our American women, much as they liked pretty clothes, in those days, refused to wear them if they were made in England or spun in England. Then they refused to meet anybody who wore clothes made in England or spun in England. Then they refused to meet anybody that did not refuse to meet anybody that wore clothes made in England or spun in England. (Laughter). This was our ancient boycott. It was in what we now believe to be a righteous cause and when our historians tell about it, they do not say oh, how wicked and how cruel and how illegal, and they do not go into a panic and say why did you not apply for an injunction to prevent it. They recognize it as one of the means that was used then to gain independence. We might have got it without. I do not know, nobody knows, but they got it that way. Now, I have been boycotted a great deal myself. I expect to be as long as I live. Sometimes rightfully and sometimes wrongfully, generally wrongfully. It is one of the penalites that we all pay for doing the particular things we do. Sometimes it is a penalty we pay for doing right, sometimes a penalty we pay for doing wrong, it is a penalty for doing differently from what the other people wish us to. It is the very same principle that makes us choose our companions, our society. We wish to live with and associate with those who are like us, who believe with us, who sympathize with us and are part of us, and we boycott the rest.

Now, I take it, that if I wish to trade with John Smith, I may. First I am talking about the legal part, then I want to say a word about the moral part of it, because I am one of those old-fashioned people who believes there is a difference between the moral law and the civil law. Once in a while they meet, but not often. If I wish to trade with Smith I may; if I do not wish to trade with him I need not. It may be because I do not like the color of his hair, it may be because I do not believe in the way he worships God, it may be because I think he does not pay wages enough. At any rate, unless I may do this, I am not free, and I may do it. I may not only refuse to trade with Smith, but if my feeling is strong enough against Smith so that I believe he is an evil force in the community, I may go so far as to say I will not trade with anybody who trades with Smith. It results in this, and it ever must result in this and ever has resulted in this, wherever the feeling is intense enough and deep enough men are divided into hostile camps.

Take the coal strike, a great contest which interested every man, woman and child. You were either for it or against it. Take the War of the Rebellion, about which I heard in my old Western Reserve home in Ohio—a place from which John Brown went forth on some of his glorious illegal expeditions to free the slaves. We used to hear of it there, you hear of it everywhere. If the feeling is deep enough, men range themselves into hostile camps. The man who stands for liberty is my friend, the man who stood for slavery was not my friend. I lived with my class, I ate with them, drank with them, worshipped with them, I associated with them and I passed the others on the other side. So we have here in the coal region, in this greatest conflict of modern times, nothing else was discussed, nothing else could be discussed, from one end of the country to the other men were taking sides, the poor were sending their wages to keep the miners on a strike, the rich were asking for soldiers to shoot them down. I must be on one side or the other. I loved my side and I hated the other side. If a conflict is deep enough these two rival camps live separate and distinct from each other and the boycott is there. That is the evolution of it and courts may condemn it to the day of doom and they cannot affect it.

Here is the distinction which the criminal law makes. If I out of malice to John Smith—and the criminal law must look to the human heart, for it is a maxim of the criminal law that there can be no crime unless the heart is criminal—if I out of malice to him go abroad and seek to get other men to stay away from him to destroy him, that is a crime, but if I, for the defence of myself, for the defence of my race, for the defence of what I believe are the rights of men, see fit to avoid John Smith, I have the right to avoid him and he has the right to avoid me. You may say and say well that the law cannot always determine whether the motive is good or bad, but the law must determine whether the motive is good or bad. The boycott is a right. It is a right which they take and have a right to take. A man who wants a lawyer, for instance—I have had it happen to me a good many times, discusses me and some say oh no, do not get him, he is a disturber, we will get somebody else. I cannot help it. Of course, I go off and mourn about it, but I cannot help it. I know I have to stand it. It is one of the penalties I pay for my opinion and if I should run for an office I am dead sure I would be boycotted by any number of people because they would say he is dangerous, you cannot trust him. If some other man runs for an office who is a friend of the powers I think are in the wrong, then my friends boycott him and say oh, we can't have him, he is an old fogy. It always exists, it always has existed. I do not believe in it at all as an ultimate, and if I get along to it, as I think I will, toward 5 o'clock, I will explain just what I think about it. I am going to finish today and leave the commission to imagine the things I have not said.

The Scab.

The scab stands in exactly the same relation as the boycott. The scab is a man who goes in to take the place of his fellow man who is working for better conditions. He always has been hated, he always will be hated. Sometimes he is a good man, often he acts from necessity, but he is a man who is a traitor to his class. He is a man who is used by the capitalist to destroy the rights and the aspirations and the hopes of the workingman. We have heard a great deal in this country of late about the scab. I use this word, I want the commission to understand, because it is commonly used, not because I like it or approve of it, because I do not. I speak frankly, because it is the word commonly used and is in all the literature upon this question. We have heard a great deal about him in these modern days. Mr. Baer and his friends imagine no doubt that they are fighting for a grand principle when they fight for what they say is the God-given right of every man to work for any wages he sees fit. I do not know about any such God-given right. It is a little uncertain. But that is not a God-given right these gentlemen are interested in. They are interested in the God-given right to hire the cheapest man they can get. They have less use for a scab than we have, and they always have had less use for a scab than we have had.

As a class this body of men, as they have shown it in this case, have always been ready to take the benefits that flow from organized labor, and never been willing to fight to obtain them. They have been ready, after the dangers have been encountered and the contest is over, to come in and take the wages; but they never have been ready to face starvation and hunger and abuse in the common cause. And as a rule he is a man who has no abiding place on the face of the earth. He does not live anywhere or stay anywhere. He does not come because he believes in anything or has any convictions on any subject on earth. He is a wandering tramp, ready to be used by anybody who will pay the price to use him; and they ship him from one city to

another and from one country to another, and then ship him from Philadelphia and from New York and from Chicago to the coal regions to take the place of men engaged in a heroic struggle for their liberty. And then, when the strike is over, they let him walk home again, or let the union send him home.

That is his history. That is what he has come to be recognized as by men who have studied this question and who have written upon the subject.

A Traitor.

Let me read to you an extract from Sidney and Beatrice Webb's History of Trades Unionists, which is the most complete and elaborate and scholarly history that has ever been written of this subject. Not that everything that is said in this history is true or correct any more than any other history; but still, there is a vast fund of information gathered up in it, and a full and complete treatment of the question:

"The trades unionist feeling (against such men) is expressed in the following quotation from the amended laws of the Amalgamated Society of Cordwainers, one of the most ancient of unions:

" 'A scab is to his trade what a traitor is to his country, and though both may be useful to one party in troublesome times, when peace returns they are detested alike by all; so when help is wanted the scab is the last to contribute assistance, and the first to grasp a benefit he never labored to procure; he cares only for himself, but he sees not beyond the extent of a day; and for momentary and worthless approbation would betray friends, family and country. In short, he is a traitor on a small scale—he first sells the journeyman, and is himself afterwards sold in his turn by his master, until at last he is despised by both and deserted by all. He is an enemy to himself, to the present age and to posterity.' "

In these great social travails for the elevation of the working classes the union has ever been the most potent power and the greatest influence. The scab is not the man who refuses to join a union. He may have sentimental reasons. He may not care to. He may really believe in it, as some men believe in the church without absolutely joining it. But he is the man who, in the midst of one of these great conflicts, lends his aid and encouragement and help against his class. He is the man whom they use, as they used him here in this contest with the United Mine Workers, to try to destroy their union and break the strike, and whom they have used in this court under the sanction of an oath up to the last moment of this trial, with the false claim that he is present by attorney in this court. He has been true to his character from beginning to end. He is the pliant tool of the men who, in this great struggle, wisely or unwisely, are against the laboring man. And it cannot be but that he will be despised, mistrusted, hated and reviled by all men who love liberty and who love their fellow men, and who have the point of view of the organized laboring man.

The Eight-hour Question.

Now, I must say a word about the eight-hour question; and I am sure I am leaving much unsaid, and perhaps I should have left much of the rest unsaid. But I have been talking my honest feelings in this case as they have come to me, regardless of what I think of the judgment or the inclination of any gentleman of this commission, recognizing simply that they wish me while I speak to speak the truth as I see it and understand it, and leave the responsibility with you.

Let us see about the eight-hour question.

This demand for eight hours is not a demand to shirk work, as is often claimed to be the case. It is a demand for the right of the individual to have a better life, a fuller life, a completer life; and this, like everything else, depends upon your point of view. If I were to measure this demand from the standpoint of Mr. Baer, I might be against it. I cannot say. I believe he is wrong, even from his own standpoint; but I do not measure it from his. I measure it from the standpoint of the man, from the standpoint that the interest of government, the interest of society, the interest of law and of all social institutions is to make the best man they can.

That is what you are here for today. That is the purpose of every law-making power. It is the purpose of every church. It is the purpose of every union. It is the purpose of every organization that ever had the right to live since the world began. There is only one standpoint from which you have a right to approach this question, and that is what will make the best man, the longest life, the strongest man, the most intelligent man, the best American citizen, to build up a nation that we will be proud of—a nation in which there will be no more strikes and no more violence, either by them or by us.

This commission can view it in no other light, and I would argue it in no other way. Other gentlemen may measure it in dollars and cents. I shall not. Until the American people have gone so far and moved so high that they can view a subject from an ethical standpoint, I do not care to speak to them. If I cannot address them upon that side I will be silent.

Is it in accordance with the evolution of man, with what is best, that we should work eight hours or more or less? "Ah," these gentlemen say, "but we work longer." No, you do not work longer. I know the lives of men of my class. I come to my office at nine o'clock in the morning, sometimes, and I stay until five sometimes. Sometimes I may stay longer, sometimes shorter. But the rest of my time I have for those purposes of improvement or of pleasure that seem to me to respond to the necessities of my being and to make as much of myself as I possibly can.

There is nothing high and ennobling and great in digging coal—nothing. It is work. It does not tend to improve the moral being, the spiritual being, the intellectual being. Not that! These gentlemen who toil in the mines or at the breaker must look upon this only as toil—as toil to furnish them the means of life, for bettering their condition or improving their brain, for giving them a wider insight on the great questions of life and the great questions of humanity which, after all, are the only things worth living for, when everything is said and done.

Is eight hours enough? Is it enough? What one of us—it is right to place ourselves with them—would wish to go down below the earth and work nine or ten hours? It will not do to say, "Ah, but they are a different class from us!" They are not. Under other circumstances, with their same brains and yours, some of them might have been here and you might have been there. I can point you to men among my clients who are the peers of any of us. Nature sent them to digging in the earth, while it placed you and me in responsible positions where we could develop the highest faculties that God had given us.

Right Use of Leisure.

That is the difference, and that is all. Now, the manual worker who asks for shorter hours asks for what? He asks for a breath of life; he asks for a chance to develop the best that is in him. It is no answer to say, as some employers have said in this case, "If you give him shorter hours he will not use them wisely."

He will not use them wisely? This is scarcely worth reply. Our country, our civilization, our race, is formed upon the belief that after all, God has planted in man something that does make him use his privileges for the best; that after all, with all his weakness and his imperfection, there is still in him that divine spark which makes him reach upward and upward for something higher and better than he has ever known; and he will use it for the best.

One man may stumble; ten men may stumble; but in the long sweep of time, and in the evolution of events, it must be that greater opportunities mean a more perfect man, mean a higher being, mean a better individual life, mean a better social life, mean higher and better moral and ethical ideas because of the opportunities that were given. If this were not true, then progress would be impossible. We must assume, in all of these discussions, that the tendency of man is toward perfection; the tendency is upward and upward and onward, towards the heights to which the human race has not even yet aspired in its wildest dreams. And it is given to us, in our humble way, and with our limited power, to help that tendency to build up men; and it is all that we can do.

A Little Mathematics.

I do not care to dispute with Mr. Baer as to whether he will be obliged to build a new breaker or not. I could prove from these tables—and I simply suggest it and leave the commission to work it out—that last year it would not have added more than twenty minutes—it would not have shortened the working day more than twenty minutes to have had a full eight-hour day; and I will simply suggest how. The breakers now do not average eight hours. Cut off every day where the breaker runs less than eight hours. Those days would not be affected. Only those days where the breakers have run more than eight hours would be affected, and when you take every day that has run more than eight hours and cut it off you will find it does not decrease the working day twenty minutes, according to the tables that are in the possession of this commission and on file here. Nothing is impossible if you want to accomplish it, and anything is impossible if you do not wish to accomplish it. I have no doubt that Mr. Baer could bring me a string of figures reaching from here to his New York office to prove that the world would come to an end if we did not employ child-labor in the breakers; and if he made me believe it, I would say "All right, let us stop working the children. After all, I think perhaps the

human race was wrong, and we had better get rid of it and start over again, and see if something cannot be developed." I presume that the figures these gentlemen might prove anything; but that has nothing whatever to do with this question. It is not for me to discuss whether Mr. Baer must build a new breaker. That is his business. I do not propose, if I can help it, to have Mr. Baer stand in the way of the progress of the human race for the sake of any breaker in the anthracite region—and the biggest breaker is Mr. Baer himself. (Laughter.) If they can not run this industry with what they have got they must build more, and if this commission are as broad and wise as we believe they are, they will never consider that question in their deliberations.

Labor Saving Machines.

Why, the old philosophers two thousand years ago who were dreamers then—I do not know who the practical business men were; their names have been forgotten and they have not come down to us. (Laughter.) Your day and mine will come, Mr. Lloyd (laughter) and then there will be no Baers to dispute with us. The only trouble is that it will not do us any good, perhaps. (Laughter.) The old philosophers of 2,000 years ago used to look forward into this nineteenth and twentieth century and dream of the day when the brain and the intellect and the ingenuity of man should give birth to wonderful machines that should do the work of the human race, and when men could be freed and left to work out their highest development and the best that was in them without the trouble of work. That day has come. We have these wonderful machines. Why, within 125 years, within a hundred years, the productive power of man has been increased in England and America almost twenty-fold; some say more. We have learned to apply steam and electricity, and have made such cunning machines that they almost seem to think, and yet in spite of all this although the human brain has devised these machines to do the work of man, our men must toil and our boys and girls must continue to be serfs.

If we have the will, there is the way, and the way is easy. Let me suggest this: Man whenever he has turned his attention to improving his condition has been able to do it. Whenever wages are high he invents machines to supplement his work and aid in the production of things. In America where wages are the highest machines are the plentiest. Take these children from the breaker and shorten this day and this clumsy machinery will be improved. You will find ways to increase the production of your breaker and ways to increase production of your mine, and you will never miss the little boys, with their black faces, and you will never be sorry that you allowed these men to live a little while longer on the face of the earth.

You may go back to Egypt and you will find there where you can hire men for 10 cents a day, and 5 cents a day, harnessed to mills and wearily pacing around to draw water up from the earth; because it is cheaper in Egypt to do it than it is to build a wind-mill or an engine. Here they have a wind-mill or they have an engine, because they believe in the dignity of man. If man is a machine, set him to work to draw the water, to hew the wood, and consider him principally or solely as to how many dollars and cents you can work him into. As Mr. Brooks well said in his book, if the question is how much can you get out of a man, work him twenty-four hours a day and let him die; or work him fourteen hours a day and kill him in a little longer time; or work him twelve hours a day and destroy him yet more slowly. But if the question is the greater and the broader and the higher question, What is a man worth and what is a man for, then it must address itself to the mind of this commission and to the minds of every man. What hours are best for him? What will develop his highest life, his body, his mind, his soul, his aspirations, his hope—all that there is in him and of him or may be in him and of him?

Do you doubt that the eight-hour day is coming? Does anybody doubt that it is coming? It is here, in many, many industries. It is here in the soft coal field. It is here in a large number of industries and vocations pursued by man. Do you suppose ten years from now or fifteen years from now, we will be discussing over this eight-hour question? And can this commission, charged with one of the greatest responsibilities that ever devolved on any commission or body of men since history began—and I do not say it lightly, because I can see in this possibilities which perhaps none of us dream of, which perhaps were not even thought of when we were brought together in conference. It seems to me that after this there can never be a great strife or contest like this; that if the commission is wise as they will be; if they are broad, as they will be; if they build for the future, as they will; if they build for what is the highest for men, the grandest and the best for the human race, this will be one of the milestones in the progress of the world. We will never go back to the past. We will never go back to what has gone. You, my friends the employers, and you, my friends, the workmen, will learn to be brothers, will learn that there is a better way in this world than calling hard names and throwing stones and shooting guns and invoking starvation to settle your disputes.

Weighing Coal.

I want to say a word about weighing coal; and, as I am getting to the case you can see that I am getting about through. I have no desire to heap any expense upon these operators; not the slightest. I have no desire to cause them any trouble whatever, and I sincerely believe they will find, after all that has been said and done, that if they deal fairly and wisely and better with their employes, it will be better for them. I do not believe that these men can ever be satisfied excepting by weighing coal. Let me call the attention to one ex-superintendent who was called here by the employers to prove that the men were not satisfied with weighing coal and that they went back to the old system. I said to him: "Why were they not satisfied?" "Why," he said, "sometimes two cars of coal would come up that would look just the same size and one of them would weigh three-quarters of a ton more than the other." That was their witness, not ours They looked the same, but one of them would weigh three-quarters of a ton more than the other, and yet by this present system each man gets the same. Not only that, but he works a mile or two down in the earth, and he does not know how much to put on the top of the car. If he puts on too much he loses it, and if he puts on too little he is fined. He never gets credit for putting more than a load, and he is always docked if he puts on less. Sometimes it falls off. Always it settles. It is uncertain.

Now, it is not necessary to say that these people are cheating. If I cannot place this controversy above that, then my appearance in this case has been a failure. I do not care to place it upon any such ground as that, but you never can satisfy intelligent men in the payment of their wages unless you can ascertain with exactness what those wages are—never in the world—and this can not be ascertained except by weigh, or by yard, as is admitted in the region where that is necessary. I believe it would be idle for this commission to seek to harmonize these men unless they recognized this demand. It brings certainty out of uncertainty. It removes that feeling of distrust which ever must come under the old conditions. It has been demanded for many, many years, and the question can never be settled until it is settled this way. More than that, this commission must recognize the law of this state. I want to speak a word about that, for to my mind that law is perfectly plain. I can not understand, as a lawyer—I may not be a very astute lawyer, and I may know more about labor questions than I do about law, but with what little legal learning I have, that statute seems as plain, or nearly as plain—to say "as plain" is perhaps a little extravagant—but it seems almost as plain as any statute could be drawn.

The Law as to Weight.

There are certain well-recognized rules for the construction of statutes. First, in considering a statute you must place yourself in the position in which the parties were at the time. Next, you must construe it to give meaning to it, if you can, not to destroy its meaning, but to give it meaning, construe it in the light of what is, or what was, and construe it to give it a meaning and a substance. Now, it is plain that at that time coal was mined by measure and by car and perhaps by weight. There is no evidence upon this question, but such evidence as there is, shows it was always mined this way, certainly it was mined by box. It is plain to me that the legislature meant to establish that in every place where they did not before pay by the ton, they should be compelled to pay by the ton or by the yard. No meaning can be given to the statute in any other way. It must be construed in that light. Neither can I accept the suggestion that was made here that it is not before this commission to decide, because we have submitted our grievances to the commission and they are to pass upon it. We have a right to such protection as is given us by the laws of the state, and we have a right to ask the commission to give us the benefit of the laws of the state. We might as well ask the operators to waive the law of assault and battery. We have a right to assume that the finding of this commission will be consistent with the laws of the state, and we insist upon this as being the law of the state and that it must govern this commission in this case. Even with any ambiguity about it, it shows the public policy of the state. It shows that the legislature presumed that the people wanted it and that it is the public policy of the state, and nothing else will suffice.

Faults of the Union.

Now, gentlemen of the commission, I have spoken about as long as I will upon this case. I want to say a few more words about this union and some of the faults that has been found with it. My good friend Torrey stood here for an hour and picked flaws with the constitution of this union. He is a nice gentleman and I have no objection to his amusing himself in that way, but that is my client, not his. I do not propose to ask him to reorganize the Delaware and Hudson Railroad company. I can find a whole lot of things in the Delaware and Hudson Railroad company to change if they would give me my way about it. But that is none of my business. I am willing to take them as they are. These labor organizations have never gone to their employers and asked them to fix up a schedule by which they could organize their union. If they had done this, they would never have had any union, and if they had had a union it would have been utterly impotent and useless. This is ours, and while it is full of imperfections like all human work of miners and dreamers, still it is the best we could do. We have tried to patch it up some since this commission commenced its sittings and we are willing to patch it more. There are things in that constitution of which I do not approve. One especially which was placed in there in view of the Homestead riots which I believe has no relation to the miners' case, and that is, that they protest against officers to guard property. I have no doubt but what a man who has property may hire anybody he sees fit to go in and guard and protect it, and I have no fault to find with it, neither, I take it, have they.

But they need not expect impossibilities of us. We are willing to accept their friendly aid and counsel, but when they come into court and allege this excuse or that for not dealing with us, or not recognizing that we are on earth, then it comes with a bad grace from them. We have opened our books, we have shown you all we have, we have given you our by-laws, our rules and kept no secret from you, and you have not even given us a copy of yours and we have not asked you for a copy of yours. I assume they are made by your lawyers to serve your ends and not to serve ours. That is our business.

As to Incorporation.

Neither do I take kindly to the suggestion of those gentlemen that we should incorporate. As if there is no responsibility excepting the responsibility that comes to incorporated capital. Strange as it may seem, in some respects I am very old-fashioned. I think a real man is about as important as an incorporated man. That a real flesh and blood workman is about as important as a composite workman used to figure wages from. I do not believe in this wild mania of incorporation. It has no sort of place with a trades union. You want to teach the people of the United States this new strange doctrine, this doctrine of wealth that, forsooth, a person which man made, which is a corporation, is greater than a person which God made, which is an individual? It is a false doctrine. It has produced infinite evil in America and its evil has just begun. I am not willing to admit for a single moment that anything can be gained for manhood, for righteousness, for the good of all by going to some petty state legislature and asking to merge the individual flesh and blood man into a corporation created by the state. Why, we were told in the argument that the state of New Jersey, of all places on earth the state of New Jersey, had introduced a law to compel labor organizations to incorporate. I understand they have introduced one down at Springfield, Illinois, but it will not pass. They tell us here that the state of New Jersey is going to pass such a law. Nobody can tell what will happen in New Jersey. New Jersey has been busy with the incorporation business, very busy indeed. New Jersey has issued its bogus charters and sent them broadcast over the United States, its charters which have been simply letters of marque and reprisal for every pirate that sails the high seas of commerce to capture what he can get, (applause) until New Jersey has become a stench and a byword in the minds of all people who believe in fair dealing and justice between man and man. These gentlemen do not wish to incorporate. They are good enough as God made them and they are trying to get better just as fast as their masters will let them. If you want them to be financially responsible, I will tell you how to do it. Just raise their wages. (Applause.) An incorporated man has not any more money than an unincorporated man, unless he peddles his watered stock upon somebody more ignorant than himself, and of course we cannot do that, we cannot find the people. (Laughter.)

Of all the nonsense that has been indulged in by the false and chimerical friends of labor unions, and I do not know but sometimes here and there they have got our real friends, I would want further investigation about that and I think they would want further—this talk about incorporation is about the most useless. It has gone so far, I know, in Chicago, that some of the fellows have commenced incorporating political parties, and they have an idea that if four or five fellows get an incorporation for the Democratic party, they can go and enjoin anybody else who undertakes to call a convention. They have incorporated the Public Ownership Party, the Municipal Ownership League, the People's Party and various branches of the Democratic party. They have not yet tried to incorporate the whole Democratic party, perhaps after a few more campaigns they may be able to do it. (Applause.) But that is another question.

Corporation Mad.

We have grown corporation mad, and it all comes from this false and distorted and baneful idea that money is everything. Now we are not interested in money, excepting wages. We want some of it, but we are not in the business of selling watered stock, or issuing bonds or anything and we do not understand how you can make the coal miners responsible by incorporating them. And if we did we would not want it and do not propose to have anything whatever to do with it.

Just a few words about the union and what it stands for and then I am going to leave you to imagine all the rest that I know I would have said if I had had anything like a reasonable time to speak in. (Laughter.) We have been getting along pretty well out west. We have not only known the union there, but recognized it and dealt with it. The workmen and the employers have come together and they have agreed on a wage scale and they have raised wages which, I suppose, will not commend itself to our friends, the enemy. But we have not had any strike. We have not had any lock out. These gentlemen have gone a step further than you gentlemen, they have recognized the union. They have not insisted as Captain May and Captain Phillips and Mr. Rose and Mr. Jennings, managers of these important corporations, that they would not deal with anybody, or recognize anybody not in their employ, and every one of these gentlemen said so on the witness stand, but yet when the case is nearly done the lawyers come in and say, "Oh, yes, we will recognize it." They have said it very late.

Trades Unionism.

Trades unionism is not all good. I have been its friend in my own way for a good many years. I have fought some of these battles with the best ability and all the sincerity that I could give to this cause; for I believe in it. It is like every other instrument created by man—it is not perfect, and it is in an evolutionary stage. I do not claim that this order of the United Mine Workers is perfect. We have brought together in two short years 147,000 men, who speak twenty different languages, of all degrees of intelligence, of all degrees of moral character; and we have moulded them as near as possible into one homogeneous mass. God knows they are not perfect. But I ask you, gentlemen of the commission, where else in the history of the world has any general, either in industrial life or on the field of battle, in two short years moulded together such a heterogeneous mass into such a grand and valiant and brave and noble veterans as these who faced starvation for their fellow-men? Where else has such a body of men done as well? And when you judge us and pronounce upon us, pronounce sentence of good or sentence of evil. I wish you to judge us in the light of the facts of this case—in the light of all the impossibilities that confronted us—in the light of the severe travail through which we passed—in the light of the material which we were bound to use—in the light of the fearful, appalling odds that we faced. Judge us in that light, and we will stand by this verdict.

A Tribute to Mitchell.

I am not here to pronounce any eulogiums upon men, neither am I here to condemn them. But I want to call the attention of the commission to the officers and the leaders of this magnificent body who have fought this glorious fight and who have won this brilliant victory, whose rewards will be reaped so long as men and women live upon the earth. I want to say one word for that cool, calm, considerate, humane leader who, from the beginning to the end, has come out of every contest victorious, has faced every situation and won—not because he is wiser, not because he is greater, not because he is better than the rest, but because his face is turned toward the morning and the future, and he is moving with the progress of the world.

The blunders are theirs, and the victories have been ours. The blunders are theirs because, in this old, old strife they are fighting for slavery, while we are fighting for freedom. They are fighting for the rule of man over man, for despotism, for darkness, for the past. We are striving to build up man. We are working for democracy, for humanity, for the future, for the day that will come

too late for us to see it or know it or receive its benefits, but which still will come, and which will remember our struggles, our triumphs, our defeats, and the words which we speak.

These men are not perfect. No men are perfect. No organization is perfect. Trades unionism in some ways is exclusive, is monopolistic. It does think more of the men who are in it and of it and with it. I do not believe in monopolies and exclusion. I, too, am something of a dreamer. I long for a time when there will be no exclusion and no monopoly and no boycott, either by them or by us—for a day of universal brotherhood, when there will be no trades unions and no employers. Trades unions are for today, for the present. They may be characterized as war measures, as agencies in this great problem of lifting the human race to the heights to which it will one day come. They are agencies, mediums for that. They are the greatest agency that the wit of man has ever devised for uplifting the lowly and the weak, for defending the poor and the oppressed, for bringing about genuine democracy amongst men. They cannot fight forever, let us hope, with the boycott or against the scab.

I long for the time when the boycott will die; when no man can look at his brother and say to him, "In my regard you are not my equal," when each man will associate with his fellow men on equal terms; when no man will be a unionist or a scab; when no man will be an employer or an employe.

Mr. Darrow's Dreams.

My dreams, in the few moments which I can give to dreams, are of a universal republic where every man is a man equal before his Maker, governor of himself, ruler of himself, and the peer of all who live; where none will be excluded, where all will be included; where the work of the trades union is done, and trades unions have melted and dissolved. And I love trades unions because I believe they are one of the greatest agencies, one of the greatest agencies that the world has ever known, to bring about this time; one of those agencies for the building up of character and the building up of men, and toward forming that ideal republic which has been the hope and the aspiration and the dream of every great soul who ever lived and wrought and died for his fellow man.

Gentlemen of the commission, I have talked long in this case. I feel, in leaving it, that there are many things I would have wished to discuss. My regret is only that I could not be of more service than I have; I presume that is the regret of us all. I may have been severe, here and there, upon some of these operators or all of them. I have meant to say my say kindly, justly, charitably. In my heart I have no feeling against one of these men. No doubt, no doubt they want to do the right. I do believe, as Mr. Olyphant believed of us, that they have been misled; that they are blindly placing their faces against progress; that they are standing in the way of the natural, peaceful, laudable evolution of the human race. I do believe that if they will learn to come to us as brothers, as friends, as kindred, they will find that we will extend the right hand of fellowship. I do believe that if they will recognize the good in our men as we will recognize the good in them, we will join hands with them to make a paradise out of this land which has flowed with blood.

I wish they knew us. I wish they could understand that back of the black hands of these, their servants, back of the black faces of these men that go down into the mines are consciences, intellects, hearts and minds as true as of any man who ever lived. I wish they might know us—that we are here and we are there to do our duty, not only by ourselves and for ourselves, but to do our duty to them; to do our duty to that great mass of people who, while not directly interested in this contest, still have suffered because of it. If they meet us, if they recognize us, if they come to us and let us come to them, we will prove that we are their brothers and their friends.

In Conclusion.

This contest is one of the important contests that has marked the progress of human liberty since the world began—one force pointing one way, another force the other. Every advantage that the human race has won has been at fearful cost, at great contest, at suffering endured. Every contest has been won by struggle. Some men must die that others may live. It has come to these poor miners to bear this cross, not for themselves—not that, but that the human race may be lifted up to a higher and broader plane than it has ever known before.

I did not come into the state of Pennsylvania to stir up dissension and hatred and bitterness. I should like to feel, as I go away, that I have dealt justly and fairly by every man and every condition which I have met. I should like to feel that my efforts—sincere efforts they have been—have done something to bring peace and harmony and quiet and prosperity to this valley which should be blessed, but which has been cursed.

(Great and long continued applause.)

The Hearings Ended.

The Chairman: Gentlemen, notwithstanding the protracted hearings of this commission, it is due to counsel and to 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, for operators and for Mine Workers, that in these three months of toil together, endeavoring to elicit truth and to hear all that could be said on both sides to assist us in our labors, no unpleasant episode has occurred—nothing that should mar the situation in which reasonable men and citizens of a great country find themselves in mutually endeavoring to arrive at just conclusions and a just verdict in a great controversy.

As I said when the testimony closed, on behalf of the commission I thank the counsel on both sides for their efforts to present their several cases to this commission clearly and lucidly, and in such a manner as to assist us in our deliberations.

The work is now ours, and I know that we have your best wishes that we may have a safe and a righteous deliverance. (Great applause.)

Report of the Commission.

HISTORY OF THE APPOINTMENT OF THE COMMISSION.

Washington, D. C., March 18, 1903.
To the President.

The undersigned, constituting the commission appointed by you Oct. 16, 1902, "at the request of both the operators and of the miners," "to inquire into, consider, and pass upon the questions in controversy in connection with the strike in the anthracite regions" of Pennsylvania "and the causes out of which the controversy arose," have the honor to make to you and, through you, to the parties to the submission the following report, findings, and award:

The authority of the commission thus appointed to make a binding award is found in the letter of certain of the said anthracite coal operators addressed to the public a few days prior to the said 16th of October, 1902; in your telegram of that date to Mr. John Mitchell, pursuant to said letter, and in his reply, with the subsequent action of the employes of the various coal companies engaged in operating mines in the anthracite coal fields of Pennsylvania, as represented in a convention held at Wilkes-Barre, Pa., Oct. 21, 1902, certified to you by the officers of said convention.

In this respect the pertinent parts of the correspondence aforesaid are as follows:

EXTRACT FROM COAL OPERATORS' LETTER RELATIVE TO SUBMISSION.

We suggest a commission be appointed by the president of the United States (if he is willing to perform that public service) to whom shall be referred all questions at issue between the respective companies and their own employes, whether they belong to a union or not, and the decision of that commission shall be accepted by us.

The commission to be constituted as follows:

1. An officer of the engineer corps of either the military or naval service of the United States.

2. An expert mining engineer, experienced in the mining of coal and other minerals and not in any way connected with coal mining properties, either anthracite or bituminous.

3. One of the judges of the United States courts of the Eastern district of Pennsylvania.

4. A man of prominence eminent as a sociologist.

5. A man who by active participation in mining and selling coal is familiar with the physical and commercial features of the business.

It being the understanding that immediately upon the constitution of such commission, in order that idleness and non-production may cease instantly, the miners will return to work, and cease all interference with or persecution of any non-union men who are working or shall hereafter work. The findings of this commission shall fix the date when the same shall be effective, and shall govern the conditions of employment between the respective companies and their own employes for a term of at least three years.

George F. Baer, President Philadelphia and Reading Coal and Iron company, Lehigh and Wilkes-Barre Coal company, Temple Iron company.

E. B. Thomas, Chairman Pennsylvania Coal company, Hillside Coal and Iron company.

W. H. Truesdale, President Delaware, Lackawanna and Western Railroad company.

T. P. Fowler, President Scranton Coal company, Elk Hill Coal and Iron company.

R. M. Olyphant, President Delaware and Hudson company.

Alfred Walter, President Lehigh Valley Coal company.

TELEGRAM OF THE PRESIDENT TO JOHN MITCHELL.

White House,
Washington, Oct. 16, 1902.

Mr. John Mitchell, President United Mine Workers of America, Wilkes-Barre, Pa.

I have appointed as commissioners Brigadier General John M. Wilson, Mr. E. W. Parker, Judge George Gray, Mr. E. E. Clark, Mr. Thomas H. Watkins, and Bishop John L. Spalding, with Hon. Carroll D. Wright as recorder. These names are accepted by the operators, and I now most earnestly ask and urge that the miners likewise accept this commission. It is a matter of vital concern to all our people, and especially to those in our great cities who are least well off, that the mining of coal should be resumed without a day's unnecessary delay.

Theodore Roosevelt.

EXTRACT FROM LETTER OF JOHN MITCHELL TO THE PRESIDENT.

Wilkes-Barre, Pa., Oct. 16, 1902.

Hon. Theodore Roosevelt, President of the United States, Washington, D. C.

Dear Sir: Replying thereto (to the above telegram), I beg to inform you that your recommendations were submitted to the members of the executive boards of Districts 1, 7, and 9, United Mine Workers of America, and they have unanimously agreed to call a delegate convention, to be held next Monday, and will recommend to the convention that all men now on strike return to the positions and working places formerly occupied by them, and submit to the commission appointed by you all questions at issue between the operators and mine workers of the anthracite coal fields.

John Mitchell,
President United Mine Workers of America.

ACTION OF THE MINE WORKERS' REPRESENTATIVES IN CONVENTION, AGREEING TO THE SUBMISSION, AS CERTIFIED BY THE OFFICERS OF SAID CONVENTION.

Wilkes-Barre, Pa., Oct. 21, 1902.

Hon. Theodore Roosevelt, President of the United States, Washington, D. C.

Dear Sir: We, the representatives of the employes of the various coal companies engaged in operating mines in the anthracite coal fields of Pennsylvania, in convention assembled, having under consideration your telegram of Oct. 16, 1902, addressed to John Mitchell, president United Mine Workers of America, have decided to accept the proposition therein embodied and submit all the questions at issue between the operators and mine workers of the anthracite coal region for adjustment to the commission which you have named. In pursuance of that decision we shall report for work on Thursday morning, Oct. 23, in the positions and working places occupied by us prior to the inauguration of the strike. We have authorized John Mitchell, president of the United Mine Workers of America, with such assistants as he may select, to represent us in all hearings before the commission.

John Mitchell,
Chairman of Convention.
W. B. Wilson,
Secretary of Convention.

It will thus be seen that the commission is authorized by two parties to a controversy to make, as to them, a binding award. The language of the proposition made by the operators is that "a commission be appointed by the president * * * to whom shall be referred all questions at issue between the respective companies and their own employes, whether they belong to a union or not, and the decision of that commission shall be accepted by us,"

and that of the acceptance by the representative convention of mine workers being that they "accept the proposition (for a commission as proposed by the operators) * * * and submit all the questions at issue between the operators and mine workers of the anthracite coal region for adjustment to the commission which you have named."

The signatory operators and their employes represented in the Wilkes-Barre convention were therefore in substantial agreement as to the fact and the scope of the submission proposed.

Mr. Carroll D. Wright having been, with the consent of both sides, added to the commission, the undersigned received from you the following letter:

PRESIDENT'S APPOINTMENT OF THE COMMISSION.

White House,
Washington, Oct. 23, 1902.

To the Anthracite Coal Strike Commission.

Gentlemen: At the request both of the operators and of the miners, I have appointed you a commission to inquire into, consider, and pass upon the questions in controversy in connection with the strike in the anthracite region, and the causes out of which the controversy arose. By the action you recommend, which the parties in interest have in advance consented to abide by, you will endeavor to establish the relations between the employers and the wage workers in the anthracite fields on a just and permanent basis, and, as far as possible, to do away with any causes for the recurrence of such difficulties as those which you have been called in to settle. I submit to you herewith the published statement of the operators, following which I named you as the members of the commission.

Theodore Roosevelt.

By virtue of the authority conferred in the premises, the commission met in Washington October 24, organized by choosing a chairman, and directed the recorder to notify the signatory operators, parties to the submission, and John Mitchell, as chairman of the Wilkes-Barre convention, to appear before the commission in Washington October 27, 1902. Pursuant to this notice, all the signatory operators appeared by counsel, and the mine workers represented in the said Wilkes-Barre convention by John Mitchell and others associated with him. After hearing the suggestions of counsel as to the mode of procedure, it was decided to adjourn, to meet in the city of Scranton on the 14th of November, that in the meantime there might be filed with the commission statements of claim by the representatives of the mine workers and answers thereto by the signatory operators, and that other preparation might be made for hearing the parties to the controversy.

It was also determined, in order to enable the members of the commission to familiarize themselves to some extent with the physical conditions of the anthracite region, and the practical operation of mining coal, that they would, before beginning the hearings, make a tour of the said region, visiting such of the mines as should be indicated by a joint committee representing the operators and the miners, and observing, so far as they might have opportunity, the general conditions under which the miners worked and lived. Seven days were accordingly devoted to such investigation. The commission was thus enabled to learn much that has proved invaluable in the subsequent hearings and deliberations. Every facility was furnished by the operators for a thorough examination of the mines, breakers, and the various machinery for pumping, ventilating, and carrying on generally the mining operations.

Prior to the opening of the hearings in Scranton, the commission caused letters to be sent in its name to all the coal companies and individual operators of the anthracite region of Pennsylvania not already parties to the submission, inviting them severally to become parties, by intervention and agreement to be bound by the award to be made, and by filing written notice to that effect with the recorder of the commission.

LIST OF INDEPENDENT OPERATORS.

The following list comprises all the independent operators, so called, known to the commission, and to whom the letter cited above was sent:

M. B. Williams.
T. M. Righter.
Llewellyn Coal company.
Mount Jessup Coal company.
Moosic Coal company.
Dolph Coal company.
Riverside Coal company.
Carney & Brown.
Black Diamond Coal company.
Barton Coal company.
Austin Coal company.
Green Ridge Coal company.
William Connell & Co.
Jermyn & Co.
Elliott, McClure & Co.
A. D. & F. M. Spencer.
Nay Aug Coal company.
Bull's Head Coal company.
North American Coal company.
Gibbons Coal company.
People's Coal company.
Clear Spring Coal company.
W. G. Payne & Co.
Kingston Coal company.
Red Ash Coal company.
Parrish Coal company.
Chauncey Coal company.
A. Pardee & Co.
Union Coal company.
W. R. McTurk & Co.
Stevens Coal company.
Melville Coal company.
Avoca Coal company.
Raub Coal company.
Wyoming Coal and Land company.
Plymouth Coal company.
Alden Coal company.
G. B. Markle & Co.
Estate of A. S. Van Wickle.
Pardee Bros. & Co.
Calvin Pardee & Co.
Upper Lehigh Coal company.
M. S. Kemmerer.
J. S. Wentz & Co.
Lentz, Lilly & Co.
Silver Brook Coal company.
Mill Creek Coal company.
Thomas Coal company.
Lawrence Coal company.
Cambridge Coal company.
Brookwood Coal company.
C. M. Dodson & Co.
Midvalley Coal company.
Enterprise Coal company.
Lehigh Coal and Navigation company.
Dodson Coal company.
Bedell Brothers.
Lytle Coal company.
T. M. Dodson & Co.
Buck Run Coal company.
Excelsior Coal company.
Robertson & Law.
George Graeber.
William Penn Coal company.
Thomas R. Brooks.
St. Clair Coal company.
East Ridge Coal company.
Pine Hill Coal company.
Susquehanna Coal company.
Shipman Coal company.
Girard Coal company.
Traders' Coal company.
I. A. Stearns.
Warrior Run Coal company.

From time to time during the progress of the hearings interventions were made by the parties as named above, and they were added to the original signatory companies proposing the submission. The following independent or individual operators, some of whom filed answers and all of whom agreed to abide by the award of the commission, were represented by counsel:

Dolph Coal company.
Black Diamond Coal company.
Green Ridge Coal company.
Nay Aug Coal company.
Carney & Brown.
William Connell & Co.
Elliott, McClure & Co.
Wyoming Coal and Land company.
George F. Lee & Co.
Gardner Creek Coal company.
William Richmond.
Riverside Coal company.
North End Coal company.
West End Coal company.
Robertson & Law.
Gibbons Coal company.
Rissinger Bros. & Co.
Jermyn & Co.
Austin Coal company.
A. D. & F. M. Spencer.
Stevens Coal company.
Clear Spring Coal company.
Raub Coal company.
East Boston Coal company.
Buck Run Coal company.
Northern Anthracite Coal company.
People's Coal company.
Pine Hill Coal company.
Enterprise Coal company.
Parrish Coal company.
Lehigh Coal and Navigation company.
G. B. Markle & Co.
A. Pardee & Co.
Pardee Bros. & Co.
Calvin Pardee & Co.
J. S. Wentz & Co.
C. M. Dodson & Co.
Upper Lehigh Coal company.
Silver Brook Coal company.
St. Clair Coal company.
Estate of A. S. Van Wickle.

The following companies stated their willingness to abide by the award of the commission, but were not represented before it by counsel or otherwise:

Susquehanna Coal company.
William Penn Coal company.
Mineral Railroad and Mining company.
Summit Branch and Lykens Valley Coal company.
Union Coal company.
Thomas Coal company.
Coxe Bros. & Co.
Mount Jessup Coal company.
Lytle Coal company.
Alden Coal company.

In the appendix will be found a list of counsel and the companies they represent.

Upon the opening of the hearings in Scranton an application to be heard be-

fore the commission was presented by Messrs. Lenahan & O'Brien, as counsel for certain non-union mine workers. This application was duly considered, and it was ordered that the counsel aforesaid file their authority for their appearance, together with an agreement to be bound by the award of the commission. In compliance with this order, a power of attorney executed by more than two thousand persons, representing themselves to be non-union mine workers, was filed, with an agreement on their part to be bound by the award, and in the subsequent proceedings said counsel appeared and took part, producing testimony and participating in the final arguments.

For the convenience of those working in the mines, the commission heard all the testimony on behalf of the mine workers, including part of that produced by the nonunion mine workers, in the city of Scranton, and then adjourned to meet in the city of Philadelphia, where was heard the final testimony of the nonunion mine workers and that adduced by the operators, and the rebutting testimony for the mine workers. These proceedings were concluded Thursday, February 5, and adjournment was taken till Monday, February 9, to enable counsel to prepare arguments, to the hearing of which a week was devoted.

The total number of witnesses examined before the commission was 558. The number called by the counsel for the striking anthracite mine workers was 240; by counsel for the nonunion men, 153; by counsel for the operators, 154, and by the commission, 11. The record of testimony makes, 10,047 legal cap pages, besides a vast quantity of exhibits, statistics and other pertinent matter.

Arguments on behalf of the striking mine workers were made by Messrs. McCarthy, Lloyd, Brumm, and Darrow; on behalf of the nonunion men, by Mr. Lenahan; on behalf of the independent operators, by Messrs. Reynolds, Burns and Dickson; and on behalf of the signatory operators, by Messrs. Torrey, Warren, Gowen, Wolverton and Baer, Mr. Baer closing for the operators and Mr. Darrow for the miners. Briefs were also filed by Messrs. Alfred Hand and Andrew H. McClintock, and a printed argument by Mr. H. T. Newcomb.

At the close of the hearings in Philadelphia the commission adjourned to Washington for consideration of the testimony and for the deliberation necessary to the formation of its findings and award. Before entering upon a review of the deliberations of the commission, it seems wise to present some account of the anthracite regions, the cause and course of the strike, and other matters necessary to a full understanding of the situation.

ANTHRACITE COAL REGION AND ITS PRODUCTION.

There is probably no other commodity entering in to human consumption which possesses so much the character of a natural monopoly as the anthracite coal of Pennsylvania. The only other known deposits of anthracite coal of economic value in the United States are in Colorado and New Mexico, but these are all comparatively insignificant, yielding less than 100,000 tons annually. Practically, therefore, the entire source of supply of this fuel is confined to an area of 496 square miles, in nine counties in the state of Pennsylvania. Of these nine counties, five, i. e., Lackawanna, Luzerne, Schuylkill, Northumberland and Carbon, produce ninety-six per cent of the total output. The four less important producing counties are Susquehanna, Dauphin, Columbia, and Sullivan.

The output of anthracite coal in 1901 amounted to 60,242,560 long tons, with a value at the mines of $112,504,020. As an indication of the comparative importance of this industry it may be stated that the value of this product exceeded that of any other nonmetallic product of the United States in 1901, with the exception of bituminous coal, and exceeded the value of any metallic product, with the exception of pig iron. It amounted to considerably more than ten per cent. of the entire value of the mineral output of the United States in 1901.

The official records of anthracite coal production date from 1820, in which year 365 tons were mined and shipped from the Lehigh region, but for more than fifty years previous to this date anthracite coal had been known to exist and had been mined to a small extent, principally for local consumption. The discovery of anthracite was made in 1762 by Connecticut pioneers in the Wyoming Valley, but so far as known, none of it was used nor was any attempt made to use it until 1768, when a small amount was consumed for domestic purposes. In the following year a successful attempt to utlize antracite in a smithing forge was made by Obadiah Gore.

The regular use of the new fuel (commonly called "black stones" by the pioneers) may be said to have begun at about the breaking out of the revolutionary war, as in 1775 some coal was mined on the banks of the Susquehanna river near where Pittston now stands, and from 1776 to 1780 coal was mined near Wilkes-Barre and shipped to Carlisle. Its first use for metallurgical purposes is recorded as having occurred in 1778, when nails were made with anthracite coal by Judge Jesse Fell, of Wilkes-Barre. From this until the opening of the nineteenth century further discoveries were made throughout the region and attempts were made to ship the coal to Philadelphia, but much difficulty was encountered in convincing the conservative inhabitants of that city that the "black stones" were capable of combustion and of producing heat. The firm of Abijah Smith & Co., of Plymouth, in the Wyoming Valley, is given credit for the first commercial venture in the mining and marketing of anthracite coal. This firm in 1807 mined 55 tons of anthracite, which was shipped to other points and marketed. The following year the same firm shipped several ark loads by the Susquehanna river to the town of Columbia.

In 1812 the new fuel was successfully used in an iron furnace in Philadelphia, and a small quantity was shipped to New York and sold at $15 a ton. A number of mines were opened in the different regions in the next five years, and in 1818 the Lehigh Navigation company and the Lehigh Coal company were organized and were shortly afterwards merged into what is still known as the Lehigh Coal and Navigation company. The first year that this company shipped coal was in 1820, fifty-eight years after the discovery in the Wyoming Valley, and amounted in that year, as previously stated, to 365 tons. The following year the shipments rose to 1,073 tons. In 1822 the Schuylkill region was opened and the production from these two fields rapidly increased until 1829, when the Wyoming region began shipping. The development of this industry since these early years of struggle is shown in the following table:

(See Table No. 1.)

As seen, the Lehigh region, which was the first opened, became second in importance in 1828, and the Wyoming region, the last to be developed, took first place in 1867, retaining its supremacy to the present time. In the eighty-two years of recorded shipments the Wyoming region has produced nearly 50 per cent., the Schuylkill region a little over 33 per cent., and the Lehigh region about 17 per cent. of the total output. The total shipments in these eighty-two years have amounted to 1,225,581,269 long tons. Adding to this the estimated local and colliery consumption of about 10 per cent. of the shipments, the total production has amounted to about 1,350,000,000 long tons.

Although the value of anthracite coal as a fuel was demonstrated in the first quarter of the last century, and although in 1836 the Franklin institute, of Philadelphia, offered a prize to anyone who should first produce twenty tons of pig iron by use of anthracite, it was not successfully employed in blast-furnace practice until 1838, and the Franklin institute prize was not awarded. About the middle of the last century anthracite began to be largely used for the manufacture of pig iron, and in 1855 exceeded the use of charcoal for that purpose. Its general utilization for this purpose, however, was somewhat short lived. The use of coke, a product from bituminous coal, was growing rapidly, and in 1875 anthracite fell behind that fuel in blast-furnace consumption. Since 1875 its decline for blast-furnace use has been quite rapid, and at the present time very little anthracite coal finds its way into pig-iron manufacture.

This decline has had a material effect upon the anthracite industry beyond of the mere fact of the loss of an important market. The coal formerly sold for blast-furnace use was lump coal. It was, therefore, a profitable product. The cutting off of this outlet has made necessary the breaking down of lump coal to meet the requirements for domestic consumption, resulting in the production of a larger amount of fine coal, much of which, until quite recently has been considered waste output, and which is still sold at prices far below the cost of production. A considerable percentage of dust and culm is made, for which no market has yet been secured. The general conditions and prolems affecting the present marketing of anthracite coal are treated in another portion of this report, and need not be considered in detail here. What is of some importance, however, in connection with the discussion of the past production is a consideration of what is to be expected in the future in the way of production and the probable duration of the anthracite coal supply. The original deposits of the anthracite

(Table No. 1.)

ANNUAL SHIPMENTS OF ANTHRACITE COAL FROM THE SCHUYLKILL, LEHIGH, AND WYOMING REGIONS FROM 1820 TO 1901, INCLUSIVE.

	Schuylkill region.		Lehigh region.		Wyoming region.		Total.
	Quantity. Long tons.	Per cent.	Quantity. Long tons.	Per cent.	Quantity. Long tons.	Per cent.	Quantity. Long tons.
1820.....	.....	.....	365	.....	.....	.....	365
1821.....	.....	.....	1,073	.....	.....	.....	1,073
1822.....	1,480	39.79	2,240	60.21	.....	.....	3,720
1823.....	1,128	16.23	5,823	83.77	.....	.....	6,951
1824.....	1,567	14.10	5,941	85.90	.....	.....	11,108
1825.....	6,500	18.60	28,398	81.40	.....	.....	34,893
1826.....	16,767	34.90	31,280	65.10	.....	.....	48,047
1827.....	31,360	49.44	22,074	50.56	.....	.....	63,434
1828.....	47,284	61.00	30,232	39.00	.....	.....	77,516
1829.....	79,973	71.35	25,110	22.40	7,000	6.25	112,083
1830.....	89,984	51.50	41,750	23.90	43,000	24.60	174,734
1831.....	81,854	46.29	40,966	23.17	54,000	30.54	176,820
1832.....	209,271	57.61	70,000	19.27	84,000	23.12	363,271
1833.....	252,971	51.87	123,001	25.22	111,777	22.91	487,749
1834.....	226,692	60.19	106,244	28.21	43,700	11.60	376,636
1835.....	339,508	60.54	131,250	23.41	90,000	16.05	560,758
1836.....	432,045	63.16	148,211	21.66	103,861	15.18	684,117
1837.....	530,152	60.98	223,902	25.75	115,387	13.27	869,441
1838.....	446,875	60.49	213,615	28.92	78,207	10.59	738,697
1839.....	475,077	58.05	221,025	27.01	122,300	14.94	818,402
1840.....	490,596	56.75	225,313	26.07	148,470	17.18	864,379
1841.....	624,466	65.07	143,037	14.90	192,270	20.03	959,773
1842.....	583,273	52.62	272,540	24.59	252,599	22.79	1,108,412
1843.....	710,200	56.21	267,793	21.19	285.605	22.60	1,263,598
1844.....	887,937	54.45	377,002	23.12	365,911	22.43	1,630,850
1845.....	1,131,724	56.22	429,453	21.33	451,836	22.45	2,013,013
1846.....	1,308,500	55.82	517,116	22.07	518,389	22.11	2,344,005
1847.....	1,665,735	57.79	633,507	21.98	583.067	20.23	2,882,309
1848.....	1,733,721	56.12	670,321	21.70	685,196	22.18	3,089,238
1849.....	1,728,500	53.30	781,556	24.10	732,910	22.60	3,242,966
1850.....	1,840,620	54.80	690,456	20.56	827,823	24.64	3,358,899
1851.....	2,328,525	52.34	964,224	21.68	1,156,167	25.98	4,448,916
1852.....	2,636,835	52.81	1,072,136	21.47	1,284,500	25.72	4,993,471
1853.....	2,665,110	51.30	1,054,309	20.29	1,475,732	28.41	5,195,151
1854.....	3,191,670	53.14	1,207,186	20.13	1,603,478	26.73	6,002,334
1855.....	3,552,943	53.77	1,284,113	19.43	1,771,511	26.80	6,608,567
1856.....	3,603,029	52.91	1,351,970	19.52	1,972,581	28.47	6,927,580
1857.....	3,373,797	50.77	1,318,451	19.84	1,952,603	29.39	6,644,941
1858.....	3,273,245	47.86	1,380,030	20.18	2,186,094	31.96	6,839,369
1859.....	3,448,708	44.16	1,628,311	20.86	2,731,236	34.98	7,808,255
1860.....	3,749,632	44.04	1,821,674	21.40	2,941,817	34.56	8,513,123
1861.....	3,160,747	39.74	1,738,377	21.85	3,055,140	38.41	7,954,264
1862.....	3,372,583	42.86	1,351,054	17.17	3,145,770	39.97	7,869,407
1863.....	3,911,683	40.90	1,894,713	19.80	3,759,610	39.30	9,566,006
1864.....	4,161,970	40.89	2,054,669	20.19	3,960,836	38.92	10,177,475
1865.....	4,356,959	45.14	2,040,913	21.14	3,254,519	33.72	9,652,391
1866.....	5,787,902	45.56	2,179,364	17.15	4,736,616	37.29	12,703,882
1867.....	5,161,671	39.74	2,502,054	19.27	5,325,000	40.99	12,988,725
1868.....	5,330,737	38.52	2,502,582	18.13	5,968,146	43.25	13,801,465
1869.....	5,775,138	41.66	1,949,673	14.06	6,141,369	44.28	13.866,180
1870.....	4,968,157	30.70	3,239,374	20.02	7,974,660	49.28	16,182,191
1871.....	6,552.772	41.74	2,235,707	14.24	6,911,242	44.02	15,699,721
1872.....	6,694,890	34.03	3,873,339	19.70	9,101,549	46.27	19,669,778
1873.....	7,212.601	33.97	3,705,596	17.46	10,309,755	48.57	21,227,952
1874.....	6,866,877	34.09	3,773,836	18.73	9,504,408	47.18	20,145,121
1875.....	6,281,712	31.87	2,834,605	14.38	10,596,155	53.75	19,712,472
1876.....	6,221,934	33.63	3,854,919	20.84	8,424,158	45.53	18,501,011
1877.....	8,195,042	39.35	4,332,760	20.80	8,300,377	39.85	20,828,179
1878.....	6,282,226	35.68	3,237,449	18.40	8,085,587	45.92	17,605,262
1879.....	8,960,829	34.28	4,595,567	17.58	12,586,293	48.14	26,142,689
1880.....	7,554,742	32.23	4,463,221	19.05	11,419,279	48.72	23,437,242
1881.....	9,253,958	32.46	5,294,676	18.58	13,951,383	48.96	28,500,017
1882.....	9,459,288	32.48	5,689,437	19.54	13,971,371	47.98	29,120,096
1883.....	10,074,726	31.69	6,113,809	19.23	15,604,492	49.08	31,793,027
1884.....	9,478,314	30.85	5,562,226	18.11	a15,677.753	51.04	30,718,293
1885.....	9,488,426	30.01	5,898,634	18.65	a16,236,470	51.34	31,623,530
1886.....	9,381,407	29.19	5,723,129	17.89	a17,031,826	52.82	32,136,362
1887.....	10,609,028	30.63	4,347,061	12.55	a19,684,929	56.82	34,641,018
1888.....	10.654,116	27,93	5,639,236	14.78	a21,852,366	57.29	38,145,718
1889.....	10,486,185	29.28	6,294,073	17.57	a19,036,835	53.15	35,817,093
1890.....	10,867,822	29.68	6,329,658	17.28	a19,417,979	53.04	36,615,459
1891.....	12,741,258	31.50	6,381,838	15.78	21,325,240	52.72	40,448,336
1892.....	12 626,784	30.14	6,451,076	15.40	22,815,480	54.46	41,893,340
1893.....	12.357,444	28.68	6,892,352	15.99	23,839,741	55.33	43,089,537
1894.....	12.035,005	29.08	6,705,434	16.20	22,650,761	54.72	41,391,200
1895.....	14,269,932	30.68	7,298,124	15.69	24,943,421	56.63	46,511,477
1896.....	13,097,571	30.34	6,490,441	15.03	23,589,473	54.63	43,177,485
1897.....	12.181,061	29.26	6,249,540	15.00	23,207,263	55.74	41,637,864
1898.....	12.078,875	28.83	6,253,109	14.92	23,567,767	56.25	41,899,751
1899.....	14.199,009	29.79	6,887,909	14.45	26,578,286	55.76	47,665,204
1900.....	13,502,732	29.94	6,918,627	15.33	24,686,125	54.73	45,107,484
1901.....	16,019,591	29.92	7,211,974	13.45	30,337,036	56.63	53,568,601
Total..	409,472,958	33.41	208,568,818	17.02	607,539,493	49.57	1,225,581,269

a—Includes Loyalsock field.

coal field have been ascertained with a reasonable degree of accuracy.

According to the estimates of the Pennsylvania geological survey, the amount of workable anthracite coal originally in the ground was 19,500,000,000 tons. The production to the close of 1901, as previously stated, amounted to 1,350,000,000 long tons, which would indicate that there remained still available a total of 18,150,000,000 tons. Unfortunately, however, for every ton of coal mined and marketed one and one-half tons, approximately, are either wasted or left in the ground as pillars for the protection of the workings, so that the actual yield of the beds is only about forty per cent. of the contents. Upon this basis the exhaustion to date has amounted to 3,375,000,000 tons. Deducting this from the original deposits, the amount of anthracite remaining in the ground at the close of 1901 is found to be, approximately, 16,125,000,000. Upon the basis of forty per cent. recovery, this would yield 6,450,000,000 long tons. The total of production in 1901 was 60,242,560 long tons. If this rate of production were to continue steadily, the fields would become exhausted in just about one hundred years.

Mr. William Griffith, in a series of articles contributed to the Bond Record in 1896, considers that the estimates upon which the foregoing computations have been made were too liberal. His estimate of the amount of minable coal remaining at the close of 1895 was 5,073,786,750 tons. Mr. Griffith's estimate includes all workable coal in the northern field, having beds 4 feet thick and yielding 3 feet of clean coal. In the other fields it includes seams 3 feet in thickness, capable of yielding 2¼ feet of clean coal. It excludes the culm piles, mine pillars, etc. The acreage of each bed is multiplied by the thickness of the seams in feet and thus reduced to foot-acres. Each foot-acre was estimated to produce 650 tons of coal, and on the first of January, 1896, the unworked areas estimated to contain 7,805,826 foot-acres, or 5,073,786,750 tons.

In the six years from 1896 to 1901, inclusive, the production has been approximately, 308,570,000 tons, which would leave still available for mining 4,765,216,750 tons. This suuply, at the rate of production in 1901, would last a little less than eighty years. But as indicating how susceptible to error are human predictions, it is well to state that in his carefully prepared statement, published in 1896, Mr. Griffith assumes the limit of annual production would be reached in 1906 and would amount in that year to 60,000.000 tons.

This amount of production was reached in 1901, in just half the time predicted Mr. Griffith, and the production of January, 1903, as recently reported, shows that the anthracite mines are capable of producing at a rate of 72,000,000 tons annually in their present state of development. It is not to be supposed, however, that the annual rate of anthracite production will continue practically uniform until the mines are exhausted and then suddenly cease. Portions of the fields have already been worked out, others are rapidly approaching total exhaustion, while others at the present rate of production will, it is calculated, last from seven hundred to eight hundred years. If we can assume the annual production will have reached its maximum limit at between 60,000,000 and 75,000,000 tons, and that the production will then fall off gradually as it increased, we may expect anthracite mining to continue for a period of from two hundred to two hundred and fifty years.

This estimate is based upon the assumption that the available coal will remain at about forty per cent. of the reserves. How much this may be increased by better mining methods and the utilization of former waste material, it is impossible to say. Already a large amount of fuel is being recovered from the old culm banks, and it seems safe to predict that the coal saved will, in the near future, equal fifty per cent. of the contents of the fields worked. However we may make our estimates of future production, it is apparent that the maximum output has been almost if not quite reached. The production henceforth will be from lower levels and thinner seams than those previously worked. This will necessitate greater expense in mining and, consequently, higher prices for the fuel. With higher prices will necessarily follow more economy in consumption, greater restriction of the market and the increased competition of other fuels. All conditions seem to combine for the conservation of the supply of anthracite coal.

It is interesting to note to what an extent the production is now controlled by the large corporations engaged in the business. Mr. Griffith, in his contribution to the Bond Record, states that the railroads either own or control 96.29 per cent. of the anthracite deposits, nearly 91 per cent being actually owned by the transportation companies.

MARKET CONDITIONS.

The endeavor to control this natural monopoly, has led many to miscalculate the anticipated increase in value of anthracite coal, due to said increase being more gradual than they had thought, causing in the past undue competition, unwarranted development of the mines, and financial disaster to many of the interests participating in this competition, so that the business has been subject to violent fluctuations. The rivalry between railroads, resulting in the construction of lines into the region, with the idea of securing a portion of this attractive tonnage, has also contributed to the unsettled manner of conducting the business.

These causes have led to the opening of new mines and the production of coal beyond the market demand. This seems to have been particularly the case during the six years from 1893 to 1899. The result of this increased capacity to produce was detrimental to all interests engaged in the business, and was felt especially by the mine workers, who could be given employment only from 160 to 175 days during the year. The gradual concentration of anthracite mining properties in the hands of fewer corporations, and the gradual increase in consumption of the product, have contributed to secure more uniform conditions in mining and the management of the business.

The consumption of anthracite coal, especially of the "domestic" sizes, is much larger during the winter months than during the remainder of the year, and while the mining operations were conducted by individual operators and small corporations, with limited capital, the mining was more active during the fall and winter months, the output being limited during the spring and summer months, on account of inability to provide storage plants at the far distant points of consumption to which coal could be transported by water while navigation was open.

Anthracite is prepared in nine sizes, for which there are different uses. "Lump" coal is taken as it comes out of the mine, and it is marketed for use either in iron furnaces or locomotives. The demand for this size is limited, and the remainder of the coal is broken by rolls and screened into sizes known as "grate," "egg," "stove," "chestnut," "pea," and "No. 1," "No. 2," and "No. 3 buckwheat."

"Grate" is used in house furnaces and some of it for steam purposes, but it is known as one of the "domestic" sizes.

"Egg" is used principally for domestic purposes in furnaces.

"Stove" and "chestnut" are used entirely for domestic purposes in stoves, furnaces, and ranges.

"Pea" is used to a small extent for domestic purposes, but mostly for steam.

"Buckwheat No. 1," "No. 2," and "No. 3" are the "small sizes," and are used entirely for steam purposes, coming directly in competition with bituminous coal.

The sizes above "pea" are known as "domestic," and bring higher prices than the so-called "steam" sizes. In fact, were it not for the ability to obtain higher prices for these "domestic" sizes the business could not be profitably conducted, as the "steam" sizes are sold below the average cost of production, "buckwheat No. 3" realizing about 30 cents per ton at the mine to the operator, "buckwheat No. 2" about 40 cents per ton, "buckwheat No. 1" about 85 cents per ton, and "pea" coal about $1.30.

The total cost of all sizes for the mining and preparing of the coal at the mine, to some of the large companies, is about $2 per ton, while a considerable portion of the product is sold and delivered in New York harbor for less than that amount, so that the prices realized at the mine for about forty per cent. of the product averages not over $1 per ton. This loss on the smaller size, if the business is to be profitable, must be recovered from the "domestic" sizes, which are about sixty per cent. of the product, so that in speaking of the cost, which is based on the total of all sizes, one must bear in mind the above facts in comparing that cost with the prices obtained by the operators for the "domestic" sizes.

As shown by the figures prepared by Mr. William W. Ruley, the total amount of anthracite coal transported to market during the year 1901 was 53,568,601 long tons. The geographical distribution of this tonnage was as follows:

GEOGRAPHICAL DISTRIBUTION OF ANTHRACITE COAL MARKETED IN 1901.

	Long tons.	Per cent.
Pennsylvania, New York and New Jersey	35,234,059	65.77
New England states	8,199,940	15.31
Western states	5,963,035	11.13
Southern states	2,142,744	4.00
Pacific coast	20,000	.04
Dominion of Canada	1,933,283	3.61
Foreign ports	75,540	.14
Total	53,568,601	100.00

The same authority estimates the consumption of anthracite coal along the eastern seaboard, north of and including Philadelphia, during 1901, as follows:

	Long tons.
Philadelphia	4,225,000
New Jersey coast	1,000,000
New York city, Brooklyn, Long Island and Staten Island	9,000,000
Miscellaneous coast points—Connecticut	1,000,000
Miscellaneous coast points—Rhode Island	600,000
Boston	2,000,000
Miscellaneous coast points—Massachusetts	500,000
Miscellaneous coast points—New Hampshire	250,000
Miscellaneous coast points—Maine	400,000
Total	18,975,000

This tonnage originates along the lines of, and is transported to market on, the following railroads: Philadelphia and Reading; Central Railroad of New Jersey; Lehigh Valley; Delaware, Lackawanna and Western; Delaware and Hudson company; Erie; New York, Susquehanna and Western; New York, Ontario and Western; Pennsylvania; and Delaware, Susquehanna and Schuylkill.

During the past ten years there has been considerable change in the demand for coal of certain sizes, as shown by the following statement of tonnage shipped in 1892, as compared with 1901:

(See Table No. 2)

While the total shipments of anthracite in 1901 were 53,568,601 long tons, or about 11,500,000 tons more than in 1892, only about 4,000,000 tons of this increase was in the sizes above "pea" coal. Of the total shipments of anthracite during the year 1901, 2,567,335 tons were not fresh-mined coal, but were taken from the old waste banks and prepared for market through washeries constructed for that purpose, whereas in 1892 only 90,495 tons were shipped from washeries.

The average f. o. b. prices per ton received for the different sizes sold at New York harbor during the year 1901, for the Wyoming region, as reported by Mr. Ruley, were:

Grate	$3.4472
Egg	3.9778
Stove	4.3211
Chestnut	4.3230
Pea	2.5769
Buckwheat No. 1	2.1020
Buckwheat No. 2	1.4383
Buckwheat No. 3	1.1575

The introduction of improved methods for burning the small sizes may gradually enable the operator to get better prices for them, but the price must always be controlled or affected by the competition of bituminous coal. In preparing the coal it is evident that it is to the interest of the operator to make as large a percentage of the "domestic" sizes as practicable, but it is impossible to prevent a large amount of waste by breakage in preparation; some of this, however, is saved in small sizes, which must be marketed at the best price obtainable.

The demand for the different sizes is not uniform throughout the year, but all sizes must be produced if any size is wanted; consequently storage facilities for sizes not needed immediately must be provided, causing another investment and source of expense in storing and taking up again. In order to operate the mines more steadily throughout the year and to provide for the increased consumption without opening additional mines, it became necessary for the larger companies engaged in the business to provide storage facilities for many of the sizes that are not generally used through the spring and summer months. Anthracite being used over a large section of the country, these storage plants have been gradually installed at different

(Table No. 2.)

QUANTITY OF COAL OF VARIOUS SIZES SHIPPED IN 1892 AND 1901.

Size.	1892. Long tons.	1892. Per cent.	1901. Long tons.	1901. Per cent.
Lump	3,907,296	9.3	2,187,553	4.1
Grate	4,692,137	11.2	4,423,584	8.3
Egg	6,078,277	14.5	6,989,330	13.1
Stove	9,681,988	23.1	10,561,957	19.7
Chestnut	7,508,580	17.9	10,250,550	19.1
Prepared sizes	27,960,982	66.7	32,225,421	60.2
Pea	5,258,838	12.6	7,555,948	14.1
Buckwheat No. 1	3,971,025	9.5	7,894,613	14.7
Smaller than buckwheat No. 1	795,179	1.9	3,705,066	6.9
Small sizes	10,025,042	24.0	19.155,627	35.7
Total	41,893,320	100.0	53,568,601	100.0

(Table No. 3.)

FATAL ACCIDENTS PER 1,000 EMPLO YES IN COAL MINES IN THE UNITED STATES AND IN FOREIGN COUNTRIES FROM 1891 TO 1900.

	1891	1992	1893	1894	1895	1896	1897	1898	1899	1900
Austria	a2.54	a1.18	a1.11	a5.13	a1,96	a1.20	a0.95	a0.90	a1.08	a0.90
Belgium	b1.40	b2.84	b1.12	b1 62	b1 49	b1.14	b1.03	b1.40	b.97	b1.05
British Columbia	c4.45	c2.24	c5.12	c1.25	c3.42	d3.27	d2.49	d2 46	d2.94	d4.15
France	e1.67	e.95	e.93	e.85	e1.15	e1.30	e1.07	e1.07	e1.35	e1.42
German Empire	f2.80	f2.30	f2.60	f2 12	f2.44	f2 57	f2.27	f2 97	d2.21	d2.19
Great Britain	d g1.50	d g1.49	d g1.55	d g1.60	d1.48	d1.48	d1.32	d1.28	d1.24	d1.29
India	.....	.....	.....	d 1.64	d.67	d1.51	d h.28	d h.68	d1.32	d h.69
New South Wales	.....	.....	.....	d.77	d1.11	d2.54	d1.60	d2 38	d.95	d2.09
New Zealand	.....	.....	.....	d3.16	d2.78	d34.07	d2.09	d.50	d1.39	d1.63
Nova Scotia	c22.28	c1.55	c.34	c2.41	d1.03	d1.66	d1.35	d2.83	d3.39	d3.32
Colorado	c4.40	c4.49	c6.31	c3.06	c3.05	c10 07	c4.99	c3.23	c5.60	d3.93
Illinois	i1.82	i1.69	i1.95	i2.21	i2 35	i2.33	i2.04	i2.14	i2 27	d2.39
Indiana	c.72	c2.50	c2.96	.....	c2 92	c3.94	c2.00	c2.63	c2.07	d1.82
Indian Territory	.....	.....	.....	c3.95	c1.64	c3.26	c6.34	c4.82	c6.24	d8.84
Iowa	c2.08	c2.58	c2.77	c1.85	c1.82	c2.62	c2.45	c3.38	c2.49	d2.22
Kansas	c2.08	.....	c1.52	c2.58	c1 11	c1.36	c.71	c1.95	c1.57	d2.60
Kentucky	c2.49	c1.04	c1.41	c1.25	c1.02	c.79	c1.55	c.67	c.83	d1.59
Maryland	c1.54	c1.52	c1.23	c1.69	c2.30	c1 58	c1.17	c.89	c1.08	.....
Missouri	c2.62	c2,48	c2.70	c2 49	c1.88	c2.41	c1.22	c1.22	c1.80	d1.28
New Mexico	.....	.....	.....	.....	c16.84	c4.87	c5 13	c3.71	c7.90	d7.44
Ohio	c1.83	c1.56	c1.11	c1.43	c1.78	c1.44	c1.39	c1.77	c2.03	d2.46
Pennsylvania:										
Anthracite	j3.08	j3.05	j3.25	j3.15	j3.54	j3.35	j2.84	j2.88	j2.92	j2.82
Bituminous	j3.18	j1 69	j1.64	j1.44	j1.83	j2.14	j1.72	j2.26	j2 82	j2 43
Tennessee	k3.95	k2.41	k2.01	k2.16	k7.23	k3.37	k1.42	k2.43	d2 60	k1.09
Utah	.....	.....	3.47	c1.49	c4 35	c4.17	c4.38	.....	.....	d138.96
Washington	.....	c18.58	c3.18	c14.79	c12.38	c2.98	c2.48	c2.70	c28 00	d7.79
West Virginia	c3.16	c2.76	c4.20	c2.98	c3.97	c2.68	c2.89	c3.86	c3.55	d5 03

a Osterr Stat. Handbuch.
b Belgium: Annuaire Statistique de la Belgique, Tome XXIV, 1893.
c Bulletin of the United States Department of Labor, No. 32.
d Great Britain: Mines and Quarries, General Reports.
e France: Ministere des Travaux Publics: Stat. de L'Industrie Minerale, 1891, 1892.
f Bericht uber die Verwaltung der Kappschafts-Berufsgennossenschaft, for the years 1891 to 1898.
g All mines under the coal mines regulation act.
h List of accidents incomplete.
i Illinois; 20th Coal Report, 1901.
j Pennsylvania: Report of the bureau of mines, 1901.
k Tennessee: Annual report of the bureau of labor, statistics, and mines, 1892, 1893 and 1900.

points. These are used for storing coal during the spring and summer months, leaving the nearby points to be supplied with fresh-mined coal during the winter. These storage plants, however, do not take care of all the coal that could be mined, and the method has been adopted, and carried out fairly well during the past two years, of giving discounts to consumers who buy their coal during the spring and early summer months. This system has worked with general satisfaction, as it enables the companies to have the advantage of the consumers' bins for storage purposes.

There has been a decided improvement in the past three years in the conditions controlling the anthracite business; among others, the general prosperity of the country has led to an increased consumption of anthracite more nearly approaching the capacity to produce, consequently removing to a great extent the strong competition on the part of the operators. The strike of 1900 limited the production of that year, causing higher prices than had been obtained for some years previous. The operators were enabled to secure about the same prices during the period between the 1900 strike and the long strike of 1902, which again reduced the shipments of coal to the extent of over 22,000,000 tons, so that the present prices which the operators are able to obtain are due to this unusual reduction of output.

Anthracite, though regarded largely as a necessity, is not free from competition, and unreasonably high prices limit the use of it. As has been said, the price of the "steam" sizes, which are about forty per cent. of the total production, is influenced by and controlled through the comeptition of bituminous coal. The "domestic" sizes, at reasonable prices, are always certain of a fair market, but when the price becomes abnormally high, the economy practiced in its use and the competition of gas and oil ranges and stoves are directly felt and limit consumption.

Owing to its gradual exhaustion and the consequent greater expense of mining the poorer veins, and the increased labor cost due to higher wages, the tendency of the price of anthracite coal is probably upward. The effect of higher prices will undoubtedly be to limit consumption.

We were impressed with many important features regarding the anthracite industry that are not generally known, and particularly with the capital required in the development of the mines and the production of the coal, as well as with the great waste occurring and cost of handling the output under present conditions in the preparation of the marketable sizes. Sinking shafts, fitting them with hoisting machinery, driving gangways, opening chambers, pumping plants, which must be run continuously, ventilating machinery, that the men may work with safety and a reasonable degree of comfort, grading roads, planes, and slopes, cost of mules and cars, the installation of the machinery required in hauling the product to the breaker, where the coal is finally prepared for market—necessitate a large investment of capital. The breakers also, equipped with the necessary machinery, are expensive. They are usually built of wood and require constant repairs. The cost of opening a colliery, with its equipment, varies from $200.000 to $750,000, which must be returned by the time the coal is exhausted or the investment results in loss, as the plants are worthless when all of the coal has been mined.

In the study of anthracite conditions, one can not but be struck by the thought that a commodity so valuable and indispensable, lying within a small area, limited in quantity, should not be wastefully mined, and that the needs of future generations should be considered and their interests conserved.

HAZARDOUS NATURE OF ANTHRACITE MINING.

In considering the compensation to be paid for any class of labor, the danger to life and limb to those engaged should be taken into account. All kinds of mining work involve risk of accident considerably in excess of the average in manual labor. Coal mining is more hazardous than any other class of underground work, for in addition to the usual dangers from falling rock and premature blasts, the coal miner runs risk of fire, explosion, and suffocation. The temporary shutting off of the supply of air may place in jeopardy the life of every worker in a coal mine. The flame from a "blown-out" shot may explode a mixture of gas, or dust and air, and result in the death or injury of many men. The danger of tapping a gas pocket is always present, and constant vigilance is necessary in order to protect the safety of the coal miner. The occupation must therefore be classed among those of a hazardous nature, the fisheries, certain classes of railway employment, and powder manufacture being among the few in which the danger exceeds that of coal mining.

It has been asserted that the mining

(Table No. 4.)

FATAL ACCIDENTS PER 1,000 EMPLOYES IN AND ABOUT THE ANTHRACITE COAL MINES, TONS OF COAL MINED FOR EACH FATAL ACCIDENT, FROM 1870 TO 1901, INCLUSIVE.

Years.	Employes.	Fatal accidents.	Fatal accidents per 1,000 employes.	Number of long tons of coal produced.	Number of long tons mined for each fatal accident.
1870	35,600	211	5.929	12,653,575	59,970
1871	37,488	210	5.601	13,868,087	66,838
1872	44,475	166	3.709	13,899,976	83,734
1873	48,199	224	4.647	18,751,358	83,711
1874	53,402	231	4.325	17,794,857	77,034
1875	69,966	238	3.401	20,895,220	87,798
1876	65,357	226	3.458	20,529,166	90,837
1877	66,842	199	2.977	21,574,154	108,413
1878	63,964	187	2,923	20,330,945	108,720
1879	68,847	262	3.807	26,725,475	102,005
1880	73,373	201	2.739	24,977,265	124.265
1881	76,021	269	3.538	30,537,998	113,524
1882	82,344	292	3.546	31,301,278	107,196
1883	90,921	823	3.552	33,703,010	104,313
1884	101,398	332	3.274	32,561,374	98,076
1885	100,311	315	3.140	33,468,911	116,250
1886	102,878	279	2.624	34,777,618	124,650
1887	106,547	319	2.994	37,644,023	118,006
1888	117,160	364	3,106	41,638,427	114,391
1889	119,500	385	3.222	38,983,952	101,257
1890	115,190	378	3.281	40,088,356	106.05+
1891	123,277	428	3.472	44,320,950	103,553
1892	128,763	396	3.075	45,738,373	115,501
1893	138,069	449	3.252	47,219,562	105,166
1894	139,544	439	3.146	45,506,179	103,659
1895	143,288	421	3.636	50,847,102	120,777
1896	150,080	502	3.345	48,074,330	95,763
1897	149,557	424	2.842	46,947,350	110,725
1898	142,546	411	2.877	47,145,175	114,708
1899	140,583	461	2.923	54,034,224	131,446
1900	143,726	411	2.851	51,217,318	124,616
1901	147,651	513	3.474	59,905,951	116,775

(Table No. 5.)

TOTAL ACCIDENTS TO EACH CLASS OF MINE WORKERS IN PENNNSYLVANIA ANTHRACITE COLLIERIES DURING 1901.

Occupations.	Number of employes.	Number killed.	Number killed per 1,000 employed.
Inside foremen, or mine bosses	539	5	9.3
Fire bosses	830	2	2.4
Miners	37,804	224	5.9
Miners' laborers	26,268	122	4.6
Drivers and runners	10,895	45	4.1
Door boys and helpers	3,148	6	1.9
All other employes	18,951	37	1.9
Total inside	98,434	441	4.5
Superintendents, bookkeepers and clerks	804	...	..
Outside foremen	379	...	..
Blacksmiths and carpenters	2,331	...	..
Engineers and firemen	4,615	5	1.1
Slate pickers	19,564	9	.46
All other employes	21,524	64	2.9
Total outside	49,217	a72	1.5
Total inside and outside	147,651	a513	3.5

a This is not the correct total of the items shown; the figures are given as shown in the original report.

(Table No. 6.)

NUMBER OF EMPLOYES INSIDE AND OUTSIDE THE ANTHRACITE MINES, THE NUMBER OF FATAL ACCIDENTS, AND THE NUMBER OF FATAL ACCIDENTS PER 1,000 PERSONS EMPLOYED FOR THE YEARS 1891-1901.

Years.	Number of employes inside of mines.	Number of fatal accidents inside.	Ratio of lives lost inside per 1,000 employed.	Number of employes outside of mines.	Number of fatal accidents outside.	Ratio of lives lost outside per 1,000 employed.
1891	76,569	372	4.8583	46,739	56	1,1898
1892	81,953	361	4.4049	48,212	57	1.1791
1893	86,387	388	4.4914	51,682	68	1.3002
1894	87,901	368	4.1865	52,038	78	1.5181
1895	89,059	354	3.9749	54,431	67	1.2327
1896	94,978	430	4.5273	55,320	72	1.3015
1897	95,812	372	3.8826	53,745	51	.9006
1898	91,171	360	3.9597	51,242	51	.9952
1899	92,223	389	4,2180	48,433	72	1.4866
1900	94,140	358	4,2548	49,676	53	1.0669
1901	98,464	441	4,4700	49,217	72	1.1600

of anthracite is more dangerous than the mining of bituminous coal. This contention is evidently based upon a comparison of anthracite mining with favorable bituminous conditions. In the accompanying table it is shown that the number of fatal accidents per 1,000 employes in the anthracite mines of Pennsylvania in a period of ten years has exceeded those in the bituminous mines of the same state, and of Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Missouri, and Ohio, while the bituminous mines of Colorado, Indian Territory, New Mexico, Utah, West Virginia, and Washington show death rates per 1,000 considerably in excess of those in the anthracite mines. It does not seem, therefore, that the average hazard in anthracite mining is greater than that in bituminous coal mining. The table in which these statistics are presented shows also the death rate per 1,000 in a number of other countries for the years for which statistics are obtainable. Generally speaking, the accident death rates in the United States do not make a favorable showing for this country.

(See Table No. 3.)

The following table, taken from the report of the bureau of mines of the state of Pennsylvania, shows that while the death rate from accidents in 1901 was above the average of the preceding fifteen years, the general tendency has been toward greater safety. The table covers a period of thirty-two years, and shows that while the number of employes in 1901 was four times the number employed in 1870, and that while the production was in the latter year nearly five times that of the earlier, the number of fatal accidents was only two and one-half times as large. The number of long tons of coal mined per life lost in 1901 was double that of 1870. A subsequent table shows the statistics of fatalities separated according to workers inside and outside the mines from 1891 to 1901, inclusive:

(See Tables Nos. 4, 5, 6.)

There are, unfortunately, no annual statistics of fatalities in other employments (except railway service) in the United States with which comparisons can be made. The following compilation of fatalities among railway employes is taken from the reports of the Interstate Commerce Commission. Statistics compiled by the labor department of the British board of trade show the fatalities per 1,000 employes engaged, respectively, in mining, quarrying, factories, railway service, and shipping. The last named only present a higher death rate than that of anthracite coal mining in Pennsylvania:

TOTAL ACCIDENTS PER THOUSAND OF RAILWAY EMPLOYES IN THE UNITED STATES.

[Computed from reports of the Interstate Commerce Commission.]

Year.	Total accidents per 1,000 employes.
1899	2.80
1890	3.27
1891	3.39
1892	3.11
1893	3.12
1894	2.34
1895	2.31
1896	2.25
1897	2.06
1898	2.24
1899	2.38
1900	2.51

(Table No. 7.)

FATAL ACCIDENTS AND DEATH RATE PER 1,000 EMPLOYES IN VARIOUS INDUSTRIES IN GREAT BRITAIN AND IRELAND, 1897 TO 1901.

[From the Labor Gazette, published monthly by the labor department of the British Board of Trade.]

Year	Mining.				Quarries over 20 feet deep		Factories		Railway service.		Shipping		Total for preceding industries.	
	Underground		Surface.											
	Number.	Death rate per 1,000. a	Number.	Death rate per 1,000. a	Number.	Death rate per 1,000. a	Number.	Death rate per 1,000. a	Number.	Death rate per 1,000. a	Number.	Death rate per 1,000. a	Number.	Death rate per 1,000. a
1897...	875	1.51	104	0.69	123	1.00	513	0.13	539	1.16	1641	7.10	3796	0.71
1898...	806	1.37	135	.88	134	1.00	575	.15	522	.98	1598	6.94	3770	.68
1899...	851	1.41	121	.75	117	1.19	675	.17	555	1.04	1859	7.93	4158	.75
1900...	931	1.54	119	.74	127	1.35	802	.20	612	1.15	1859	8.02	4480	.81
1901...	974	1.46	152	.88	97	1.03	769	.20	539	1.01	1722	7.31	4253	.75

a In most instances the total number of persons employed in the industry during the year not being obtainable at the time of the publication of the report in the Labor Gazette, the latest number reported for preceding years was employed in determining the death rate per 1,000 employes. For this reason the death rate as computed in this table does not in many cases agree with the one published in the Labor Gazette, the more recent figures having been substituted wherever possible.

(See Table No. 7.)

HISTORY AND CAUSES OF THE STRIKE OF 1902.

The occasion of the strike of 1902 was the demand of the United Mine Workers of America for an increase in wages, a decrease in time, and the payment for coal by weight wherever practicable and where then paid by car. The cause lies deeper than the occasion, and is to be found in the desire for the recognition by the operators of the miners' union. The great strike of 1900, which resulted in an advance of ten per cent. in the wages paid to all classes of mine workers, did not leave either miners or operators in a satisfied state of mind, for both agree that since the settlement of 1900 there have been increased sensitiveness and irritation in the mining districts as compared with the previous twenty-five years or more.

Early in 1901 (Feb. 15) Mr. Mitchell, the president of the United Mine Workers of America, approached the operators with the following proposition, sent to Mr. Olyphant, president of the Delaware and Hudson company:

"Would you kindly wire if your company will participate in a joint conference with anthracite miners during the month of March for the purpose of agreeing upon scale of wages for period which would be mutually agreeable to operators and miners?"

Mr. Olyphant's reply was as follows:

"I understood that matter of wages was satisfactorily adjusted last October, and we have no present intention of departing from the arrangements then made. I therefore see no object in the conference which you suggest, even if that method of procedure were desirable, which seems very doubtful."

February 26 Mr. Mitchell sent a letter to Mr. Olyphant, in which he stated that his letter was "for the purpose of inviting your company to be represented at a joint conference of mine workers and mine owners which has been called to meet at Hazleton, Pa., on March 15." March 6 Mr. Olyphant replied to Mr. Mitchell, declining to join in the conference, closing as follows:

"So far as concerns conferences with its own employes in any branch of its service regarding questions of mutual concern, I may again say that the officers of the company are and will be at all times ready and willing therefor."

In April, 1901, the operators proposed to continue the advanced rate of wages until April, 1902. February 14, 1902, the United Mine Workers of America, in a letter dated Indianapolis, Ind., invited the representatives of the railroads and coal companies operating in the anthracite districts of Pennsylvania to "a joint conference of operators and miners on March 12, at Scranton, Pa., the object of the conference to be the formation of a wage scale for the year beginning April 1, 1902, and ending March 31, 1903." The presidents of the various companies to whom this letter was addressed replied, formally declining the conference.

March 22, 1902, Mr. Mitchell sent the following telegram to Mr. Baer:

"By direction of miners' convention, I wire to ascertain if your company will join other anthracite coal companies in conference with committee representing anthracite mine workers for purpose of discussing and adjusting grievances which affect all companies and all employes alike. Please answer."

On March 24 Mr. Baer answered as follows:

"Always willing to meet our employes to discuss and adjust any grievances. I had hoped that my letter clearly expressed our views."

The anthracite mine workers, members of the United Mine Workers of America, held a convention at Shamokin, Pa., from March 18 to 24, 1902, during which they passed resolutions demanding an eight-hour day, the weighing of coal, and a uniform scale, with notice that after the 1st of April the miners would work only three days a week until the operators had come to an agreement with them, and they appealed to the Civic Federation to aid them in securing their demands.

In response to an invitation from the Industrial department of the Civic Federation, Senator Hanna, the chairman of the Federation, invited certain of the coal operators, and especially the presidents of the larger coal companies, to meet the officers of the United Mine Workers and the Civic Federation to discuss the subject of the foregoing demands. The coal presidents met the officers of the Mine Workers and the Civic Federation in the city of New York, where Mr. Thomas, of the Erie company, submitted the following propositions, which were understood to be the basis of the conference:

"First. The anthracite companies do not undertake in the slightest manner to discriminate against members of the United Mine Workers of America, but they do insist that members of that organization shall not discriminate against nor decline to work with nonmembers of such association.

"Second. That there shall be no deterioration in the quantity or quality of the work, and that there shall be no effort to restrict the individual exertions of men who, working by the ton or car, may for reasons satisfactory to themselves and their employers produce such a quantity of work as they may desire.

"Third. By reason of the different conditions, varying not only with the districts but with the mines themselves, thus rendering absolutely impossible anything approaching uniform conditions, each mine must arrange either individually or through its committees with the superintendents or managers any questions affecting wages or grievances."

After discussing at great length the questions relating to labor in the anthracite coal regions, an adjournment was taken for thirty days. At the expiration of the thirty days another meeting was held with the Civic Federation, at which Mr. Mitchell and the district presidents, together with a large committee of miners, were present. Another free and full discussion took place, without reaching conclusions.

At the suggestion of the Civic Federation a committee composed of Mr. Mitchell and the anthracite district presidents, and Messrs. Thomas, Truesdale and Baer, representing the operators, was appointed to consider further the points at issue and report to the Civic Federation, at a date to be fixed by its chairman. This committee spent two full days in discussion, but without results. The Federation was not again called together. Mr. Mitchell, however, convened his district executive committee, and on May 8 he sent the following dispatch to Messrs. Thomas, Truesdale, Baer, and Olyphant:

"Scranton, Pa., May 8, 1902.

"Conscious of the disastrous effects upon mine workers, mine operators, and the public in general which would result from a prolonged suspension of work in the anthracite coal regions of Pennsylvania, and with earnest desire and hope of avoiding the impending calamity, the representatives of the anthracite mine workers have authorized us to submit the following propositions:

"First. Inasmuch as the anthracite mine operators have proposed to continue the present wage scale for one year, and inasmuch as the anthracite mine workers have unanimously resolved to ask that an increase of 20 per cent. should be paid on present prices to all men performing contract work, that eight hours should constitute a

day's labor for all persons employed by the hour, day, or week, without any reduction in their present wage rate, and that coal should be weighed and paid for by weight wherever practicable, and inasmuch as in our recent conferences the anthracite mine workers and mine operators have failed to reach an agreement upon any of the questions at issue, we propose that the industrial branch of the National Civic Federation select a committee of five persons to arbitrate, and decide all or any of the questions in dispute, the award of such board of arbitration to be binding upon both parties and effective for a period of one year.

"Second. Should the above proposition be unacceptable to you, we propose that a committee composed of Archbishop Ireland, Bishop Potter, and one other person whom these two may select, be authorized to make an investigation into the wages and conditions of employment existing in the anthracite field, and if they decide that the average annual wages received by anthracite mine workers are sufficient to enable them to live, maintain and educate their families in a manner conformable to established American standards and consistent with American citizenship, we agree to withdraw our claims for higher wages and more equitable conditions of employment, providing that the anthracite mine operators agree to comply with any recommendations the above committee may make affecting the earnings and conditions of labor of their employes.

"An immediate reply is solicited.

"John Mitchell, Chairman.
"T. D. Nicholls, Secretary.

The following are the answers to the foregoing telegram:

"May 8, 1902.

"John Mitchell.

"Not only from our standpoint, but from yours as well, the matter has had such full and careful consideration in all its features at our several interviews last week as leaves little to be discussed. In addition, my letter of Feb. 20 can not fail to make it clear to you as it is to us that the subject can not be practically handled in the manner suggested in your telegram.

"E. B. Thomas."

"May 8, 1902.

'John Mitchell.

"Your message of this date received. You fail to state in it that the notices posted by this company not only agree to continue paying the 10 per cent. increase granted our mine employes in 1900 until April 1, 1903, and thereafter subject to sixty days' notice, but it also states our mining superintendents will take up and adjust any grievances with our employes. The reasons why we can not grant your demand have been most fully explained in our recent conferances and my letter to you of Feb. 18 last. In view of all these facts I am sure you can not expect us to concur in either of the propositions contained in your message referred to.

"W. H. Truesdale."

"Philadelphia, May 9, 1902.

"John Mitchell.

"I was out of town; therefore the delay in answering your dispatch.

"By posted notices, the present rates of wages were continued until April, 1903, and thereafter subject to sixty days' notice. Local differences to be adjusted as heretofore with our employes at the respective collieries. By written communications, by full discussion before the Civic Federation, by protracted personal conferences with yourself and the district presidents, we have fully informed you of our position. We gave you the figures showing the cost of mining and marketing coal, and the sums realized therefrom in the markets, in the hope of convincing you that it was absolutely impracticable to increase wages.

"To your suggestion that the price of coal should be increased to the public, our answer was that this was not only undesirable, but in view of the sharp competition of bituminous coal it was impossible. We offered to permit you or your experts to examine our books to verify our statements. Anthracite mining is a business, and not a religious, sentimental, or academic proposition. The laws organizing the companies I represent in express terms impose the business management on the president and directors. I could not if I would delegate this business management to even so highly a respectable body as the Civic Federation, nor can I call to my aid as experts in the mixed problem of business and philanthropy the eminent prelates you have named.

"George F. Baer."

"New York, May 8, 1902.

"John Mitchell, Esq., President United Mine Workers of America, Scranton, Pa.

"Your telegram is received. The concessions made by the mine operators in your last strike added to the wages of the mine workers six millions of dollars or more per annum. You now propose changes adding a charge of many millions more and suggest that you will make a further demand a year hence. The public will not meet such advances by submitting to an increase in the price of coal, and the operators can not meet them without such aid. I must, therefore, decline your proposition.

"R. M. Olyphant, President."

These various preliminary discussions having failed to accomplish anything, the executive committee of the mine workers decided to order a temporary strike and to submit the question of its continuance to a general convention. The order of the executive committee was as follows:

"To the United Mine Workers of the Anthracite District of Pennsylvania:

"The executive committee of the anthracite mine workers, who were delegated by the Shamokin convention to represent you in the negotiations with the mine operators and railroad presidents to obtain, if possible, higher wages, shorter hours, and better conditions of employment, after exhausting all feasible, conciliatory, and honorable means at their command, and after failing to secure any concessions of a tangible nature, and while under the resolutions adopted by the Shamokin convention, authority was vested in the executive committee, should they fail in the negotiations, to inaugurate a strike at whatever time they deemed in their judgment held out the greatest prospects of success, the committee, after three days' serious deliberations, feel that in justice to themselves and the anthracite mine workers and those dependent upon them, before a joint strike is inaugurated, the question should be further considered by a delegate convention in which representatives from the local unions shall be fully instructed by their constituents and prepared to vote either in favor of or in opposition to a complete cessation of work.

"In the meantime, all persons employed in or around the collieries, strippings, washeries, and breakers are instructed to temporarily abstain from working, beginning Monday, May 12, 1902. and continuing thereafter until after a final decision is reached by a delegate convention, which will convene on Wednesday, May 14, at Hazleton, Pa.

"The basis of representation in the convention shall be 1 vote for each 100 miners and 1 vote for each additional 100 members or majority thereof.

"The executive committee recommend that special meetings of all locals be held on Monday, May 12, for the purpose of selecting delegates and considering the question involved, and it is specially recommended that specific instructions be given delegates as to how they shall vote on the proposition to inaugurate a strike or to continue to work under the present conditions.

"The instructions for all men to suspend work on Monday do not include firemen, engineers, pump runners, or other laborers necessary to preserve the properties of the operators."

Under this order work was suspended May 12, and on the 15th, the convention, having assembled, voted to continue the strike. The total vote cast was 811, the number for the strike being 461¼, and the number against it 349¾. The majority for the strike was, therefore, 111½, the number voting for the strike being 57 per cent. of the convention.

When the strike was inaugurated engineers, firemen, and pumpmen were not involved, but at a meeting of the three anthracite executive committees of the United Mine Workers, held in Wilkes-Barre, May 21, it was decided to call out the engineers, firemen, and pumpmen employed about the mines, the order to this end providing that "Presidents of local unions and mine committees are hereby instructed to wait upon mine superintendents and notify them that on and after Monday, June 2, all engineers, firemen and pumpmen are expected to work only eight hours each day, and are to receive present wages." These demands not having been granted, June 2 the majority of the engineers, firemen and pumpmen stopped work.

In obedience to these orders, nearly the entire body of mine workers, which number about 147,000, abandoned their employment, and remained idle until the strike was called off through the action of the president in the appointment of this commission. The strike lasted from May 12 to Oct. 23, 1902.

LOSSES FROM THE STRIKE.

It is impossible to state with accuracy the losses occasioned by the strike, but fair estimates may be given. The total shipments of anthracite coal in 1902, according to a statement by Mr. Wm. W. Ruley, chief of the bureau of anthracite coal statistics, were 31,200,890 long tons. As compared with 1901, when the shipments amounted to 53,568,601 long tons, this indicates a decrease of 22,367,711 long tons, or over

40 per cent. If the same decrease is assumed for the coal mined for local trade and consumption, the total decrease in production in 1902 amounted to 24,604,482 long tons, which at the price received in 1901 meant a decrease in the receipts of the coal-mining companies, for their product at the mines, of $46,100,000. Assuming the average wage cost to be about $1.25 per ton on marketable coal, and allowing for the wages paid to engineers, pumpmen, and others who remained at work during the strike, the mine employes lost in wages a total of about $25,000,000.

It may also be mentioned that, according to reports made at the recent convention of mine workers in Indianapolis, there were expended about $1,800,000 in relief funds.

Assuming that 60 per cent. of the total shipments represents the sizes above pea coal, the decrease in the shipments of these larger sizes in 1902, as compared with 1901, was 13,420,627 long tons. With an average price at New York harbor of $4.09 per ton, and with 35 per cent. of the receipts charged to transportation expenses, the decrease in freights paid to the railroad companies on these larger sizes, if it had all been sent to New York harbor, would have been about $19,000,000; and assuming the freight rate of $1 per ton on the smaller sizes, the total decrease in freight receipts on the transportation companies would have been about $28,000,000.

WORK OF THE COMMISSION.

In studying this strike, probably the greatest on record, the members of the commission feel that they speak simple truth when they say that they have done whatever it was practicable to do to acquaint themselves with the business intrusted to them. As stated, they have gone through mines and inspected the various conditions which the production of anthracite coal involves; they have visited the breakers, the engine houses, and pumping stations; they have examined the machinery by which the mines are protected from water and foul air; they have talked with the miners at their work and in their homes, and they have given attention to the economic, domestic, scholastic, and religious phases of their lives; they have listened to and directed the examination and cross-examination of 558 witnesses; they have given free scope to the counsel who represented the operators, the non-union men, and the miners, and they have devoted an entire week to hearing their arguments.

In reviewing the whole case they have been impressed with the importance of the issues involved, as well as with the intricacy and difficulty of many of the problems presented to them for solution, and they have striven diligently to get a clear understanding of each point upon which they were required to make a finding, and to do exact justice as nearly as possible to all parties concerned. There has been practical unanimity among them, and, though differences of opinion have from time to time arisen, there has not been a moment during the nearly five months in which they have been in session, when there was an unpleasant word, or any indication whatever of thought or desire of aught save truth and justice. It has been their constant aim to keep themselves from bias, that they might see things as they are and weigh them dispassionately. They are fully aware that in so complex and involved a condition as that by which they were confronted it would be rash to imagine that they have been able to get an adequate view and a thorough understanding of the problem, or that they have succeeded in so formulating their conclusions as to make misunderstanding or misinterpretation impossible.

All through their investigations and deliberations the conviction has grown upon them that if they could evoke and confirm a more genuine spirit of good will—a more conciliatory disposition in the operators and their employes in their relations toward one another—they would do a better and a more lasting work than any which mere rulings, however wise or just, may accomplish. Fairness, forbearance, and good will are the prerequisites of peace and harmonious co-operation in all the social and economic relations of men. The interests of employers and employes are reciprocal. The success of industrial processes is the result of their co-operation, and their attitude toward one another, therefore, should be that of friends, not that of foes; and since those who depend for a livelihood on the labor of their hands bear the heavier burdens and have less opportunity to upbuild their higher being, the men of position and education, for whom they labor, should lead them not more in virtue of their greater ability and capital than in virtue of their greater loving-kindness.

Where production is controlled despotically, by capital there may be a seeming prosperity, but the qualities which give sacredness and worth to life are enfeebled or destroyed. In the absence of a trustful and conciliatory disposition the strife between capital and labor can not be composed by laws and contrivances. The causes from which it springs are as deep as man's nature, and nothing that is powerless to illumine the mind and touch the heart can reach the fountain head of the evil. So long as employers and employes continue to look on one another as opponents and antagonists, so long shall their relations be unsatisfactory and strained, requiring but a slight thing to provoke the open warfare which is called a strike.

It is in this spirit the commission has made its investigation and submits its report and award, and it is in this spirit the award must be received by all the parties to the submission if it is to have the effect desired by them and by all good citizens.

Naturally, some questions have been presented to the commission that are incapable of final solution, owing to the difficulties which are inherent in human nature. Nevertheless, while conscious of fallibility, the members indulge the hope that substantial justice will have been achieved by their findings and award, and that better relations between the parties concerned will hereafter exist.

DEMANDS OF MINE WORKERS.

With these general statements and facts drawn from the testimony and from various official and other sources, we now proceed to the discussion of the points at issue. For the purpose of securing an orderly procedure, the commission ordered that the mine workers should be considered as the pursuing party, and they accordingly opened and closed the case. It also required that their statement of claims should be specific enough to give fair notice to the other side of the grievances complained of, and of the general contentions to be urged in the premises.

The statements so filed on behalf of the mine workers disclosed four general demands, accompanied by specific arguments in support of the same. All the original parties and many of the intervening parties filed answers to this statement of claim, and the pleadings, consisting of the statement of claim and the several answers thereto, will be found in full in the appendix.

The demands in the statement of claim made by the mine workers are as follows:

"First. An increase of 20 per cent. upon the prices paid during the year 1901 to employes performing contract or piece work.

"This demand is made on account of the following reasons:

"(1) The present rate of wages is much lower than the rate of wages paid in the bituminous coal fields for substantially similar work.

"(2) The present rate of wages is lower than is paid in other occupations requiring equal skill and training.

"(3) The average annual earnings in the anthracite coal fields are much less than the average annual earnings in the bituminous coal fields for substantially similar work.

"(4) The average annual earnings in the anthracite coal fields are much less than the average annual earnings for occupations requiring equal skill and training.

"(5) The rate of wages in the anthracite coal fields is insufficient to compensate the mine workers in view of the dangerous character of the occupation, in relation to accidents, the liaability to serious and permanent disease, the high death rate and the short trade life incident to this employment.

"(6) The annual earnings of the mine workers are insufficient to maintain the American standard of living.

"(7) The increased cost of living has made it impossible to maintain a fair standard of life upon the basis of present wages and has not only prevented the mine workers from securing any benefit from increased prosperity, but has made their condition poorer on account of it.

"(8) The wages of the anthracite mine workers are so low that their children are prematurely forced into the breakers and mills instead of being supported and educated upon the earnings of their parents.

"(9) Wages are below the fair and just earnings of mine workers in this industry.

"Second. A reduction of 20 per cent. in hours of labor without any reduction of earnings for all employes paid by the hour, day or week.

"The second demand is similar to the first in that it is designed to increase the hourly rate of wages of mine workers employed by the hour, day or week, and all the reasons applicable to the first demand are asked to be applied to the second without repetition.

"In addition thereto we submit the following:

"(10) The ten-hour day is detrimental to the health, life, safety and well-being of the mine workers.

"(11) Shorter hours improve the physical, mental and moral condition of the workers.

"(12) Shorter hours increase the intensity and efficiency of labor.

"(13) The tendency of national and state governments, of organized trades and of production generally is toward shorter hours.

"(14) A working day of eight hours is sufficiently long for the best interests of the workingmen and of the community.

"Third. The adoption of a system by which coal shall be weighed and paid for by weight wherever practicable; the minimum rate per ton to be 60 cents for a legal ton of 2,240 pounds; the differentials now existing at the various mines to be maintained.

"This demand is made on account of the following reasons:

"(1) Measurement by the legal ton wherever practicable is the only honest and just system of measuring the earnings of the mine workers.

"(2) When the operators sell or transport coal it is on the basis of a legal ton of 2,240 pounds.

"(3) The excessive ton was originally intended to compensate the operator for the weight of the small sizes of coal which were then discarded but which are now utilized and sold and therefore there is no present necessity for the use of any other than the legal ton.

"(4) The adoption of this system would remove an incentive, both to the operator and the worker, to cheating and dishonesty, and would allay jealousy among the miners and prevent unjust discrimination and favoritism.

"(5) The change of the present system to the one asked for would prove a strong factor in allaying suspicion and discontent amongst the mine workers.

"Fourth. The incorporation in an agreement between the United Mine Workers of America and the anthracite coal companies of the wages which shall be paid and the conditions of employment which shall obtain, together with satisfactory methods for the adjustment of grievances which may arise from time to time, to the end that strikes and lockouts may be unnecessary.

"In support of this demand we submit the following reasons:

"(1) The anthracite mine workers should not be compelled to make or sign individual agreements but should have the right to form such organization and choose such agents and officers as they desire to act collectively instead of individually whenever they deem that their best interests are subserved thereby.

"(2) Agreements between employers and employes through workingmen's organizations are the ordinary method of regulating production and wages in the bituminous coal fields and in other large industries, and are beneficial, successful and in keeping with the spirit of the times.

"(3) Unions of workingmen tend to better discipline of the men and to the improvement of their physical, moral and mental condition and to the preservation of friendly relations between employer and employe.

"(4) Experience shows that the trade agreement is the only effective method by which it is possible to regulate questions arising between employers and employed in large industries, and that a trade agreement is the only possible way 'to establish the relations between employers and the wage workers in the anthracite fields on a just and permanent basis and as far as possible to do away with any causes for the recurrence of such difficulties as those you (the Anthracite Coal Strike Commission, have been called in to settle.' "

ANSWERS OF MINE OPERATORS.

To these demands and the reasons in support thereof the several answers of the operators make general and specific denial. No good purpose would be accomplished by here reciting even a summary of these answers on this point, even if their volume did not forbid. These answers all agree in characterizing the demands as unreasonable and unjust, and unsupported by facts pertaining to the industry. They all declare the wages now paid are adequate to maintain the American standard of living, and compare favorably with wages paid in other industries requiring no greater skill or experience and exposing the employes to as great or greater hazard. They deny that the condition of labor in the mines is such as to expose the employes to extraordinary hazards, or liability to disease or premature death, as compared with many other employments requiring equal skill and training, and in which lower rates of wages prevail. They insist that a large proportion of the accidents in the mines is due to the carelessness of the men, and not to the nature of the work. They deny that the increased cost of living is such as to make it impossible for mine employes to maintain a fair standard of life upon the basis of present wages, or that the mine workers have been prevented thereby from securing benefit from increased prosperity. They contend that the earnings of contract miners are less than they might otherwise be, in consequence of restrictions placed by the miners' organization upon hours of labor or quantity of output. Some of them allege that the contract miners work only about six hours, or even less, a day and take numerous holidays, whereas longer hours and less interrupted work would materially increase their earnings, and that, in effect, they are demanding for less work than they ought reasonably to perform, larger pay than would be due for a proper number of hours of work per day.

These claims and contentions on the part of the mine workers and the answers thereto, together with the testimony in their support adduced by the parties, respectively, have been considered by the commission, with the following results:

FINDINGS OF THE COMMISSION.

1.—DEMAND FOR HIGHER WAGES FOR CONTRACT MINERS.

The commission finds that the conditions of the life of mine workers outside the mines, do not justify, to their full extent, the adverse criticisms made by their representatives, in their contentions at the hearings and in their arguments before the commission in support of the proposition "that the annual earnings of the mine workers are insufficient to maintain the American standard of living." It is true that the attention of the commission was called to a few houses in which miners or mine workers dwelt which were not fit to be called habitations of men, and there was testimony that others nearly as bad existed; but the disparity in human character is often manifested by a like disparity in homes and surroundings, and this must not be lost sight of in considering the general conditions of the community in this respect.

There was also evidence that during the last twenty years a general though gradual improvement in miners' houses has taken place. Moreover, in any locality where those occupying the houses presumably receive or have opportunity to receive substantially the same earnings, the best houses, if they are in a majority, and not the worst, should be the standard. This should be borne in mind especially when there is a question of the homes of recent immigrants, as to whose houses, where they do not approach a proper standard, it is impossible to say how much choice and volition have had to do with their inferiority. The homes and surroundings of the English-speaking miners and mine workers are generally superior to those of the class just mentioned, and show an intelligent appreciation of the decencies of life and ability to realize them.

During the hearings much comment was made on so-colled company houses —that is, houses erected and owned by the coal companies and rented to their employes. The statistics produced at the hearings show that the percentage of employes living in company houses is not large. So far as could be ascertained, the facts show that in the northern and southern coal fields less than 10 per cent. of the employes rent their houses from the employing companies, while in the middle coal fields a little less than 35 per cent. of employes so rent their houses. In this statement boarders are not taken into account. When the mines were first opened they were in many instances at considerable distance from villages and towns, and thus it became necessary for the companies to erect dwellings in which to house their employes. Without this the mining of coal could not have been carried on; but as the villages and towns have grown up around the mining camps, the companies have gradually abandoned their earlier system, the employes living wherever they choose. Some of the older company houses are in poor condition, but it will not be many years before they are of the past.

The population and the proportion of home owners of the anthracite region as compared with other parts of the United States are shown in the following tables, taken from the twelfth census:

(Table No. 8.)

POPULATION AND HOME OWNERSHIP IN ANTHRACITE AND NON-ANTHRACITE COUNTIES OF PENNSYLVANIA, IN THE NORTH ATLANTIC STATES, AND IN THE UNITED STATES.

[Data from Part II of the Report on Population of the Twelfth Census.]

Region.	Total population.	Population living in private families. Total.	Per cent. of total.	Number of families.	Number of farm homes.
Pennsylvania:					
The anthracite counties—					
Carbon	44,510	42,376	95.21	8,702	1,014
Columbia	39,896	39,019	97.80	8,675	2,754
Lackawanna	193,831	186,531	96.23	38,054	1,855
Luzerne	257,121	250,477	97.42	49,443	3,289
Northumberland	90,911	88,427	97.27	18,530	2,611
Schuylkill	127,927	168,143	97.23	33,789	2,989
Total	799,196	774,973	96.97	157,194	14,512
The non-anta'ite counties.	5,502,115	5,311,622	96.52	1,145,980	210,544
Total	6,302,115	6,086,595	96.58	1,303,174	225,056
The North Atlantic states	21,046,695	20,180,490	95.88	4,557,266	675,776
The United States	76,303,387	73,562,195	96.41	16,006,437	5,700,341

POPULATION AND HOME OWNERSHIP IN ANTHRACITE AND NON-ANTHRACITE COUNTIES OF PENNSYLVANIA, IN THE NORTH ATLANTIC STATES, AND IN THE UNITED STATES—Concluded.

Region.	Homes not on farms. Total.	Owned. Number.	Per cent. of total	Owned without incumbrance. Number.	Per cent. of number owned.a
Pennsylvania:					
The anthracite counties—					
Carbon	7,689	2,721	35.39	1,864	69.32
Columbia	5,921	2,655	44.84	1,720	72.67
Lackawanna	36,199	14,809	40.91	9,376	66.28
Luzerne	46,154	15,680	33.97	9,892	65.56
Northumberland	15,919	5,253	33.00	2,935	59.04
Schuylkill	30,800	10,414	33.81	6,455	66.86
Total	142,682	51,532	36.12	32,242	65.92
The non-anthracite counties	935,436	308,219	32.95	186,933	63.60
Total	1,078,118	359,751	33.37	219,175	63.93
The North Atlantic states	3,947,961	1,182,741	29.96	357,860	57.50
The United States	10,539,456	3,628,990	34.43	2,350,759	68.08

a On basis of those owned for which the fact of incumbrance or otherwise is reported. In many cases this was not ascertained.

(Table No. 9.)

HOME OWNERSHIP IN CERTAIN PENNSYLVANIA TOWNS.

[Data from pages 709 and 710 of Part II of the Report on Population of the Twelfth Census.]

Town.	Total number of homes.	Owned. Number.	Per cent. of total.	Owned and unincumbered. Number.	Per cent. (a)
Carbondale	2,887	1,549	53.65	1,083	71.02
Dunmore	2,469	1,282	51.92	694	62.92
Hazleton	2,866	836	29.17	649	77.91
Mahanoy City	2,517	710	28.21	411	58.71
Mount Carmel	2,411	727	30.15	404	55.80
Nanticoke	2,298	836	36.38	343	41.33
Pittston	2,470	1,144	46.32	734	74.75
Plymouth	2,668	693	25.97	449	56.13
Pottsville	3,415	1,283	37.57	855	67.32
Scranton	20,299	7,436	36.63	4,600	64.04
Shamokin	3,561	892	25.05	507	62.59
Shenandoah	3,620	803	22.18	487	63.25
Wilkes-Barre	10,140	3,512	34.64	2,009	58.86

a On basis of those owned for which the fact of incumbrance or otherwise is reported. In many cases this was not ascertained.

The commission also finds that the social conditions obtaining in the communities made up largely of mine workers are good. The number and character of the public schools accessible in all these communities are fully up to the American standard, as shown by the four tables following:

(See Tables Nos. 10, 11, 12, 13.)

The number of churches in proportion to the poplation is rather above the average, and the opportunities generally for mental and religious instruction appear to be adequate.

The contention that the increased cost of living, has made it impossible to maintain a fair standard of life, upon the basis of present earnings, and has not only prevented the mine workers from securing any benefit from increased prosperity and from the increase in wages made in 1900, but has rendered their condition poorer can not be fully allowed in the terms in which it is made, although the increased cost of living since 1900 is an element that has been carefully considered. This increase for the past few years, as ascertained by an investigation made by the United States Department of Labor for a forthcoming report, and taking into consideration the leading articles of consumption for food, amounts to 9.8 per cent. A summary of this investgation, so far as it relates to the anthracite coal region, will be found in the appendix to this report, and is submitted herewith. From this it is seen that, taking the average quantity of articles consumed per family and assuming prices for 1901 to be 100, in 1898 they were 96.5; in 1899, 94.5; in 1900, 96.7, and in 1902, 106.2, the relative increase in cost between 1900 and 1902 therefore, being, as stated, 9.8 per cent. These conclusions are based on retail prices secured by special agents of the Department of Labor from 58 establishments, representing 13 cities or towns in the anthracite regions, and are trustworthy so far as they go.

A witness for the miners (J. W. Rittenhouse) submitted some data collected by him relative to the cost of living. In giving a list of the necessaries of life for a miner's family he stated that in 1900 they cost $17.61; in December, 1901, $20.29, and in 1902, $22.94, and that the general increase was 30 per cent. between 1900 and 1902. Mr. John D. Hughes, another witness produced on behalf of the mine workers, and manager of Armour & Co.'s interests in the city of Scranton, in answer to a question as to what the general result showed as to prices between 1900 and 1902, stated that in 1901 the general increase over 10½ per cent. and in 1902, 23.2 per cent.

Statistics of this kind, however, are rather too inexact for a satisfactory basis on which to make precise calculations when considering the question of an increase of wages, for there are some elements entering into the ascertainment of an average rise of prices in such a period as that we are considering, which are temporary in their effect. So there are other elements which influence the average disproportinately to their effect upon the expenditures of the individual. As an example of this inexactness or uncertainty we may cite the rose in proce of one of the prime necessaries of life—meat—during 1902, which was sudden and serious and which had its effect on other prime necessaries, and yet recent experience has demonstrated its temporay character.

Another contention of the miners, to wit, that the wages of contract miners are necessarily so low that their children are prematurely forced into breakers and mills, has not been fully sustained, and the commission does not think that the testimony warrants it in finding as a fact the allegations so made.

So much is said on these points, because a disproportionate length of time was occupied in giving testimony, and in making arguments before the commission in regard to them, and it is desired to dispose of them here, that we may consider more closely the more important factors that should influence a proper judgment as to the merits of the demand made for higher wages.

As to the general contention that the rates of compensation for contract miners in the anthracite region, are lower than those paid in the bituminous fields

(Table No. 10.)

NUMBER AND PER CENT. OF PERSONS ATTENDING SCHOOL DURING CENSUS YEAR 1899-1900, IN SELECTED CITIES, BY CLASSIFIED AGES.

(Data from Part II of the Report on Population of the Twelfth Census.)

City.	Persons between ages of 5 and 20, inclusive.	Persons attending school during census year.									
		Total.		Males.		Under 10 yrs. of age.		10 to 14 yrs. of age.		15 yrs. old and over.	
		Number.	Per cent. of those of school age.	Number.	Per cent. of those attending.	Number.	Per cent. of those attending.	Number.	Per cent. of those attending.	Number.	Per cent. of those attending.
Scranton, Pa.....	34,301	16,537	48.21	7,923	47.91	6,325	38.25	7,993	48.33	2,219	13.42
Fall River, Mass.	35,532	16,980	47.79	8,441	49.71	6,986	41.14	8,622	50.78	1,372	8.08
Paterson, N. J..	33,170	17,540	52.88	8,770	50.00	8,604	49.05	7,747	44.17	1,189	6.78
Wilkes-Barre, Pa	17,473	8,878	50.81	4,247	47.84	3,511	39.55	4,142	46.65	1,225	13.80
Elizabeth, N. J..	16,229	8,625	53.15	4,290	49.74	3,291	38.16	4,293	49.77	1,041	12.07
Erie, Pa.....	16,537	7,988	48.30	3,870	48.45	2,901	36.32	4,055	50.76	1,032	12.92

(Table No. 11.)

ENROLLED PUPILS IN PUBLIC AND PRIVATE SCHOOLS AND ATTENDANCE IN PUBLIC DAY SCHOOLS IN CERTAIN TOWNS OF PENNA.

(Data from the Report of the Commissioner of Education for 1899-1900.)

Place.	Enrolled Pupils.				Attendance in public day schools.	
	Number in private and parochial schools.—(a)	Number in public schools.	Total.			
			Number.	Per cent. of persons of school age.	Total days.	Average per day.
Carbondale	154	2,607	2,761	62.11	391,950	2,010
Dunmore	.....	2,595	2,595	59.52	428,000	2,140
Hazleton	400	2,850	3.250	65.05	389,340	2,163
Mahanoy City.....	200	2,150	2,350	50.84	301,500	1,675
Mount Carmel.....	200	2,190	2,390	50.72	254,694	1,415
Nanticoke	950	2,214	3,164	71.57	273,960	1,522
Pittston	750	1,650	2,400	56.78	216,000	1,200
Plymouth	750	1,986	2,736	57.99	252,938	1.421
Pottsville	500	2,988	3,488	70.00	451,400	2,257
Shamokin	1,350	3,654	5.004	76.32	474,660	2,637
Shenandoah	450	3,053	3,503	54.42	421,200	2,340

a Largely estimated by the Bureau of Education.

(Table No. 12.)

LENGTH OF SCHOOL ATTENDANCE IN SELECTED CITIES DURING CENSUS YEAR 1899-1900.

(Data from Part II of the Report on Population of the Twelfth Census.)

City.	Persons attending for specified periods during census year.							
	One month or less.		Two to three months.		Four to five months.		Six months or more.	
	Number.	P. C. of total.	Number.	P. C. of total.	Number.	P. C. of total.	Number.	P. C. of total.
Scranton, Pa.....	77	0.46	254	1.54	331	2.00	15,875	96.00
Fall River, Mass.....	146	.86	288	1.70	237	1.39	16,309	96.05
Paterson, N. J.....	74	.42	226	1.29	377	2.15	16,863	96.14
Wilkes-Barre, Pa.....	20	.23	74	.83	99	1.11	8,685	97.83
Elizabeth, N. J.....	31	.36	78	.90	122	1.42	8,394	97.32
Erie, Pa.....	31	.39	85	1.06	100	1.25	7,772	97.30

for work substantially similar, or lower than are paid in other ocupations requiring equal skill and training, the commission finds that there has been a failure to produce testimony to sustain either of these propositions.

As to the bituminous fields, we have no satisfactory evidence upon which to base a comparison between the standard of earnings there, and in the anthracite fields, neither miners nor operators adducing evidence upon which an intelligent judgment on that point might be formed. There was, however, a good deal of testimony upon the second proposition, that the present rates of compensation in the anthracite region are lower than those in other occupations requiring equal skill and training. It is difficult to institute a comparison, owing to the fact that the contract miners, who constitue approximaely 26 per cent and their laborers 18 per cent. of the mine workers, are paid according to contract—so much for a given amount of coal produced. As to this class, of course, the conditions on which a rate of daily or monthly earnings depends, are so variant that a deduction of a uniform daily or monthly rate can not well be obtained or expected.

To some extent the contract miner has within his own control the number of hours he shall work each day, and consequently the amount of work he shall perform. He is paid by the mine car, yard, or ton for the coal he blows down, the loading of which into the mine car is generally the work of a laborer, who is paid by the contract miner, who also pays for powder, oil, and tools, so that in many respects he may be called an independent contractor. For our present purpose it is important to ascertain, first, the net earnings he is able to make for the day or the year, and, second, what he actually does make. We find some, though not a great, difference in the answers to these two inquiries. It is not surprising to find that there is much difference in the annual earnings of such miners. Experience, natural capacity, aptitude for the work, individual industry, and habits of sobriety materially affect the amount that is earned.

In addition to these causes of difference, which are more or less in the control of the miner, there are other inherent in the nature of the work, which, though there is a tendency to overcome them by differential rates of payment and by allowances, still constitute serious obstacles to uniformity in the miners' monthly or yearly earnings. Such are the variations in thickness and pitch of the coal seams, faults, and the greater or less impurity of the coal owing to the presence of rock, slate and other foreign substances. Although there is an endavor, as has been said, to overcome these difficulties by allowances, there still must remain, when the best has been done, inequality arising from these causes in the aggregate yearly earnings of the miner.

Compilations have been made, at the request of the commission, by the various operators, parties to the submission, showing the gross and net earnings of the contract miners, practically covering the year 1901. These compilations, with the tables of wages paid all mine workers have been prepared at great expense, and have been accepted, for the most part, by the representatives of the miners as showing truly what they purport to show. From them other tables and deductions have been made under the direction of the recorder and the assistant recorder, Dr. Neill, and they have proved of great value in the deliberations of the com-

(Table No. 13.)

SCHOOL POPULATION, VALUE OF PUBLIC SCHOOL PROPERTY, AND ANNUAL EXPENDITURE FOR PUBLIC SCHOOLS IN CERTAIN TOWNS OF PENNSYLVANIA.

(Data from Part II of the Report on Population of the Twelfth Census and the Report of the Commissioner of Education for 1899-1900.)

Place.	Persons of school age.	Value of public school property. Amount.	Value of public school property. Per individual of school age.	Annual expenditure. Amount.	Annual expenditure. Per individual of school age.
Carbondale	4,445	$178,000	$40.04	$42,395	$9.54
Dunmore	4,360	150,000	34.40	39,705	9.11
Hazleton	4,996	205,000	41.03	39,615	7.93
Mahanoy City	4,622	112,000	24.23	35,604	7.70
Mount Carmel	4,712	90,000	19.10	25,491	5.41
Nanticoke	4,421	99,637	22.54	30,046	6.80
Pittston	4,227	85,000	20.11	24,006	5.68
Plymouth	4,718	100,000	21.20	21,852	4.63
Pottsville	4,983	(a)	.....	63,843	12.81
Scranton	34,301	1,000,000	29.15	363,232	10.59
Shamokin	6,557	300,000	45.75	41,446	6.32
Shenandoah	6,437	130,000	20.20	45,576	7.08
Wilkes-Barre	17,473	525,000	30.05	154,064	8.82

a Not reported.

mission. Many of these tables and compilations will be found in the appendix to this report, and can not fail to prove of value to those interested in the economic aspects of the work of the commission.

It is readily seen from what has been said that the difficulty of comparing the rate of earnings of contract miners with the rate of wages paid in other occupations requiring equal skill and training is serious. We do not find, as has been already said, that testimony has been adduced on either side which would permit satisfactory comparison with the rate of wages or earnings paid in the bituminous coal fields. In attempting a comparison with other occupations, we are met at once with the embarrassing condition that in such occupations the rate of wages paid by the day or the month is uniform, and the labor is generally continuous throughout the year, while in the work of contract miners, who are paid by the yard, car, or ton, the number of days or hours represented by the earnings is a varying quantity, and the number of days in which he is actually employed at all, may be much fewer than the average number of days constituting a year's work in most other employments.

We have already said that the personal element constantly enters into the case. The miner who by special aptitude or training knows how to economize powder and other supplies, and who is willing to devote two or three hours more a day than the average to his work, can and does make a larger income than his fellows who fail in these respects. Nevertheless, we have, from the abundant data furnished us, made some comparison and have sought to arrive at such general results as would fairly represent the average earnings of the contract miner. We have endeavored to base our judgment, not upon semi-monthly or monthly returns, but upon the earnings of those who have labored throughout the year, only a part of whom may have availed themselves of all their opportunities.

It is impossible to be accurate in this matter. The conditions that make accuracy impossible are inherent in the nature of the subject with which we are dealing. Neither contract miners nor mine workers can work the full number of days in a year which it is possible to work in other callings; that is to say, owing to causes beyond the control of either miner or operator—such as breakage of machinery inside or outside the mine, disarrangement of pumps, storms, repairs, etc.—opportunity to work in the mines, without fault of either operator or miner, does not present itself on each working day of the year. On the other hand, for causes within the control of the operator or miner, the number of idle days at the mines is, or may be, increased.

Take for example the year 1901, a year of more than usual activity in mining operations, the average number of days throughout the region on which work was started was approximately 260. The number may have been less. So that the yearly income of the contract miner, as well as that of the others, is the product of work done in parts of days fewer by fifty than the number of working days in the year; and for the contract miner the hours worked in each of the days in which a start is made, are fewer than ten, and from the evidence we feel warranted in saying that they certainly do not exceed, on the average, eight hours, there being much testimony to show that many of the miners go into the mines between 6 and 7 in the morning and come out before 2 o'clock in the afternoon. This is a fact, of course, to be taken into consideration in determining a fair rate of compensation or a fair annual earning.

We find that the average daily rate of earnings, as nearly as can be ascertained, does not compare unfavorably with that in other industries requiring substantially equal skill and training. It is more instructive, of course, to compare annual earnings of the contract miner with the annual earnings of those employed in other occupations. We find that these annual earnings of contract miners, based upon returns for the year 1901, range between $550 and $600. Perhaps it would be safe to put the average at $560.

A representative illustration may be taken from the data submitted by the Lehigh Valley and the Lehigh and Wilkes-Barre Coal companies, whose work seems to have been conducted as regularly and systematically as any in the region. The reports of these two companies included only such miners as worked in their respective collieries throughout the year, and whose names appear, for some days at least, on the pay rolls of each month in the year. The earnings shown for these miners, therefore, represent their total earnings for the year, and it is clear that they were not supplemented by work done elsewhere.

The Lehigh Valley collieries show average annual earnings of contract miners ranging from $667 to $465, and the average daily earnings from $2.81 to $2.19. The average annual earnings for their seventeen collieries is $568.17, and the average daily earnings $2.41. The average number of days on which the miners worked is 236, which is 89 per cent. of the days on which the collieries made starts.

The collieries of the Lehigh and Wilkes-Barre company show average annual earnings ranging from $686 to $451, and the average daily earnings from $2.74 to $2.33. The average annual earnings for all the collieries is $589, and the average daily earnings $2.47. The average number of days worked by the miners in all the collieries of this company was 238, which was 92 per cent. of the average number of days on which the collieries made starts.

Taking the figures from which these averages have been made, we find that 121 miners who made 250 starts in the year earned each $686.08, which were the highest yearly earnings, and that 103 miners who made 185 starts earned each $451.07, and so throughout the list, the miners who made the larger income working on the greater number of days, and those who made the smaller income working on the less number of days. It is also significant that those who worked on the greatest number of days and had the largest yearly income, made the largest average daily earnings, and those who worked on the least number of days made the smallest average daily earnings.

It will be seen that the results derived from the statements of these two companies approximate each other closely in average earnings, in daily earnings, as well as in the number of days worked, and in the percentage of the days on which the collieries were in operation.

A great many other tables have been submitted, and a large, almost an embarrassing, mass of figures has been presented bearing upon this subject, but careful study and scrutiny of them all, persuades us that in the illustrations just given we have made a selection that will fairly show the true condition in this respect. As already said, these figures are based upon the large operations of the year 1901, a year of unusual activity in the anthracite field. Some preceding years do not show so great an opportunity for earning as this year afforded. It may, however, be reasonably expected that the future demand for anthracite coal will keep the industry at its present point of activity for some time to come.

We have also considered the contention, and the testimony bearing upon it, that the mining industry is perilous and extra hazardous, and find that it should be classed as one of the dangerous industries of the country, ranking with several of the most dangerous. The statistics so far available (which appear in this report under "Hazardous nature of anthracite mining") do not show a greater hazard than obtains in some other occupations, notably in the fisheries and in those of switchmen and freight train crews on our railroads.

Still, the requirements are exacting, and this fact has been duly weighed by the commission, in coming to a decision upon the demand for an increase in the rate of compensation of contract miners.

Reviewing the whole case, and acting upon the conviction produced by the hearing of testimony, and the examination of statistics, the commission is of the opinion that, in view of the interruptions incident to mining operations, the increased cost of living, the uncertainty as to the number of days during the year presenting an opportunity for work, and the inequalities of physical conditions affecting the ability to earn, and not overlooking the hazardous nature of the employment, some increase in the rate of compensation to contract miners should be made.

The commission, therefore, considers, and so adjudges and awards: That an increase of 10 per cent. over and above the rates paid in the month of April, 1902, be paid to all contract miners for cutting coal, yardage, and other work for which standard rates or allowances existed at that time, from and after November 1, 1902, and during the life of this award; and also to the legal representatives of such contract miners as may have died since November 1, 1902. The amount of increase under the award due for work done between November 1, 1902, and April 1, 1903, to be paid on or before June 1, 1903.

II.—DEMAND FOR REDUCTION IN HOURS OF LABOR.

The second demand in the statement of claim filed by the miners is as follows:

A reduction of 20 per cent. in the hours of labor, without any reduction of earnings, for all employes paid by the hour, day, or week.

Many of the conditions to which we have adverted as attending the work of contract miners also affect the work of the "company men," or men in and about the mines, who are paid on the basis of a ten-hour day, and generally for the hours actually worked—that is to say, their hours of labor in a large proportion of instances depend upon what is called breaker time; that is, upon the number of days during each of which the mine or breaker is operated for any number of hours, however few.

The employes in and around the mines, other than contract miners and their laborers, constitute 60 per cent. of all mine workers. Their occupations are exceedingly varied, and different classes of labor are paid at different rates, and the annual earnings differ accordingly. Under one company these classes amount to as many as 108, each class receiving a different daily or monthly wage, and sometimes individuals in the same class receiving a varying wage, due, no doubt, to their unequal skill and capacity.

The classification of labor in and around a mine, excluding contract miners and their laborers, includes the following different occupations: Repair men, road men, bottom men, plane men, switchmen, car runners, spraggers, fan and door boys, oilers, lamp men, pump men, stable men, drivers, loader bosses, chute starters, day miners, day laborers, locomotive engineers, inside engineers, hoisting engineers, firemen, machinists, carpenters, blacksmiths, blacksmiths' helpers, breaker engineers, jigger engineers, platform men, timbermen, top men, slatepickers, breaker boys, etc. The wages of all of these classes differ, although they do not differ widely. Nevertheless some of them require more aptitude and training than others, and deserve and receive a correspondingly higher wage rate. Hence, excluding machinists, carpenters, blacksmiths, and those having trades that are common to every community, it is difficult to make a just comparison of the wage rates received by these mine workers, with those "paid in other occupations requiring equal skill and training."

It must be observed that we are here dealing with the rate of wages and not annual earnings. We have attempted the comparison, however, and carefully considered the voluminous testimony adduced on this point, and we do not find that the proposition we are considering, to wit, that the present rate of wages of mine workers in the anthracite region "is lower than is paid in other occupations requiring equal skill and training," is supported.

In view of the more permanent character of the employment of hoisting engineers and other engineers and pumpmen, who are employed in positions which are manned continuously, as compared with other miners and mine workers, the commission adjudges and awards:

That engineers who are employed in hoisting water shall have an increase of 10 per cent. on their earnings between November 1, 1902, and April 1, 1903, to be paid on or before June 1, 1903; and a like allowance shall be paid to the legal representatives of such employes as may have died since November 1, 1902; and from and after April 1, 1903, and during the life of the award, they shall have eight-hour shifts, with the same pay which was effective in April, 1902; and where they are now working eight-hour shifts, the eight-hour shifts shall be continued, and these engineers shall have an increase of 10 per cent. on the wages which were effective in the several positions in April, 1902.

Hoisting engineers and other engineers and pumpmen, other than those employed in hoisting water, who are employed in positions which are manned continuously, shall have an increase of 10 per cent. on their earnings between November 1, 1902, and April 1, 1903, to be paid on or before June 1, 1903; and a like allowance shall be paid to the legal representatives of such employes as may have died since November 1, 1902; and from and after April 1, 1903, and during the life of the award, they shall have an increase of 5 per cent. on the rates of wages which were effective in the several positions in April, 1902; and in addition they shall be relieved from duty on Sundays, without loss of pay, by a man provided by the employer to relieve them during the hours of the day shift.

The reason for this award is apparent, when the fact is considered, that heretofore many men in these positions have worked on two shifts in the twenty-four hours, through the entire week, Sundays included, having no cessation from work on Sunday, except by the custom, by which each of them in turn remains on duty twenty-four hours every other Sunday, in order to alternate the men on the night and day shifts.

The commission adjudges and awards: That firemen shall have an increase of 10 per cent. on their earnings between November 1, 1902, and April 1, 1903, to be paid on or before June 1, 1903; and a like allowance shall be paid to the legal representatives of such employes as may have died since November 1, 1902; and from and after April 1, 1903, and during the life of the award, they shall have eight-hour shifts, with the same wages per day, week, or month as were paid in each position in April, 1902.

Excluding hoisting engineers, pumpmen, other engineers, and firemen engaged where the work is continued through the twenty-four hours, most of these employes to whom we have just referred as company men, who are paid by the day or hour, can work only when the breaker or the mine is in operation. Here, again, we meet with the same result that we have considered in the case of the contract miner, that the rate of daily or hourly wages does not compare unfavorably with that obtaining in other similar industries requiring no greater skill or training; but, owing to the want of continuousness in their work, due to causes already referred to, the annual wage or income is, of course, less than that which would obtain were the work less interrupted.

Another feature to be considered, is, that most of these men, when they do work, work less than ten hours a day, although they work on the basis of a ten-hour day; that is, taking breaker time as the standard, in many collieries they work less than nine hours a day on an average. We find that in the anthracite region at large the time made during the year 1901, on the basis of ten hours to a day, was 196 days, while the days upon which actual starts were made, or during some portion of which work was done, were 258. The general average of breaker starts, the average hours the breaker worked per day, and the average number of working days of ten hours for the year 1901 have been given for various companies, and the detailed statistics for the different collieries of these companies will be found in the appendix.

It will be seen that there are comparatively few employes in the anthracite region who are able to obtain steady employment throughout the year. If a full day's work could be secured for every day the breakers start, the condition of the mine workers would be greatly improved, and their earnings would be increased approximately 25 per cent. over those made in 1901, and would compare favorably with other fields of employment. Taking, for instance, the collieries of the Philadelphia and Reading Coal and Iron company, the average number of starts made by the thirty-seven breakers reported by this company was 261, which would have represented 261 working days of ten hours had full time been made. But the average number of hours per day made at these collieries was 8.6 and the average number of working days of ten hours was thus reduced to 224.5. The records of other companies exhibit conditions less favorable.

In the collieries of the Delaware, Lackawanna and Western, the average number of breaker starts was 262, the average hours per start amounted to 7.8, and the average number of working days of ten hours was 205. The Lehigh and Wilkes-Barre Coal company averaged for eleven collieries 258 starts, with 7.7 hours to a start, equivalent to 199

days of ten hours. The Delaware and Hudson company reported for twenty-four collieries an average of 264 starts, with 6.9 hours to a start, or 183 days of ten hours. This statement for the Delaware and Hudson company includes the Baltimore and Delaware collieries, which were idle more than half the year because of floods. Excluding these two collieries, the average breaker starts were 274, with seven hours to the start, or 192 days of ten hours. Six collieries operated by the Temple Iron company started, on an average, 256 days, making 7.2 hours to each start, or 184 ten-hour days. The average number of ten-hour days made by the Scranton Coal company (nine collieries), the Hillside Coal and Iron company (five collieries), and the Pennsylvania Coal company (ten collieries), respectively, were 172, 167, and 159, the average breaker starts being 260, 253, and 232.

A study of the tables shows comparatively few instances in which the breakers made full 10 hours, while from 6 to 9 hour days were the most numerous. In many cases the breakers made but 2, 3, or 4 hours after starting up, and these conditions, taken in connection with the number of days the breakers are shut down entirely, seriously affect the earning capacity of the employes. The commission recognizes, as already stated, that in many cases these interruptions to steady employment are unavoidable. The complicated machinery of the breakers engaged in heavy and exacting work, is constantly liable to accidents which apparently no foresight can prevent. Shortage of railroad cars and other causes, which in some cases might be prevented, frequently necessitate shutting down the breaker after only a few hours' work, and the greater part of the day is lost. As in the case of contract miners, it is also true that suspensions are occasionally due to the action of the men themselves in remaining away from work because of some holiday, and this has been given due weight in the deliberations of the commission. The chief cause for complaint seems to be, however, in the frequent shut-downs after the work of the day has begun, and the commission feels that some remedy for this condition is due the men. The time lost in going to and coming from his working place, is as great if the laborer works 2 hours as if he works 9 or 10 hours.

The tables in the appendix show the average rates of pay per 10-hour day, the average number of 10-hour days worked, and the average annual earnings of all the men and boys in various occupations in and about the mines who are paid by the day, week, or month, exclusive of superintendents, foremen, and fire bosses. These "day men" or "company men" so tabulated number 81,856, and form 55 per cent of the whole number of mine workers. Accurate records of their earnings are on the books of the companies, and there was no difficulty in ascertaining their annual earnings, except the enormous amount of labor necessary to bring all the data together. It was not practicable in all cases to separate the earnings of men and boys. A table in the appendix shows these groups separately for the Delaware and Hudson company, and may be taken as representative of the distribution of men and boys in the various occupations, the proportion of men and boys being substantially the same under all the companies. The table of earnings of company men and boys, summarized, is as follows:

NUMBER OF MEN AND BOYS EMPLOYED, AVERAGE ANNUAL EARNINGS, AVERAGE RATE OF WAGES PER 10-HOUR DAY, AND AVERAGE 10-HOUR DAYS WORKED, FOR EACH COAL-MINING COMPANY.

Name of company.	Number of men and boys.	Average annual earnings.	Average rate per 10-hour day.	Average 10-hour days worked.
Philadelphia and Reading	15,843	$402.37	$1.66	242
Temple Iron Co.	791	384.55	1.58	243
Delaware and Hudson Co.	6,611	375.18	.....	....
Delaware, Lackawanna and Western..	5,639	369.24	.....	....
Hillside Coal and Iron Co.	1,603	359.53	1.55	232
Scranton Coal Co.	2,416	331.07	.....	....
Pennsylvania Coal Co.	2,678	307.44	1.48	207

The consolidated average for the foregoing companies, embracing 35,581 men and boys, gives a general average annual earning of $374.60.

These considerations seems to indicate that it is just to reduce the hours per day for company men. This change, owing to the peculiar conditions obtaining in the premises, and already discussed, should not result in any decrease in the output of the mines.

The commission thinks it just, therefore, that the demand for a reduction in time as to these classes of employes should be met, and a careful consideration of all the facts bearing upon the situation has brought it to the conclusion that a reduction of the hours of labor from 10 to 9 would be fair to both employe and employer. This would give the employes whom we are now considering practically a wage increase of 11 1-9 per cent., for the reason that, working the number of hours they now work, which is generally less than 9 each day, they would be paid for hours in which they actually work, at the hourly rate for a 9-hour day, instead of at that for a 10-hour day. For example, in case of the Delaware and Hudson company the average hours of breaker time per start is 7, and the company men (with the exclusions referred to) who now receive, say $1.50 a day for 10 hours' work, would, under the conditions of a 9-hour day, receive one-ninth, instead of one-tenth, of $1.50 as their rate per hour for 7 hours' work, or 16 2-3 cents instead of 15 cents per hour.

The commission, therefore, considers, and so adjudges and awards: That all employes or company men, other than those for whom the commission makes special awards, be paid an increase of 10 per cent. on their earnings between Nov. 1, 1902, and April 1, 1903, to be paid on or before June 1, 1903; and a like allowance shall be paid to the legal representatives of such employes as may have died since Nov. 1, 1902; and that from and after April 1, 1903, and during the ife of this award, they shall be paid on the basis of a 9-hour day, receiving therefor the same wages as were paid in April, 1902, for a 10-hour day. Overtime in excess of 9 hours in any day to be paid at a proportional rate per hour.

III.—DEMAND FOR PAYMENT BY WEIGHT.

The third demand of the miners is for "the adoption of a system by which coal shall be weighed and paid for by weight wherever practicable, the minimum rate per ton to be 60 cents for a legal ton of 2,240 pounds, the differentials now existing at the various mines to be maintained."

To the question raised by this demand the commission has devoted much thought and attention. It finds, as is not surprising in attempts to change conditions of life or work which have been the outcome of years of experience and which affect large numbers of persons, that great care is required to avoid embarrassing the situation in the endeavor to amend it.

We are met at the outset with the fact that there has existed in the state of Pennsylvania (whose laws govern the industry) since March 30, 1875, a statute, which would seem, on its face, of controlling force in this regard. As contained in Pepper & Lewis's Digest of the Laws of Pennsylvania, page 3057, the statute is as follows:

"1. Anthracite Coal to Be Weighed as Mined.—All persons, partnerships, associations and corporations engaged in the mining of anthracite coal in this commonwealth shall provide and erect at each of their coal mines, or collieries, standard and lawful scales for weighing the coal mined therein, and each and every miner's coal shall be separated and accurately weighed on said scale before said coal is dumped and taken from the cars on which said miner loaded it in said mine or colliery, and a separate and an accurate account shall be kept by all said persons, partnerships, associations and corporations of the number of pounds of coal mined by each miner as aforesaid; and the miners in each mine shall have the right to employ, at their own expense, and keep a weighmaster at each of said scales to inspect said scales, and also keep an account of the number of pounds of coal mined by each miner; and the miners at each mine or colliery shall be paid at the rate of so much per pound for amount of coal mined by them, and the pound weight shall be the basis from which to calculate the earnings at all mines or collieries: Provided, That the provisions of this act shall apply only to mines or collieries in which the coal mined as heretofore been paid for by the car, and that this act shall not go into effect until sixty days after the approval by the governor: And provided further, That if any of said persons, partnerships, associations or corporations shall neglect or refuse to comply with the provisions of this act, he or they so neglecting or refusing shall forfeit and pay, for every day (of) said neglect or refusal after said sixty days, to the commonwealth of Pennsylvania the sum of one hundred dollars, the

same to be used for and recovered in an action of debt in the court of common pleas, having jurisdiction of the territory in which said mines or collieries may be situate, the writs in said action to be served on the said persons, partnerships, associations or corporations, or the superintendents, agents, or clerks of said persons, partnerships, associations or corporations resident within the jurisdiction of said court: And provided further, That the provisions of this act shall not apply to or embrace any persons, partnerships, associations or corporations that may or shall by any contract agree with his or their miners in any of said mines or collieries, otherwise than as is provided in this act, for the compensation of mining the same, and no penalty provided therein shall apply to such persons, partnerships, associations or corporations so contracting or agreeing."

It may seem strange, but from all the evidence before the commission the undoubted fact appears to be, that the requirements of this law have never been complied with. It is alleged by the counsel for the operators, that they have never been applicable, for the reason that the situation came within the purview of the last proviso of the section quoted, which exempts from its provisions all cases where the employer shall by contract agree with his miners, otherwise than is provided in the said statute, for their compensation.

Attention in this connection should be called to a law approved June 13, 1883, making the following provision:

"All individuals, firms and corporations engaged in mining coal in the commonwealth, who, instead of dumping all the cars that come from the mine into a breaker or shoots, shall switch out one or more of the cars for the purpose of examining them, and determining the actual amount of slate or refuse, by removing said slate or refuse from the car, and who shall, after so doing, wilfully neglect to allow the miner in full for all clean coal left after the refuse, dirt or slate is taken out, at the same rate paid at the mine for clean coal, less the actual expense of removing said slate or refuse, (he) shall be deemed guilty of a misdemeanor."

What the present state of the statute law in Pennsylvania may be, is of course a question for the courts of that state, and as we have not been referred to any decision of those courts which passes upon this question, or definitely upon that of the constitutionality of the law of 1875; assuming it to be in force, the commission finds the situation embarrassing. It is a fact, however, that during this whole period of twenty-eight years since the passage of this act no question seems to have been raised as to its requirements, or complaint made that they have been violated, or the prescribed penalty invoked for any alleged violation thereof. The inference is not unfairly drawn from this state of things, that the situation with which the statute purported to deal, has been, on the whole, not unsatisfactory to either miners or operators, and that the provisions of the statute referred to never attracted the notice of the parties affected, and were thus practically ignored.

Whether intentionally or not, the contracts, expressed or implied, for compensation otherwise than by weight, have probably brought the matter within the terms of the proviso of the law of 1875, and serve to relieve the parties from the imputation of having disregarded the obligations of that law.

It was understood at the hearings, that the representatives of both sides assented to the proposition, that the agreement to abide by the award of this commission comes within the purview of the proviso in the law of 1875, referred to, and constitutes an agreement under that statute.

The situation being thus anomalous, the commission has not been able to see clearly its way to an attempt to change it by an obligatory award. Any measure of work performed, as a basis for payment, must in acertain sense be arbitrary. Payment by the car, by the ton, or by the yard, is the result of an agreement between presumably intelligent parties, and all the circumstances attending either method are matters for their consideration. If a miners' ton of 28 hundred-weight is taken as the basis of payment, the price for such ton is fixed with reference to its size. So of payment by the car or by the yard. The suggestion is not lost sight of that the miners' ton of, say 28 hundredweight, was fixed at a time when the sizes of coal below pea were not marketable, and that now they are. This is true; but there may be other considerations, and the operators assert that there are, which justice to them requires should be taken into the account. For example, lump and grate sizes are not marketed now to the extent that they were formerly, but are for the most part passed through the breaker and reduced to domestic and smalled sizes. The cost of this process and the waste consequent thereon are borne by the operator.

However this may be, the commission is not now prepared to say, that the change to payment by weight, based on a 2,240 pound ton, when the price would necessarily be adjusted to the number of pounds—practically the case now—would prove of sufficient benefit to the miners to compensate for the expense and trouble thereby imposed upon operators now paying by the car. Many of the operators, in order to accommodate themselves to the change, would have to reconstruct the breakers, or place the scales at the foot of the shaft, and, when there is more than one level in the mine, at the foot of each level.

At the hearings, it was agreed by counsel for the Philadelphia and Reading Coal and Iron company and counsel for the striking miners, that the third demand—the payment for coal by weight—should be withdrawn so far as that company is concerned, as it pays for coal by the yard in most of its collieries.

It should not pass without comment that the demand for a change to the weight system is accompanied by the condition that the minimum rate per ton of 2,240 pounds should be 60 cents, the differentials now existing at the various mines to be maintained. This demand could not have been made in full understanding of its practical effect, for coal is now mined at a cost varying from 19 to 59 cents a ton, the miner's earnings being up to the average level. Sixty cents per ton of 2,240 pounds as a minimum, and the maintenance of differentials now existing in the various mines on that basis, would result in many instances in an increase of 300 per cent. over present cost, and would throw into confusion the whole matter of compensation and the business of mining.

On these, and other grounds, more generally discussed elsewhere in this report, the commission refrains from fixing a standard ton where coal is paid by weight, and from imposing upon owners of collieries where coal now mined is paid for by the car the obligation to pay by weight and to make the changes in plant necessary therefor; and it, therefore, adjudges and awards: That during the life of this award the present method of payment for coal mined, shall be adhered to, unless changed by mutual agreement.

IV.—DEMAND FOR AN AGREEMENT WITH UNITED MINE WORKERS OF AMERICA.

The fourth and last demand of the miners is as follows:

The incorporation in an agreement between the United Mine Workers of America and the anthracite coal companies of the wages which shall be paid and the conditions of employment which shall obtain, together with satisfactory methods for the adjustment of grievances which may arise from time to time, to the end that strikes and lockouts may be unnecessary.

The commission is constrained to decline making an award, which would compel an agreement by the operators with the United Mine Workers of America: for however importantly that order may have participated in the strike which was inaugurated on the 12th of May last, and in its subsequent conduct, it is not a party to this submission. It was distinctly stated at the meeting of the commission, that the president of the United Mine Workers of America appeared before the commission as the representative of the mine workers in the anthracite region, on whose behalf had been made the demands which have since been incorporated in the formal statement of claim filed. It is the striking anthracite mine workers, who appear before the commission as the pursuing party. It is true that they have been represented, and ably represented, before the commission by Mr. Mitchell, but in so representing them he appeared "as the representative of the anthracite coal mine workers," and not in his official character as president of the United Mine Workers of America.*

*At the hearing before the commission on October 27, Mr. Baer, representing the Philadelphia and Reading Coal and Iron company, made the following statement.

"I am anxious to have one thing clearly understood, because it may lead to complications, and it might as well be stated now as at any other time. We have no objection to Mr. Mitchell appearing here to represent miners in the Schuylkill region; but under the terms of the submission to you we have expressly excluded the miners' organization, because it is a bituminous organization partly, and we can not consent to Mr. Mitchell's appearing here as the representative and as the president of that organization. So far as he appears here to represent any of the miners in the anthracite region that are in our employ, we have no objection, and we

raise no question about it; but we do not want him to appear on the record as president of the United Mine Workers, because we have distinctly stated in the paper from which you have derived your authority to the president that we will not deal with that organization." In reply to the foregoing, Mr. Mitchell said:

"As to the matter of my status before the commission, I desire to say that the objections that have been filed are not involved. I appear here as the representative of the anthracite coal mine workers."

Nor does the commission consider that the question of the recognition of the United Mine Workers of America, is within the scope of the jurisdiction conferred upon it by the submission.

The first appearance of this demand, so far as this commission is concerned, was at its meeting on the 27th of October last. It is therefore evident, that it was not considered one of the issues, when the submission was suggested by the operators in their letter to the public and accepted by the striking miners in their convention of October 21.

The commission feels, however, that it is incumbent upon it to give some expression to its views on the general question. From the correspondence which passed between the coal operators and the officers of the United Mine Workers prior to the strike, and which has been cited under the heading "History and cause of the strike," from the voluminous testimony presented during the hearings before the commission, and from the arguments of counsel and others, with which the public hearings closed, the commission is led to the conviction, that the question of the recognition of the union and of dealing with the mine workers through their union, was considered by both operators and miners to be one of the most important involved in the controversy which culminated in the strike.

The order, as its name implies, is an organization to membership in which all workers who "produce or handle coal or coke in or around the mines" are eligible. It claims a jurisdiction coextensive with the coal producing industry in America. Its purpose, as stated in its constitution (which is printed in full in the appendix), is to unite the mine workers and "ameliorate their conditions by methods of conciliation, arbitration, or strikes." The members of the union assert, that they have a right to form themselves into a union, choose their officers and delegate to those officers authority to represent and speak or bargain for them. They contend that if a majority of the employes of a colliery, or of a mining company, are members of the union, the union has a right to negotiate for the services of the employes of that colliery or company, in their collective capacity.

The operators assert that they have no objection to their employes joining a union or labor organization. They say their refusal to recognize and deal with the United Mine Workers, as at present constituted, is based on the fact that the majority of the members of the union are employed in the bituminous coal fields; that the officers are chiefly from those fields and not well acquainted with the work of mining anthracite coal; that to deal with them would be dealing with an organization which is controlled by men engaged in a rival industry, bituminous and anthracite coal mining being considered by them as competitive or rival industries, so far as the use of anthracite for steam-producing purposes is concerned. The assertion is made that operators in bituminous fields contributed liberally to the striking anthracite miners, in order to continue the advantages which accrued to the bituminous coal industry from the suspension of work in the anthracite region; and it is also alleged and proved, that the local unions in the anthracite fields are, to some extent, controlled by the votes of young boys, who are admitted to membership and who are, through their youth and lack of experience, wanting in judgment, and, so far, irresponsible.

Great stress is laid upon the accusation that the United Mine Workers' union resorts to and encourages lawlessness and violence in its efforts to accomplish its purposes or desires.

The demands of the mine workers having been made through their union, any adjustment which might have been effected between the operators and the officers of the organization, would have carried with it more or less direct recognition of the union. The agreement to sumit the disputed points to the decision of this commission, was subscribed to by the president of the large anthracite and transportation companies on the one side, and by a convention of anthracite mine workers, members of the union, on the other. The submission provides that this commission shall determine the questions at issue between the several operators and "their respective employes, whether the latter belong to a union or not," and shall fix the rates of wages and hours and conditions of labor for a period of not less than three years.

Whatever the jurisdiction of this commission, under the submission may be, the suggestion of a working agreement between employers and employes embodying the doctrine of collective bargaining is one which the commission believes contains many hopeful elements for the adjustment of relations in the mining regions, but it does not see that, under the terms of the submission from which the powers of the commission are derived, such an agreement can be made to take the place of, or become part of, its award.

In the days when the employer had but few employes, personal acquaintance and direct contact of the employer and the employe resulted in mutual knowledge of the surrounding conditions and the desires of each. The development of the employers into large corporations, has rendered such personal contact and acquaintance between the responsible employer and the individual employe, no longer possible in the old sense. The tendency toward peace and good fellowship which grows out of personal acquaintance or direct contact should not, however, be lost through this evolution to greater combinations. There seems to be no medium through which to preserve it, so natural and efficient as that of an organization of employes governed by rules which represent the will of a properly constituted majority of its members, and officered by members selected for that purpose, and in whom authority to administer the rules and affairs of the union and its members is vested.

The men employed in a certain line of work or branch of industry, have similar feelings, aspirations, and convictions, the natural outgrowth of their common work and common trend or application of mind. The union, representing their community of interests, is the logical result of their community of thought. It encourages calm and intelligent consideration of matters of common interest. In the absence of a union, the extremist gets a ready hearing for incendiary appeals to prejudice or passion, when a grievance, real or fancied, of a general nature, presents itself for consideration.

The claim of the worker that he has the same right to join with his fellows in forming an organization, through which to be represented, that the stockholder of the corporation has to join others in forming the corporation, and to be represented by its directors and other officers, seems to be thoroughly well founded, not only in ethics but under economic considerations. Some employers say to their employes: "We do not object to your joining the union, but we will not recognize your union nor deal with it as representing you." If the union is to be rendered impotent, and its usefulness is to be nullified by refusing to permit it to perform the functions for which it is created, and for which alone it exists, permission to join it may well be considered as a privilege of doubtful value.

Trades unionism is rapidly becoming a matter of business, and that employer who fails to give the same careful attention to the question of his relation to his labor or his employes, which he gives to the other factors which enter into the conduct of his business, makes a mistake, which sooner or later he will be obliged to correct. In this, as in other things, it is much better to start right than to make mistakes in starting, which necessitates returning to correct them. Experience shows that the more full the recognition given to a trades union, the more businesslike and responsible it becomes. Through dealing with business men in business matters, its more intelligent, conservative, and responsible members come to the front and gain general control and direction of its affairs. If the energy of the employer is directed to discouragement and repression of the union, he need not be surprised if the more radically inclined members are the ones most frequently heard.

The commission agrees that a plan, under which all questions of difference between the employer and his employes, shall first be considered in conference between the employer or his official representative and a committee, chosen by his employes from their ranks, is most likely to produce satisfactory results and harmonious relations, and at such conference the employes should have the right to call to their assistance such representatives or agents as they may choose, and to have them recognized as such.

In order to be entitled to such recognition, the labor organization or union must give the same recognition to the rights of the employer and of others, which it demands for itself and for its members. The worker has the right to quit or to strike in conjunction with his fellows, when by so doing he does not violate a contract made by or for him. He has neither right nor license to destroy or to damage the property of the

employer; neither has he any right or license to intimidate or to use violence against the man who chooses to exercise his right to work, nor to interfere with those who do not feel that the union offers the best method for adjusting grievances.

The union must not undertake to assume, or to interfere with, the management of the business of the employer. It should strive to make membership in it so valuable as to attract all who are eligible, but in its efforts to build itself up, it must not lose sight of the fact that those who may think differently, have certain rights guaranteed them by our free government. However irritating it may be to see a man enjoy benefits to the securing of which he refuses to contribute, either morally, or physically, or financially, the fact that he has a right to dispose of his personal services as he chooses, can not be ignored. The non-union man assumes the whole responsibility which results from his being such, but his right and privilege of being a non-union man are sanctioned in law and morals. The rights and privileges of non-union men are as sacred to them as the rights and privileges of unionists. The contention that a majority of the employes in an industry, by voluntarily associating themselves, in a union, acquire authority over those who do not so associate themselves is untenable.

Those who voluntarily associate themselves, believe that in their efforts to improve conditions, they are working as much in the interest of the unorganized as in their own, and out of this grows the contention that when a non-union man works during a strike, he violates the rights and privileges of those associated, in efforts to better the general condition, and in aspirations to a higher standard of living. The non-union man, who does not believe that the union can accomplish these things, insists with equal sincerity that the union destroys his efforts to secure a better standard of living, and interferes with his aspirations for improvement. The fallacy of such argument lies in the use of the analogy of state government, under which the minority acquiesces in the rule of the majority; but government is the result of organic law, within the scope of which no other government can assume authority to control the minority. In all acts of government the minority takes part, and when it is defeated the government becomes the agency of all, not simply of the majority.

It should be remembered that the trade union is a voluntary social organization, and, like any other organization, is subordinate to the laws of the land and can not make rules or regulations in contravention thereof. Yet it at times seeks to set itself up as a separate and distinct governing agency and to control those who have refused to join its ranks and to consent to its government, and to deny to them the personal liberties which are guaranteed to every citizen by the constitution and laws of the land. The analogy, therefore, is unsound and does not apply. Abraham Lincoln said, "No man is good enough to govern another man without that other's consent." This is as true in trade unions as elsewhere, and not until those which fail to recognize this truth abandon their attitude toward non-union men, and follow the suggestion made above—that is, to make their work and their membership so valuable and attractive, that all who are eligible to membership will come under this rule—will they secure that firm and constant sympathy of the public, which their general purposes seem to demand.

We believe it is unwise and impolitic, to permit boys of immature age and judgment to participate in deciding the policy and actions of a labor union. We think that no one should have such voice in the affairs of a union, until he has reached his legal majority. Those affairs are momentous and are of growing importance. They should be directed by men who have a realizing sense of the responsibilities of life, both as to family, as to associates, and as to society. This does not mean, of course, that minors should not belong to the union, but they should not act as, nor vote for, delegates to conventions which consider or determine strikes.

The present constitution of the United Mine Workers of America does not present the most inviting inducements to the operators to enter into contractual relations with it. Minors are represented in conventions called for the consideration of strikes; while boys do not go as delegates, only one case having been noted, they send delegates to such conventions; and as the boys in the union in the anthracite region constitute about 20 per cent. of the membership, it is easily seen that their representatives, who may be obliged to act on instructions, may have the balance of power, and thus carry a vote for a strike when the more conservative and experienced members might be opposed to it.

Under the recently amended constitution of the United Mine Workers of America, strikes must originate with the locals or districts;* but before final action is taken by any district upon questions that directly or indirectly affect the interests of the mine workers of another district, or that require a strike to determine such questions, the president and secretary of the aggrieved district must jointly prepare, sign, and forward to the national president, a written statement setting forth the grievance complained of, the action contemplated by the district, and the reasons therefor; and the national president must, within five days after the receipt of such statement, either approve or disapprove of the action contemplated by the aggrieved district, such approval or disapproval to be made in writing and a copy forwarded to the secretary of the complaining district. If the national president approve, the district is free to act; but should he disapprove the contemplated strike, the district may appeal to the national executive board, which must be convened to consider such appeal within five days after its receipt. Until the national president has approved or the national executive board has sustained the appeal, no district is free to enter upon a strike, unless it be general or national, ordered by a national convention.

These provisions give the districts in the anthracite region quite independent powers relative to the initiation of a strike, and their powers are in a measure safeguarded by the necessity of first securing the approval of the national president, or, in case of his disapproval, of the national executive board. The difficulty does not lie so much in the method now pursued as in the fact that a strike may be undertaken by a majority vote of the members of a district convention called for the purpose of considering the strike. This is considered a weakness in the present method. Instead of a majority vote there should be at least a two-thirds vote of all the delegates in the convention considering the question of a strike. The vote should be by ballot, and not by voice, or show of hands. An amendment to the constitution, making such provisions as those just indicated, and creating a separate anthracite department, so far as strikes are concerned, would remove some of the serious objections that have been urged by the operators.

An independent and autonomous organization of the anthracite mine workers of Pennsylvania, however affiliated, in which the objectionable features above alluded to should be absent, would deserve the recommendation of this commission, and, were it within the scope of its jurisdiction, the said fourth demand of the statement of claim, for collective bargaining and a trade agreement might then be reasonably granted.

The commission has carefully considered and has outlined a plan for an organization for the execution of trade agreements in the anthracite region, to which thoughtful attention is called, and which is printed in full as an appendix.

When under the award the parties have faithfully obeyed its terms and thus learned to deal with each other, a trade agreement between operators and an anthracite mine workers' organization may commend itself to both sides. We believe this, especially when it is considered that in other directions, and in other industries, such agreements have been made and adhered to for terms of years, completely avoiding strikes and labor controversies generally. Of course, here and there in the bituminous regions, these agreements may not have worked with perfect satisfaction to both parties, and in some districts they have been abandoned after a brief trial, but on the whole the experience under them in this country, and in England, testifies to their great usefulness in preserving peace and harmony.

The commission is of opinion nevertheless, that some satisfactory method for the adjustment of grievances, which may arise from time to time, to the end that strikes and lockouts may be unnecessary, the demand for which as part of an agreement with the United Mine Workers of America is made in the fourth claim, just referred to, should be imposed by its award upon the parties to this submission.

It, accordingly, hereby adjudges and awards: That any difficulty or disagreement arising under this award, either as to its interpretation or application, or in any way growing out of the relations of the employers and employed, which can not be settled or adjusted by consultation between the superintendent or manager of the mine or mines, and the miner or miners directly interested, or is of a scope too large to be so settled and adjusted, shall be referred to a permanent joint committee, to be called a board of conciliation, to consist of six persons, appointed as hereinafter provided. That is to say, if there shall be a division of

*See Article X of the constitution, printed in the Appendices.

the whole region into three districts, in each of which there shall exist an organization representing a majority of the mine workers of such district, one of said board of conciliation shall be appointed by each of said organizations, and three other persons shall be appointed by the operators, the operators in each of said districts appointing one person.

The board of conciliation thus constituted, shall take up and consider any question referred to it as aforesaid, hearing both parties to the controversy, and such evidence as may be laid before it by either party; and any award made by a majority of such board of conciliation shall be final and binding on all parties. If, however, the said board is unable to decide any question submitted, or point related thereto, that question or point shall be referred to an umpire, to be appointed, at the request of said board, by one of the circuit judges of the Third judicial circuit of the United States, whose decision shall be final and binding in the premises.

The membership of said board shall at all times be kept complete, either the operators' or miners' organizations having the right, at any time when a controversy is not pending, to change their representation thereon.

At all hearings before said board the parties may be represented by such person or persons as they respectively select.

No suspension of work shall take place, by lockout or strike, pending the adjudication of any matter so taken up for adjustment.

Certain matters outside the precise terms of the formal demands in the statement of claim filed by the mine workers have been brought to the attention of the commission, which in its opinion, are germane thereto, and an award upon the same is deemed by it necessary to render more effective the awards already made. These matters have, all of them, been urged at the hearings and in the arguments, and have been thoroughly discussed by both sides to the controversy as pertinent to it, and as within the jurisdiction of the commission, since they relate to the conditions alluded to in the submission.

The following classes of employes are not included within the provisions of the awards already made, to wit: Superintendents, foremen, assistant foremen, and bosses.

V.—CHECK WEIGHMEN AND CHECK DOCKING BOSSES.

The employment of check weighmen and check docking bosses, would to a great extent, relieve the difficulties attending the payment for coal on the basis of a 2,240-pound ton instead of by the car, as desired under the third demand. The chief difficulty of the payment for coal by the car, lies in the fact, that by such method the opportunity exists for unfairness on the part of the operators. It is this opportunity which creates irritation and suspicion, and it has been the subject of complaint on the part of the miners for a long time. The commission has striven most assiduously to discover some means by which the opportunity for mistakes or injustice, can be removed and thus allay irritation and suspicion, but, as stated, when discussing the third demand of the miners, it has felt obliged to leave the methods of payment as they now exist. It does indulge the hope, however, that efforts will be made to secure some improved method of payment by mutual agreement.

The commission also feels that the employment of check weighmen and check docking bosses will remove, to a large degree, the suspicions of the miners. This suggestion is fortified by much testimony, and by such statistics as are available relative to the percentage of dockage, where coal is paid for by the car, prior to the employment of check docking bosses, and thereafter. The statistics of the experience of three companies which now employ check docking bosses show the following results: Previous to the employment of such check docking bosses the percentage of dockage in the Scranton Coal company was, for one colliery, 3.11 (of the carloads of coal sent out by the miners); in another colliery 4.41, and in another 6.46. Subsequent to the employment of such bosses the percentage of dockage fell to 1.77, 2.39 and 3.13 respectively. In four collieries of the Temple Iron company, the percentage previous to employment of check docking bosses was, in one colliery, 4.94; in another, 7.10; in another, 4.62;, and in the fourth, 4.03, as against 2.34, 4.43, 2.08, and 1.29, respectively, after the employment of such bosses. Under the Dolph Coal company the dockage was 4.95 per cent. previous to the employment of a check docking boss, and 3.78 per cent. subsequent thereto. These figures show conclusively the satisfactory results to be gained by the employment of check docking bosses. Such employment has materially reduced the amount of dockage charged to the miners for impurities in the coal they send out.

In relation to check weighmen, who are employed where coal is paid for by weight, it is found that there has been some increase in the amount of coal accredited to the miners, as against the amount so accredited before the employment of check weighmen. The testimony shows that where check weighmen are now employed, the miners are credited with a larger amount of coal for which payment is made than prior to their employment. It may be that the employment of check weighmen and check docking bosses by the miners, influenced them to greater effort to free the coal from impurities.

Of course it should be understood that wherever coal is paid for by weight the company has a weighmaster, who certifies the amount of coal to be paid for. The check weighmen and check docking bosses are inspectors, employed by the miners themselvesto watch the weighing and docking of coal in their interest.

The commission considers the employment of check weighmen and check docking bosses an important matter, and, therefore, adjudges and awards: That whenever requested by a majority of the contract miners of any colliery, check weighmen or check docking bosses, or both, shall be employed. The wages of said check weighmen and check docking bosses shall be fixed, collected, and paid by the miners, in such manner as the said miners shall by a majority vote elect; and when requested by a majority of said miners, the operators shall pay the wages fixed for check weighmen and check docking bosses, out of deductions made proportionately from the earnings of the said miners, on such basis as the majority of said miners shall determine.

VI.—DISTRIBUTION OF CARS.

The miners for years have made complaint that the mine cars are not equitably distributed; that favoritism is shown in the distribution, and that from various causes they do not get a sufficient number of cars to enable them to earn, in some cases, a fair day's pay. The operators contend that mine cars are distributed as fairly as possible. One of the difficulties in this matter lies in the fact, that it is rare that any colliery is supplied with a sufficient number of cars to keep all the miners constantly employed. It is a difficult matter to adjust, but there seems to be no reason why cars should not be distributed uniformly, so far as the equipment of cars will allow.

The commission, therefore, adjudges and awards: That mine cars shall be distributed among miners, who are at work, as uniformly and as equitably as possible, and that there shall be no concerted effort on the part of the miners or mine workers of any colliery or collieries, to limit the output of the mines or to detract from the quality of the work performed, unless such limitation of output be in conformity to an agreement between an operator, and an organization representing a majority of said miners in his or their employ.

VII.—MINE CARS.

A considerable portion of the testimony presented by the miners in the hearings before the commission, was devoted to variations in the sizes of the mine cars, much complaint being made that the cars had been gradually increased in size, without an equivalent compensation to the miner. It does not seem to the commission that the latter charge was substantiated, though the fact that several sizes of cars are used in some mines, with the same rate of pay for each, may be considered as a cause for suspicion among the mine workers. It was quite clearly shown that in some cases the miners had somewhat exaggerated ideas of the amount of coal, by weight, the mine cars contained. One witness, who had measured his car and ascertained its cubical contents, expressed the opinion that the car held 4 tons when loaded. It in fact held about 2¾ tons. Still, the different sizes of cars which are in use in some collieries cause confusion and misunderstanding, and should be avoided whenever possible.

This condition is somewhat complicated by the different prices paid for the same cars in the same collieries. Take, for example, the Maple Hill colliery of the Philadelphia and Reading Coal and Iron company. In this case only one size of car is used. It contains, water level, 126 cubic feet, and with 8 inches of topping, 150 cubic feet. Twelve different rates are paid for this one car, the rates varying from 75 cents to $1.25. These differentials are, of course, due to the variety of conditions under which the miners work. In the Phoenix colliery of the same company four different cars, varying in size from 74.4 to 94 cubic feet, are each paid for at different prices, ranging from 70 cents

to $1.05. This makes the rate per ton vary from 30 to 56 cents, or nearly 100 per cent. In the Mount Lookout colliery of the Temple Iron company, four different sizes of cars are used, varying from 80.56 to 93.61 cubic feet. Two rates are paid for mining, 98 cents and $1.23 per car, according to the working conditions. The result is eight different rates per ton, varying from 42 to 61 cents.

Anthracite coal varies considerably in specific gravity, and the space occupied by different grades and sizes ranges from 36.5 to 43 cubic feet per long ton. For the purpose of this report the average bulk of a long ton of anthracite coal is assumed to be 40 cubic feet. The table given in the appendix presents a statement of the different sizes of cars used at a number of collieries in the anthracite region, where payment is made by car. It shows the cubical contents to "water level," and also with the usual topping required.

These facts make it impossble for the commission to reach a decision relative to the size of cars, without disturbing to too great an extent existing conditions; but in order to make its award relative to an increase of pay effective, it adjudges and awards: That in all cases where miners are paid by the car, the increase awarded to the contract miners is based upon the cars in use, the topping required and the rates paid per car which were in force on April 1, 1902. Any increase in the size of car, or in the topping required, shall be accompanied by a proportionate increase in the rate paid per car.

VIII.—SLIDING SCALE.

The attention of the commission during the argument was called to a proposition for the establishments of the sliding scale, as a basis of payment or as an adjunct to any general system of payment adopted. It has many attractive features and is, in its essence, a profit-sharing device. The testimony shows that it was in operation for many years in the Lehigh and Schuylkill regions. As it existed in the latter it seems to have given measurable satisfaction. It appears, however, to have had a confessed defect, in that there was no minimum basis of earnings for the miner.

No sliding scale can be of permanent value, unless there be established a minimum basis of earnings, and a minimum price of the article on which the scale is constructed. The statistics of the prices of coal f. o. b. New York harbor, have enabled the commission to arrive at what seems to be a just basis, so far as price is concerned, while the minimum basis of earnings must necessarily be that established in the award.

The commission has not thought it wise to adopt an arrangement for a sliding scale as a substitute for an increase in the compensation of mine workers, and has, accordingly, in its preceding awards, provided for such direct increase as in its judgment is fair to both operator and mine worker, for the period of three years. Therefore, in prescribing the following sliding scale, the commission does not do so with the expectation that it means any immediate addition to the increases already provided for in the earnings and wages of mine workers, or that it necesarily means an increase at all, but with the thought that if in the future the price of coal should become what might be called abnormally high, there might be participation by miners and mine warkers in the profits derived from such increased price.

The commission, therefore, adjudges and awards: That the following sliding scale of wages shall become effective April 1, 1903, and shall affect all miners and mine workers included in the awards of the commission:

The wages fixed in the award shall be the basis of, and the minimum under, the sliding scale.

For each increase of 5 cents in the average price of white ash coal of sizes above pea coal, sold at or near New York, between Perth Amboy and Edgewater, and reported to the Bureau of Anthracite Coal Statistics, above $4.50 per ton f. o. b., the employes shall have an increase of 1 per cent in their compensation, which shall continue until a change in the average price of said coal works a reduction or an increase in said additional compensation hereunder; but the rate of compensation shall in no case be less than that fixed in the award. That is, when the price of said coal reaches $4.55 per ton, the compensation will be increased 1 per cent., to continue until the price falls below $4.55 per ton, when the 1 per cent. increase will cease, or until the price reaches $4.60 per ton, when an additional 1 per cent will be added, and so on.

These average prices shall be computed monthly, by an accountant or commissioner, named by one of the circuit judges of the third judicial circuit of the United States, and paid by the coal operators, such compensation as the appointing judge may fix, which compensation shall be distributed among the operators in proportion to the tonnage of each mine.

In order that the basis may be laid for the successful workings of the sliding scale provided herein, it is also adjudged and awarded: That all coal-operating companies file at once with the United States Commissioner of Labor, a certified statement of the rates of compensation paid in each occupation known in their companies, as they existed April 1, 1902.

IX.—DISCRIMINATION, LAWLESSNESS, BOYCOTTING, AND BLACKLISTING.

In the letter of the operators, which forms the basis of the submission of issue to this commission, the signatory parties state "that they are not discriminating against the United Mine Workers, but they insist that the miners' union shall not discriminate against or refuse to work with nonunion men." The testimony proved that some discrimination, on the part of both operators and union men, was made, before and after the strike was inaugurated and even, to some extent, after it had been declared off. It is difficult, of course, to determine just how far the employers declined to re-employ miners, simply because they were members of the union, or just how far the miners themselves refused to work with nonunion men. In the above-mentioned letter it is stated that the understanding is that "the miners will return to work and cease all interference with or persecution of any nonunion men who are working or shall hereafter work."

The testimony does not reveal any considerable amount of interference on the part of members of the union with nonunion men, after work had been resumed—that is, after the 23d of October. Nevertheless, it is evident to the commission that discrimination, whether on the part of the operators or of any of their employes, is a serious menance to the discipline of the mines. There is no industry in which discipline is more essential than in mining. The hazardous nature of the work calls for the best discipline; it is to the interest of the employer and the employe to see that it is maintained. Each should aid the other, not only in establishing the best methods for securing discipline, but in efforts to preserve it. Discrimination and interference weaken all discipline.

Although some reflections on the general subject have been made, no discussion of the conditions prevailing in the anthracite region during the continuance of the late strike would be adequate that did not fully deal with the disorder and lawlessness which existed to some extent over the whole region, and throughout the whole period. It is admitted that this disorder and lawlessness was incident to the strike. Its history is stained with a record of riot and bloodshed, culminating in three murders, unprovoked save by the fact that two of the victims were asserting their right to work, and another, as an officer of the law, who performing his duty, in attempting to preserve the peace. Men who chose to be employed, or who remained at work, were assailed and threatened, and they and their families terrorized and intimidated. In several instances the houses of such workmen were dynamited, or otherwise assaulted, and the lives of unoffending women and children put in jeopardy. The armed guards, employed to protect the collieries and the men who worked them, appear not to have been an unnecessary precaution, and the governor of the state was, as the evidence before the commission shows, justified in calling out the citizen soldiery of the commonwealth to preserve its peace and vindicate its laws.

The resentment expressed by many persons connected with the strike, at the presence of the armed guards and militia of the state, does not argue well for the peaceable character or purposes of such persons. No peaceable or law-abiding citizen has reason to fear or resent the presence of either.

It is true that exaggerated accounts of the disturbances were published, and there was testimony from reputable witnesses, tending to minimize them, and vouching for the good order of the communities in which such witnesses lived: but these were mainly in the localities where the operators made no attempt to work the collieries. It is also true, and justice requires the statement, that the leaders of the organization which began and conducted the strike, and notably its president, condemned all violence, and exhorted their followers to sobriety and moderation. It would seem, however, that the subordinate local organizations and their leaders, were not so amenable to such counsels as to prevent the regrettable occurrences to which reference has been made.

In making this arraignment, we are not unmindful of what appears to be the fact, that the mine workers of the anthracite region are, in the main, well-disposed and good citizens of the commonwealth of Pennsylvania, and that it is in the power of a minority of the less responsible men and boys, together with the idle and vicious, unless properly restrained, to destroy the peace and good order of any community. Absence of protest and of active resistance on the part of the better element, means encouragement and license to the class above described. It has been declared by some persons, that this state of things is no more than was to be expected in communities where such large numbers of men and boys were idle for so long a time. If this be so, and it is not necessary for our present purpose to traverse the truth of this statement, it affects seriously the responsibility of those leaders of a labor movement who are, in the main, responsible for the inauguration and conduct of a strike.

There can be no doubt that without threats, intimidation, and violence toward those who would otherwise be willing to remain at work, or take the places of those who had ceased to work, the coercion of employers, which a strike always contemplates, would be less potent in compelling acquiescence in its demands. This is the danger point of the whole matter. The law, which governs all citizens of a free country alike, can make no exceptions. The beneficence of labor unions is acknowledged. Their development, as we view it, has been one of real, though of slow and intermittent, progress to the betterment of labor conditions and to improvement in the relations between employer and employed. All combinations of men, however, to achieve a common purpose have potencies for evil. Such combinations are more than mere aggregations of the rights and powers of the individuals composing them. They become new and powerful entities and factors for good or ill, according to the wisdom or unwisdom with which they are managed and controlled. The strike ordered by a trade union, which compasses no more than the enforcement of demands previously made, for the supposed benefit of its members, by the cessation from work in the event that those demands are not complied with, trangresses no law of a free society, and, whether wise or unwise in inception and purpose, is an exercise of no more than the legal rights that belong collectively or individually to its members.

It is true that the stress thus placed upon employers, may constitute a kind of coercion, resulting, in some cases, in an enforced compliance with the demands of the association or union. Such coercion, however, is not illegal and does not come within the condemnation of the law. It is the indirect consequence of the legal exercise of the right to work, or to cease to work, belonging to all men.

But a strike set on foot with the view to the accomplishment of its purpose by intimidation or violence, exercised against those who choose to remain at work violates the law from the beginning. Where, however, the strike itself is separable from the illegal violence and intimidation, which in many cases accompany it, the legal liability for such violence and intimidation rests alone upon the individuals who commit the act, and those who aid, encourage, and abet them. Though no illegality of purpose is imputable to those inaugurating a strike, its existence, if it involve large numbers of men in a single community, tends, of itself, to produce disorder and lawlessness.

As has been said, the idle and vicious, who are in no way connected with the purpose or object of the strike, often unite with the less orderly of the strikers themselves, in creating the deplorable scenes of violence and terror, which have all too often characterized the otherwise laudable efforts of organized labor to improve its conditions. Surely this tendency to disorder and violation of law imposes upon the organization, which begins and conducts a movement of such importance, a grave responsibility. It has, by its voluntary act, created dangers, and should, therefore, be vigilant in averting them. It has, by the concerted action of many aroused passions, which, uncontrolled, threaten the public peace; it, therefore, owes society the duty of exerting its power to check and confine these passions within the bounds of reason and of law. Such organizations should be the powerful coadjutors of government in maintaining the peace and upholding the law Only so can they deserve and attain the respect due to good citizenship, and only so can they accomplish the beneficent ends, which for the most part they were created to attain.

A labor or other organization, whose purpose can only be accomplished by the violation of law and order of society, has no right to exist.

The right to remain at work where others have ceased to work, or to engage anew in work which others have abandoned, is part of the personal liberty of a citizen, that can never be surrendered, and every infringement thereof merits, and should receive the stern denouncement of the law. All government implies restraint, and it is not less, but more, necessary in self-governed communities, than in others, to compel restraint of the passions of men which make for disorder and lawlessness. Our language is the language of a free people, and fails to furnish any form of speech by which the right of a citizen to work when he pleases, for whom he pleases, and on what terms he pleases, can be successfully denied. The common sense of our people, as well as the common law, forbids that this right should be assailed with impunity. It is vain to say, that the man who remains at work while others cease to work, or takes the place of one who has abandoned his work, helps to defeat the aspirations of men who seek to obtain better recompense for their labor, and better conditions of life. Approval of the object of a strike, or persuasion that its purpose is high and noble, can not sanction an attempt to destroy the right of others to a different opinion in this respect, or to interfere with their conduct in choosing to work upon what terms and at what time and for whom it may please them so to do.

The right thus to work can not be made to depend upon the approval or disapproval of the personal character and conduct of those who claim to exercise this right. If this were otherwise, then those who remain at work might, if they were in the majority, have both the right and power to prevent others, who choose to cease to work, from so doing.

This all seems too plain for argument. Common sense and common law alike denounce the conduct of those who interfere with this fundamental right of the citizen. The assertion of the right seems trite and commonplace, but that land is blessed where the maxims of liberty are commonplaces.

It also becomes our duty to condemn another less violent, but not less reprehensible, form of attack upon those rights and liberties of the citizen, which the public opinion of civilized countries recognize and protects. The right and liberty to pursue a lawful calling and to lead a peaceable life, free from molestation or attack, concerns the comfort and happiness of all men, and the denial of them means destruction of one of the greatest, if not the greatest, of the benefits which the social organization confers. What is popularly known as the boycott* (a word of evil omen and unhappy origin) is a form of coercion by which a combination of many persons, seek to work their will upon a single person, or upon a few persons, by compelling others to abstain from social or beneficial business intercourse with such person or persons. Carried to the extent sometimes practiced in aid of a strike, and as was in some instances practiced in connection with the late anthracite strike, it is a cruel weapon of aggression, and its use immoral and anti-social.

To say this is not to deny the legal right of any man or set of men, voluntarily to refrain from social intercourse or business relations with any persons whom he or they, with or without good reason, dislike. This may sometimes be unChristian, but it is not illegal. But when it is a concerted purpose of a number of persons not only to abstain themselves from such intercourse, but to render the life of their victim miserable by persuading and intimidating others so to refrain, such purpose is a malicious one, and the concerted attempt to accomplish it is a conspiracy at common law, and merits and should receive the punishment due to such a crime.

Examples of such "secondary boycotts" are not wanting in the record of the case before the commission. A young schoolmistress, of intelligence, character, and attainments, was so boycotted, and her dismissal from employment compelled for no other reason than that a brother, not living in her immediate family, chose to work contrary to the wishes and will of the striking miners. A lad, about 15 years old, employed in a drug store, was discharged, owing to threats made to his employer by a delegation of the strikers, on behalf of their organization, for the reason that his father had chosen to return to work before the strike was ended. In several instances tradesmen were threatened with a boycott—that is, that all connected with the strikers would withhold from them their custom, and persuade others to do so, if they continued to fur-

*The following-named states have laws which may fairly be construed as prohibiting boycotting: Alabama, Connecticut, Florida, Georgia, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New York, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Vermont, and Wisconsin.

nish the necessaries of life to the families of certain workmen, who had come under the ban of the displeasure of the striking organizations. This was carrying the boycott to an extent which was condemned by Mr. Mitchell, president of the United Mine Workers of America, in his testimony before the commission, and which certainly deserves the reprobation of all thoughtful and law-abiding citizens. Many other instances of boycott are disclosed in the record of this case.

In social disturbances of the kind with which we are dealing, the temptation to resort to this weapon oftentimes becomes strong, but is none the less to be resisted. It is an attempt of many, by concerted action, to work their will upon another who has exercised his legal right to differ with them in opinion and in conduct. It is tyranny, pure and simple, and as such is hateful, no matter whether attempted to be exercised by few or by many, by operators or by workmen, and no society that tolerates or condones it can justly call itself free.

Some weak attempt was made at the hearings to justify the boycotts we have been describing, by confusing them with what might be called, for convenience sake, the primary boycott, which consists merely in the voluntary abstention of one or many persons from social or business relations with one whom they dislike. This indeed might amount to a conspiracy at law, if the ingredient of malicious purpose and concerted action to accomplish it were present, but whether this be so or not, the practical distinction between such a boycott and the one we have been reprobating is clear.

It was attempted to defend the boycott, by calling the contest between employers and employes a war between capital and labor, and pursuing the analogies of the word, to justify thereby the cruelty and illegality of conduct on the part of those conducting a strike. The analogy is not apt, and the argument founded upon it is fallacious. There is only one war-making power recognized by our institutions, and that is the government of the United States, and of the states in subordination thereto, when repelling invasion or suppressing domestic violence. War between citizens is not to be tolerated, and can not, in the proper sense, exist. If attempted, it is unlawful, and is to be put down by the sovereign power of the state and nation.

The practices, which we are condemning, would be outside the pale of civilized war. In civilized warfare, women and children and the defenseless are safe from attack, and a code of honor controls the parties to such warfare which cries out against the boycott we have in view. Cruel and cowardly are terms not too severe by which to characterize it.

Closely allied to the boycott is the blacklist, by which employers of labor sometimes prevent the employment by others, of men whom they have discharged. In other words, it is a combination among employers not to employ workmen, discharged by any of the members of said combination. This system is as reprehensible and as cruel as the boycott, and should be frowned down by all humane men. Happily there was little evidence of its existence among the operators in the anthracite region, one case only having been distinctly proved, and in that the refusal to employ the tabooed men continued but for a short time. Wherever it is practiced to the extent of being founded upon an agreement or concerted action, it, too, comes within the definition of the crime of conspiracy, and as such should be punished.* There is also a civil remedy open to one who suffers from having been blacklisted, in an action against those who are a party to it, to recover damages compensatory of the injury received.

The commission is fully aware of the difficulties inherent in this subject. It is a psychological matter beyond rules and awards unless the lawmaking power of the community fix a penalty upon boycotting and blacklisting. Even then the various degrees to which the two can be carried elude the enforcement of a statute. The commission is of opinion, however, that there should be a positive utterance on its part relative to discrimination, interference, boycotting, and blacklisting, and this opinion it has put in the form of an award, as follows:

It is adjudged and awarded: That no person shall be refused employment, or in any way discriminated against, on account of membership or non-membership in any labor organiaztion; and that there shall be no discrimination against, or interference with, any employe who is not a member of any labor organization by members of such organization.

X.—DIRECT PAYMENT.

It is the general custom with the companies in the anthracite regions, to pay a miner the total amount of money due him for mining coal, the miner paying his laborer or laborers the amount due them. A contract miner, whose earnings may be practically what he sees fit to make them, within proper limits, engages his own laborer and blows down or cuts the coal, while the laborer loads it into the mine cars, he being paid therefor, on an average, something over one-third of the gross earnings of the miner. At the end of two weeks the money due the miner is handed him in an envelope, with a statement of the amount of coal mined, allowances, etc., and the miner pays his laborer or laborers.

It is contended that on pay day the laborers, at times, meet at a neighboring saloon, and the miners there pay them, the excuse being that they are not able to make change, and so secure the assistance of the saloon keeper. This may or may not be a grievous complaint, but it could be entirely overcome by the operators paying the miners' laborers direct and at the pay office. The commission, therefore adjudges and awards: That all contract miners be required to furnish within a reasonable time before each pay day, a statement of the amount of money due from them to their laborers, and such sums shall be deducted from the amount due the contract miner and paid directly to each laborer by he company. All employes when paid shall be furnished with an itemized statement of account.

XI.—LIFE AND CONDITIONS OF THE AWARDS.

The commission further adjudges and awards: That the awards herein made shall continue in force until March 31, 1906; and that any employe, or group of employes, violating any of the provisions thereof, shall be subject to reasonable discipline by the employer; and further, that the violation of any provision of these awards, either by employer or employes, shall not invalidate any of the provisions thereof.

RECAPITULATION OF AWARDS.

I. The commission adjudges and awards: That an increase of 10 per cent. over and above the rates paid in the month of April, 1902, be paid to all contract miners for cutting coal, yardage, and other work for which standard rates or allowances existed at that time, from and after November 1, 1902, and during the life of this award; and also to the legal representatives of such contract miners as may have died since November 1, 1902. The amount of increase under the award due for work done between November 1, 1902, and April 1, 1903, to be paid on or before June 1, 1903.

II. The commission adjudges and awards: That engineers who are employed in hoisting water shall have an increase of 10 per cent. on their earnings betewen November 1, 1902, and April 1, 1903, to be paid on or before June 1, 1903; and a like allowance shall be paid to the legal representatives of such employes as may have died since November 1, 1902; and from and after April 1, 1903, and during the life of the award, they shall have 8-hour shifts, with the same pay which was effective in April, 1902; and where they are now working 8-hour shifts, the 8-hour shifts shall be continued, and these engineers shall have an increase of 10 per cent. on the wages which were effective in the several positions in April, 1902.

Hoisting engineers and other engineers and pumpmen, other than those employed in hoisting water, who are employed in positions which are manned continuously, shall have an increase of 10 per cent. on their earnings between November 1, 1902, and April 1, 1903, to be paid on or before June 1, 1903; and a like allowance shall be paid to the legal representatives of such employes as may have died since November 1, 1902; and from and after April 1, 1903, and during the life of the award they shall have an increase of 5 per cent. on the rates of wages which were effective in the several positions in April, 1902; and in addition they shall be relieved from duty on Sundays, without loss of pay, by a man provided by the employer to relieve them during the hours of the day shift.

The commission adjudges and awards: That firemen shall have an increase of 10 per cent. on their earnings between November 1, 1902, and April 1, 1903, to be paid on or before June 1, 1903; and a like allowance shall be paid to the legal representatives of such employes as may have died since November 1, 1903, and during the life of

*The United States and the following-named states have laws which may fairly be construed as prohibiting blacklisting: Georgia, Michigan, New Hampshire, New York, Oklahoma, Oregon, Rhode Island, and South Dakota.

the award, they shall have 8-hour shifts, with the same wages per day, week, or month as were paid in each position in April, 1902.

The commission adjudges and awards: That all employes or company men, other than those for whom the commission makes special awards, be paid an increase of 10 per cent. on their earnings between November 1, 1902, and April 1, 1903, to be paid on or before June 1, 1903; and a like allowance shall be paid to the legal representatives of such employes as may have died since Nov. 1, 1902; and that from and after April 1, 1903, and during the life of this award, they shall be paid on the basis of a 9-hour day, receiving therefor the same wages as were paid in April, 1902, for a 10-hour day. Overtime in excess of 9 hours in any day to be paid at a proportional rate per hour.

III. The commission adjudges and awards: That during the life of this award the present methods of payment for coal mined, shall be adhered to, unless changed by mutual agreement.

IV. The commission adjudges and awards: That any difficulty or disagreement arising under this award, either as to its interpretation or application, or in any way growing out of the relations of the employers and employed, which cannot be settled or adjusted by consultation between the superintendent or manager of the mine or mines, and the miner or miners directly interested, or is of a scope too large to be so settled or adjusted, shall be referred to a permanent joint committee, to be called a board of conciliation, to consist of six persons, appointed as hereinafter provided. That is to say, if there shall be a division of the whole region into three districts, in each of which there shall exist an organization representing a majority of the mine workers by each of said organizations, and three other persons shall be appointed by the operators, the operators in each of said districts appointing one person.

The board of conciliation thus constituted, shall take up and consider any question referred to it as aforesaid, hearing both parties to the controversy, and such evidence as may be laid before it by either party; and any award made by a majority of such board of conciliation shall be final and binding on all parties. If, however, the said board is unable to decide any question submitted, or point related thereto, that question or point shall be referred to an umpire, to be appointed, at the request of said board, by one of the circuit judges of the third judicial circuit of the United States, whose decision shall be final and binding in the premises.

The membership of said board shall at all times be kept complete, either the operators' or miners' organizations having the right, at any time when a controversy is not pending, to change their representation thereon.

At all hearings before said board the parties may be represented by such person or persons as they may respectively select.

V. The Commission adjudges and awards: That whenever requested by a majority of the contract miners of any colliery, check weighmen or check docking bosses, or both, shall be employed. The wages of said check weighmen and check docking bosses shall be fixed, collected, and paid by the miners in such manner as the said miners shall by a majority vote elect; and when requested by a majority of said miners, the operators shall pay the wages fixed for check weighmen and check docking bosses, out of deductions made proportionately from the earnings of the said miners, on such basis as the majority of said miners shall determine.

VI. The commission adjudges and awards: That mine cars shall be distributed among miners, who are at work, as uniformly and as equitably as possible, and that there shall be no concerted effort on the part of the miners or mine workers of any colliery or collieries, to limit the output of the mines or to detract from the quality of the work performed, unless such limitation of output be in conformity to an agreement between an operator or operators, and an organization representing a majority of said miners in his or their employ.

VII. The commission adjudges and awards: That in all cases where miners are paid by the car, the increase awarded to the contract miners is based upon the cars in use, the topping required, and the rates paid per car which were in force on April 1, 1902. Any increase in the size of car, or in the topping required, shall be accompanied by a proportionate increase in the rate paid per car.

VIII. The commission adjudges and awards: That the following sliding scale of wages shall become effective April 1, 1903, and shall affect all miners and mine workers included in the awards of the commission:

The wages fixed in the awards shall be the basis of, and the minimum under, the sliding scale.

For each increase of 5 cents in the average price of white ash coal of sizes above pea coal, sold at or near New York, between Perth Amboy and Edgewater, and reported to the bureau of anthracite coal statistics, above $4.50 per ton f. o. b., the employes shall have an increase of 1 per cent. in their compensation, which shall continue until a change in the average price of said coal works a reduction or an increase in said additional compensation hereunder; but the rate of compensation shall in no case be less than that fixed in the award. That is, when the price of said coal reaches $4.55 per ton, the compensation will be increased 1 per cent. to continue until the price falls below $4.55 per ton, when the 1 per cent. increase will cease, or until the price reaches $4.60 per ton, when an additional 1 per cent. will be added, and so on.

These average prices shall be computed monthly, by an accountant or commissioner, named by one of the circuit judges of the Third judicial circuit of the United States, and paid by the coal operators, such compensation as the appointing judge may fix, which compensation shall be distributed among the operators in proportion to the tonnage of each mine.

In order that the basis may be laid for the successful working of the sliding scale provided herein, it is also adjudged and awarded: That all coal-operating companies file at once with the United States commissioner of Labor, a certified statement of the rates of compensation paid in each occupation known in their companies, as they existed April 1, 1902.

IX. The commission adjudges and awards: That no person shall be refused employment, or in any way discriminated against, on account of membership or non-membership in any labor orgnaization; and that there shall be no discrimination against, or interference with, any employe who is not a member of any labor organization by members of such organization.

X. The commission adjudges and awards: That all contract miners be required to furnish within a reasonable time before each pay day, a statement of the amount of money due from them to their laborers, and such sums shall be deducted from the amount due the contract miner, and paid directly to each laborer by the company. All employes when paid shall be furnished with an itemized statement of account.

XI. The commission adjudges and awards: That the awards herein made shall continue in force until March 31, 1906; and that any employe, or group of employes, violating any of the provisions thereof, shall be subject to reasonable discipline by the employer; and, further, that the violation of any provision of these awards, either by employer or employes, shall not invalidate any of the provisions thereof.

GENERAL RECOMMENDATIONS.

ENFORCEMENT OF LAW AND PROTECTION OF PROPERTY.

The commission thinks that the practice of employing deputies, upon the request and at the expense of employers, instead of throwing the whole responsibility of preserving peace and protecting property upon the county and state officers, is one of doubtful wisdom and perhaps tends to invite conflicts between such officers and idle men, rather than to avert them. Peace and order should be maintained at any cost, but should be maintained by regularly appointed and responsible officers and deputies, at the expense of the public, and re-enforced as strongly as may be necessary by public authorities, rather than by guards hired by corporations or individuals. The fact that deputies are, to all intents and purposes the employes of one of the parties, usually works injury to the cause in which they are engaged—that of preserving peace and protecting property

The employment of what are known as "coal and iron policemen," by the coal mining companies, while a necessity as things are, militates against the very purpose for which they are employed. Although the testimony before the commission proved that, as a whole, the coal and iron policemen were men of good character, there were a sufficient number of bad characters, taken from cities, to discredit the effort of the whole body. The employment of this body of police is authorized by law, but they are really the employes of the coal companies, and thus do not secure the respect and obedience to which officers of the law are entitled. Their presence is an irritant, and many of the disturbances in the coal regions during the late strike grew out of their presence. Should this matter be remedied by legislation, so that the laws could be enforced and peace preserved by a regularly constituted constabulary, appointed and paid by the county or state, the commission believes that

much of the disorder which accompanies strikes would be avoided.

EMPLOYMENT OF CHILDREN.

Another subject, not a matter of submission, but concerning which much testimony was offered, is that of the employment of children. Boys are employed in the breakers. The attention of the commission was called to the painful fact that in other industries boys and girls are employed, and work long hours both day and night. While the law prescribes the ages at which boys may be employed in and around the mines, and at which children may be employed in factories or mills, it appears, from the evidence, that the age is not placed sufficiently high. Infancy should be protected against the physical and moral influences of such employment, and there ought to be a more rigid enforcement of the laws which now exist.

COMPULSORY INVESTIGATION.

Your letter of October 23, 1902, stated that you had appointed the undersigned "a commission to inquire into, consider, and pass upon the questions in controversy in connection with the strike in the anthracite region, and the causes out of which the controversy arose," and also enjoined upon us to make the "endeavor to establish the relations between the employers and the wage workers in the anthracite fields on a just and permanent basis, and, as far as possible, to do away with any causes for the recurrence of such difficulties as those which you have been called in to settle."

We believe that the awards we have made, and which are herewith submitted, will accomplish, certainly during their life, the high aims contemplated in your letter. Faithful adherence to the terms of the awards can not fail to accomplish this: but in order to secure the public against long-continued controversy, and to make a coal famine or a famine in any other direction practically impossible, we deem it essential that there should be some authority to conduct just such investigations as that you called upon us to make.

There are some who have urged the commission to recommend the adoption of compulsory arbitration, so called, as the means of securing this desired result, but we can not see our way to recommend any such drastic measure. We do not believe that in the United States such a system would meet with general approval or with success. Apart from the apparent lack of constitutional power to enact laws providing for compulsory arbitration, our industries are too vast and too complicated for the practical application of such a system.

We do believe, however, that the state and federal governments should provide the machinery for what may be called the compulsory investigation of controversies when they arise. The states can do this, whatever the nature of the controversy. The federal government can resort to some such measure when difficulties arise by reason of which the transportation of the United States mails, the operations, civil or military, of the government of the United States, or the free and regular movement of commerce among the several states and with foreign nations, are interrupted or directly affected, or are threatened with being interrupted or affected.

The federal government has already recognized the propriety of action under the circumstances just cited, as evidenced in the act creating boards of arbitration or commission for settling controversies and differences between railroad corporations and other common carriers engaged in interstate or territorial transportation of property or persons, and their employes, approved Oct. 1, 1888. Under that act when such controversies and differences arose, the president was authorized, on the application of either of the contestants, to appoint a commission of three members to investigate the causes surrounding the difficulty. That act was cumbersome in its provisions and was repealed by an act approved June 1, 1898, entitled, "An act concerning carriers engaged in interstate commerce and their employes."

The provisions of the act first cited were applied at the time of the Chicago strike, so called, in 1894. There has been no resort to the act of June 1, 1898, which simply provides, so far as the federal government is concerned, that the chairman of the interstate commerce commission and the commissioner of labor shall, upon the terms of the act, with all practicable expedition put themselves in communication with the parties to such controversy, and shall use their best efforts, by mediation and conciliation, to settle the same amicably; and that if such effort shall be unsuccessful, they shall at once endeavor to bring about an arbitration of the controversy in accordance with the provisions of the act. The duties of these officials then cease, except where there is no choice of a referee by the parties selected as arbitrators. Then the commissioners named have power to designate the third arbitrator. Thus the principle of federal interference, through investigation, has been established by these acts of congress.

We print in the appendix a paper by by Charles Francis Adams, read before the American Civic Federation in New York December 8, 1902, in which he outlined a proposed "act to provide for the investigation of controversies affecting interstate commerce, and for other purposes." This proposition is that the president, whenever within any state or states, territory or territories of the United States a controversy concerning wages, hours of labor, or conditions of employment shall arise between an employer and the employes or association or combination of employes of an employer, by which the free and regular movement of commerce among the several states and with foreign nations, is in his judgment interrupted or directly affected, or threatened with being so interrupted or directly affected, shall, in his discretion, inquire into the same and investigate the causes thereof, and to this end may appoint a special commisison, not exceeding seven in number, of persons in his judgment specially qualified to conduct such an suggested have been brought into exinvestigation. The proposed act consists of eleven sections, and makes provision for all methods of procedure, rules, etc., requisite for its being carried into effect.

Wtih a few slight modifications such an act would, in the opinion of the commission, meet just such an emergency as that which arose last summer in the anthracite coal regions, and we submit it to you for your consideration. A similar act might be passed by the states not having the machinery for the rigid investigation of labor troubles. Some of the state boards of arbitration have the right to make such investigation, but others are limited to the consideration of controversies when voluntarily submitted to them by the parties concerned.

These suggestions are re-enforced through the consideration of a matter, somewhat without the scope of our inquiries, but which during their progress has pressed itself upon the attention of the commission, and that is the apparent lack of a sense of responsibility to the public at large, manifested by both operators and mine workers, in allowing the controversy betweeen them to go to such an extent as to entail upon millions of their fellow-citizens the cruel suffering of a fuel famine.

In the opinion of the commission the questions involved in this controversy were not of such importance as to justify forcing upon the public consequences so fraught with danger to the peace and good order as well as to the well-being and comfort of society. If neither party could have made concessions to avoid a result so serious, an arbitration would have prevented the extremity which was reached. Undoubtedly, the proposition that the men who own property and carry on the business must control it, is generally true, and its maintenance is necessary to the political and economical welfare of society; but it is also true that where a business is of such magnitude, and its physical conditions are such as to constitute a natural monopoly, it is affected with a public interest that cannot be ignored by those who control it.

The commission trusts that when the time during which its awards are to remain in force shall have elapsed, the relations of operators and employes will have so far improved, as to make impossible such a condition as existed throughout the country in consequence of the strike in the anthracite region. Nevertheless the public has the right, when controversies like that of last year cause it serious loss and suffering, to know all the facts, and so be able to fix the responsibility. In order to do this power must be given the authorized representatives of the people to act for them by conducting a thorough investigation into all the matters involved in the controversy. This, of course, applies only to those cases where great public interests are at stake. It should not apply to petty difficulties or local strikes.

The chief benefit to be derived from the suggestion herein made lies in placing the real facts and the responsibility for such condition authoritatively before the people, that public opinion may crystalize and make its power felt. Could such a commission as that istence in June last, we believe that the coal famine might have been averted—certainly the suffering and deprivation might have been greatly mitigated.

All of which is respectfully submitted.

GEO. GRAY.
CARROLL D. WRIGHT.
JOHN M. WILSON.
JOHN L. SPALDING.
EDGAR E. CLARK.
THOMAS H. WATKINS.
EDWARD W. PARKER.

APPENDICES TO THE REPORT.

[From The Scranton Tribune, April 27, 1903.]

The appendices to the main report of the Anthracite Coal Strike commission, just issued, number ten and comprise:

A. The names of parties to the hearings and counsel, with their statement of the case.

B. Statistics showing earnings of mine workers.

C. Statistics showing hours per day worked.

D. Statement showing sizes of mine cars.

E. Statement showing cost of leading articles of food in the anthracite coal region, 1898 to 1902.

F. The revised constitution of the United Mine Workers of America.

G. Replies of presidents of coal companies to the letter of John Mitchell of Feb. 14, 1902, requesting a joint conference.

H. A proposed plan for an organization for the execution of trade agreements.

I. Proposed bill providing for compulsory investigation and publicity of facts in industrial disputes.

J. A list of the anthracite coal-carrying companies and the affiliated coal-mining companies.

Of these the one proposing a plan for an organization for the execution of trade agreements is the most interesting. It follows:

Trade Agreement.

"In considering the subject, cognizance must be taken of the fact that the union now exists, and that two bitter struggles, accompanied by suffering, loss, and inconvenience to thousands, have been experienced through its efforts to secure recognition. The ultimate results of the work of this commission will fall short of the hopes of its members if the good effect of its existence and labors end with the date upon which the binding effect of the award expires.

"The commission hopes that during the life of the award those in both sides of the recent controversy will do all in their power to encourage and establish relations of business confidence between each other, under which the employes will feel that the employer has a real interest in the employe, and the employer will feel that the employes have an interest in the welfare of the company and the industry. With the establishment of such relations and the building of such foundation it will not be difficult to erect the superstructure on the following general plan which is recommended by the commission:

"First. An organization of anthracite mine workers governed by the anthracite mine workers and free from control or dictation of bituminous mine workers. This can be effected by making the anthracite mine workers a separate department of the union or by such other modification of rules and laws as will best effect the purpose.

"Second. All workers in and about the anthracite mines excepting foremen, assistant foremen, and other bosses, clerks, and office employes, to be eligible to membership in the organization and entitled to its privileges and benefits; provided, that boys under 21 years of age should not have voice or vote on propositions pertaining to strikes.

A Local Body.

"Third. A local body of the organization for each colliery, composed of the employes of that colliery and officered by officers chosen by them from their own ranks.

"Fourth. A local committee in each local, composed of its own members, employes of the colliery, whose duty it shall be to seek adjustment, at the hands of the local officials, of any local complaint which the local may refer to the committee and which the aggrieved member is unable to adjust with his immediate superior officer.

"Fifth. A general committee for each company's employes composed of one representative from each colliery, if there be three or more collieries. If less than three collieries, the general committee to be composed of two or three members from each colliery.. Complaints which local committees are unable to adjust to be referred to the general committee, which should have authority to dismiss or settle the complaint and have their decision binding upon the organization and its members. General committee to seek adjustments of complaints at the hands of the general officers of the employing company. If the general officers of the company and the general committee are unable to reach an agreement, the general committee should have the right to call into the conference, to assist and advise them, such general officer of the organization as may be selected and to which such duties are delegated, regardless of whether or not such general officer is an employ of the company interested.

"Sixth. Agreements between the organization and the employers of its members, governing terms or conditions of employment, should provide that any matter in dispute which the general officers of the company and the general committee of the organization, accompanied by their general officer, are unable to reach an adjustment of shall be submitted to fair arbitration, the award to be accepted by both.

About Strikes.

"Seventh. No strike to be inaugurated until the committees and officers of the organization have complied with all their rules and have exhausted all other honorable efforts to reach an agreement and have failed; nor then, until proposal to strike has been submitted to all the members employed in that colliery or by that company who are entitled to vote on strike questions, and two-thirds of them have voted by ballot in favor of the proposal.

"Eighth. With the inauguration of this plan all mine workers in the anthracite field who are eligible to membership should be permitted to become members, regardless of past differences or prejudices. After that admission should be by such rules as may be adopted.

"Ninth. The organization to be governed by a constitution framed and enacted by a delegate convention in which each local should be entitled to one delegate. The same convention should adopt proper by-laws and elect the general officers unless the rules adopted provide for selecting the officers in some other manner.

"Tenth. The general officers to be charged with the duty of administering the laws, rules and affairs of the organization, and to be given power to discipline locals by revoking charters or in other proper manner, when such locals fail to observe the laws and rules of the organization or fail to require compliance with those laws and rules on part of their members.

"This plan contemplates fair, frank and honest dealings, as well as perfect good faith in all things, between the employer and the employe. It intends that the rights of each shall be fully recognized and carefully considered and preserved. It provides for consideration of any case in which an employe is thought to have been unjustly disciplined by the employer, and for appeal of such cases to higher officials if desired. It does not, however, contemplate any improper or undue interference with the conduct of the business or with the exercise of authority and administration of discipline by the officers of the company.

Full Recognition.

"It gives full recognition of the right of the employes to organize and to be represented by and heard through their organization. It requires that the same recognition will be given to the rights of the employer by the employes. It renders unnecessary any laws or rules which are biased on the assumption that the employer is antagonistic to the organization; hence none such should exist under it.

"It removes all necessity for secrecy as to the personnel of the membership. It is founded in the principle of mutual interests and mutual efforts to serve such interests. While each will naturally look after his own interests, within proper limits, each can and should also have and exercise an interest in the other's welfare and success.

"The plan recognizes that no organization can consistently assume to bargain for the employes of any company unless such organization fairly and actually represents a clear majority of such employes by having them as bona-fide members. It does not mean that if there be a minority of employes, who, for reasons of their own, refrain from becoming members, such minority shall be prevented from working or being interfered with in their work. If they are willing to work under the conditions fixed for the colliery, their right to pursue their way unmolested should be guaranteed.

"In connection with the establishment of this method, it is believed that it would be profitable and wise for the organization to establish a death and accident fund on lines similar to those followed by trades unions which successfully operate such funds. If the benefits are made to cover sickness, so much the better. The organization could also find a useful field in applying its efforts in direction of healthy legislation on subjects affecting the work of its members or the industry in which they are employed. While caring for their own interests they could lend a helping hand to the employer in this connection by promoting his interests when not detrimental to their own.

About Agreements.

"Collective bargaining and trade agreements, as herein suggested, should bring with them guaranties of exemption from the complications and troubles which present themselves in the absence of such bargaining, especially sympathetic strikes: these should be guarded against in the agreements. The success of such plan depends upon the spirit which is entertained by the parties to t. The integrity of the trade agreement should be rigidly upheld and sustained. Its plain terms should be inviolable during the life of the agreement. Differences of opinion are bound to arise, but with a proper desire actuating both sides and an agreement to refer such differences to arbitration if necessary, lations seem adequate."