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REPORT

OF THE

INDUSTRIAL COMMISSION

ON THE RELATIONS AND CONDITIONS OF

CAPITAL AND LABOR

EMPLOYED IN THE

MINING INDUSTRY,

INCLUDING

TESTIMONY, REVIEW OF EVIDENCE, AND TOPICAL DIGEST.

VOLUME XII
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[Extract from act of Congress of June 18, 1898, defining the duties of the Industrial Commission and showing the scope of its inquiries.]

Sec. 2. That it shall be the duty of this commission to investigate questions pertaining to immigration, to labor, to agriculture, to manufacturing, and to business, and to report to Congress and to suggest such legislation as it may deem best upon these subjects.

Sec. 3. That it shall furnish such information and suggest such laws as may be made a basis for uniform legislation by the various States of the Union, in order to harmonize conflicting interests and to be equitable to the laborer, the employer, the producer, and the consumer.

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INDUSTRIAL COMMISSION,
December 4, 1901.

To the Fifty-seventh Congress:

I have the honor to transmit herewith on behalf of the Industrial Commission a report on the Relations and Conditions of Capital and Labor in the Mining Industry, prepared in pursuance of an act of Congress approved June 18, 1898.

The conclusions and recommendations of the Commission on this subject will be submitted in its general final report.

Respectfully,

ALBERT CLARKE, *Chairman.*

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REVIEW OF EVIDENCE.

The following review of evidence covers the testimony taken before the Industrial Commission and its subcommission on mining. Most of the testimony regarding the conditions of capital and labor in coal mining in the Eastern States was taken at Washington in 1899, but additional statements of one or two leading representatives of the employers and employees of this industry were secured in 1901. A considerable amount of testimony regarding the alleged combinations of railroads entering the anthracite coal field was also taken in 1901, and is printed in the volume on transportation¹ (vol. ix, pp. 451-610). Reference should also be made to the special report on Labor Organizations, Strikes, and Arbitration (vol. xvii), for a description of the organizations of miners and of the system of joint agreements prevailing in the industry. Testimony relating to the conditions of mining in the Rocky Mountain States was taken chiefly by a subcommission which visited Colorado, Utah, and Idaho during the summer of 1899. This subcommission also took a large amount of testimony regarding the riot in the Cœur d'Alene region in April, 1899, and the subsequent events there.

CAPITAL EMPLOYED IN MINING—WESTERN STATES.

Testimony regarding the conditions of mine labor in the Western States was given especially by Mr. Coates, president of the Colorado Federation of Labor; Mr. Clark, a member of the Western Federation of Labor and a coal miner; Mr. Smith, deputy commissioner of labor of Colorado; Mr. Sullivan, a precious metal miner of Colorado; Mr. Wright, of the Smeltermen's Union, Denver; Mr. Callis, a coal miner of Utah; and Mr. Thomas, coal-mine inspector of Utah. The witnesses first above named, who testified regarding the conditions of the mining industry generally, also discussed labor questions.

General conditions of the precious-metal mining industry.—Representatives of the precious-metal mines and smelters of Colorado, Utah, and Idaho testifying in 1899 agreed in stating that the general conditions of the mining industry in those States at that time were decidedly prosperous. While several witnesses expressed the opinion that, on account of the uncertainty of discoveries, more capital has been put into the ground than the value of the product heretofore extracted, the general opinion seemed to be that the mining business is becoming a more certain one. The possibility of profitable mining, notwithstanding the great decrease in the price of silver during the past 30 years, has resulted largely, according to the statements of these witnesses, from great improvements in the methods of mining, and particularly in the methods of extracting metals from ores.² Mr. Hanauer especially states that the silver mines in Utah are making more money with silver selling at 60 cents than when it was 90 cents, and Mr. Grant makes a somewhat similar statement.

¹The review of that evidence is reprinted at the end of this review.

²Grant, pp. 192-195; Lee, pp. 237, 241; Hill, pp. 370, 380, 381; Hanauer, pp. 606, 608, 616; Allen, p. 568; Chambers, pp. 580, 588; Terhune, pp. 590, 596, 597; Burbidge, pp. 453, 463.

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Several witnesses referred to the great improvement in the machinery used in mining, and especially to the increased use of electric machinery. They believed that the demand for labor had rather been increased than decreased by the use of machinery, because of the extension of mining operations.¹

A further reason why mining of precious metals has become more profitable was said to be the increased production of gold, lead, copper, and other metals which are found in connection with silver, and the more effective extraction of which makes possible the mining of much lower grade ores than formerly.²

The extraction of silver and other precious metals from ores is accomplished either by stamping mills, in which the ore is crushed and the precious metals washed out; by smelting works, in which the metals are obtained by processes of melting; or by what is known as the "cyanide process." The smelting process, which is of comparatively recent introduction, made it possible, according to statements of smelter operators and one or two other witnesses, to handle profitably grades of ores that could not be used to advantage under the stamping process. By smelting especially all the different metals in the ores are extracted. Constant improvements are being made in the processes of smelting, while the practice of concentrating ores at the place of mining, in order to decrease the weight which must be shipped to the smelting works, has also increased the profitableness of mining operations. Moreover, the establishment of local smelters in the leading mining districts has resulted in economy as compared with earlier times when it was necessary to ship ores long distances to the few existing smelters.³

The charges for smelting were, in 1899, in the opinion of Mr. Hill and Mr. Grant, reasonable. Indeed, it was maintained that prior to the combination of smelters into the American Smelting and Refining Company in that year the charges were often unprofitably low. It was claimed by these witnesses that the improvements in processes of reduction have for the most part gone to benefit the mine owners. One witness, Mr. Doyle, complained of discrimination in the charges of a certain smelter in favor of another mine as compared with his own, and believed that, out of the charge to his mine, somebody got a rebate.⁴

*The American Smelting and Refining Company.*⁵—At the time when the Industrial Commission took testimony in Colorado and other Western States, July, 1899, a combination known as the American Smelting and Refining Company had very recently been formed. It was incorporated in the State of New Jersey with a capitalization of about \$55,000,000. It included, according to the testimony of its manager, Mr. Grant, 7 smelters in Colorado and others in Salt Lake City and Omaha. Another witness believed that the combination included 3 smelters in Utah, 2 in Omaha, and 1 in Kansas City, besides those in Colorado. Mr. Hanauer and Mr. Terhune, who sold out a smelter at Salt Lake City, expressed the opinion that the combination was greatly overcapitalized, stating that much more was paid for the Salt Lake City plants than they cost. The manager of the combination admitted that its preferred stock covered the value of its plants and that the common stock was bonus.⁶

The manager of the company asserted that its formation was caused primarily by the ruinous competition which had existed. It was expected that various economies could be secured by more favorable location of plants, by control of different classes of ore for proper combination in smelting, and by other improvements. This witness and two or three others expressed the belief that the combination would not increase charges for smelting unfairly or otherwise result in injury to mine owners. There was still at this time (1899), as was pointed out, a considerable degree of competition.

¹ Grant, pp. 194, 198; Hanauer, p. 616; Allen, pp. 575, 576; Lee, p. 241.

² Lee, p. 241; Chambers, pp. 580, 581; Terhune, p. 604; Wright pp. 310, 311.

³ Hill, pp. 370, 374, 375, 379, 380, 381; Allen, p. 568; Newhouse, p. 298.

⁴ Hill, p. 370; Doyle, p. 367; Grant, p. 197.

⁵ See also testimony on this subject in Reports of Industrial Commission, vol. xiii, pp. 93-99.

⁶ Grant, p. 195; Coates, pp. 253, 254; Lee, p. 238; Hanauer, pp. 613, 614; Terhune, p. 600.

One witness claimed that the firm of M. Guggenheim & Sons, which owned smelters in Mexico, New Jersey, and one very large plant in Colorado, had a capital back of it considerably greater than that of the American Smelting and Refining Company. It was also maintained that if the combination attempted to close favorably situated plants and to raise charges new competitors would soon come in, especially since smelters must be located in numerous places, convenient to ore.¹

Mr. Chambers, however, a mine operator, feared that the combination would probably possess considerable power to dictate the price of ores, that it would be likely to discriminate between different producers, and that by dismantling some of its works it would injure various communities.²

The manager of the combination expressed the hope that it might be able to secure more favorable marketing of the silver and lead which it produces than the small separate plants could do. It could especially withhold its product during times of low prices, selecting the most favorable times for disposing of it.³

Two or three witnesses expressed the opinion that the formation of the combination was likely to result in the injury of labor, particularly through the closing of certain plants, by which men would be forced to leave their homes and, in many cases, to change their employment.⁴ Others maintained, however, that men already displaced by the closing of plants had found, and that others would in the future be able to find, employment in other smelters, and that no injury to labor would arise from the combination.⁵

Conditions in the coal and iron industries in Colorado and Utah.—Coal-mine operators and other witnesses in Colorado and Utah spoke of the very large areas in those States which are underlain with coal, and of the thickness of the veins. The Utah coal is said to be of rather low grade. There has been a rapid increase in the industry, and it was reported in 1899 to be generally prosperous. Coal is sold for the most part for steam and domestic uses in the Rocky Mountain States, a little going also to California.⁶

It is asserted that most of the coal mines of Utah are affiliated with the railroads, and that the freight rates on coal are very high. The coal mine inspector of Utah said that it costs from \$1.75 to \$2 to haul a ton of coal 80 or 90 miles in Utah.⁷

Mr. Beaman, manager of the Colorado Fuel and Iron Company, testified in detail regarding that corporation. It was formed in 1892 by the combination of 2 large companies and 2 or 3 smaller ones, between which there had been sharp competition. The combination had, in 1899, 11 coal mines in Colorado in operation,⁷ not in operation, 2 coke plants in New Mexico, 4 iron mines in Colorado, New Mexico, and Wyoming, and steel plants at Bessemer, Colo. It employed about 6,000 miners and produced in 1898 2,630,000 tons of coal and 322,000 tons of coke. This witness denied that the capital stock of the company, \$13,000,000,⁸ included any "water," especially if the value of its 70,000 acres of land be properly estimated. The company had, up to 1899, paid only one dividend on its common stock, in 1893.

It was further stated by this witness that the combination had checked extreme competition and price cutting, although he maintained that consumers had not been injured. Considerable economies had been introduced by the consolidation. There were still, it was stated, numerous small competing coal mines, and the witness believed that they were increasing in number.⁹

¹ Lee, pp. 238, 241; Grant, p. 194; Hanauer, pp. 612-615. Since this testimony was taken there has been a combination between the American Smelting and Refining Company and the Guggenheim concern.

² Chambers, p. 583.

³ Grant, pp. 199, 596.

⁴ Chambers, pp. 589, 590; Coates, p. 260.

⁵ Lee, p. 238; Terhune, p. 601; Hanauer, p. 613.

⁶ Beaman, pp. 269, 270, 273, 280; Sharp, pp. 637, 638, 643; Thomas, pp. 622, 623.

⁷ Sharp, p. 643; Thomas, p. 624.

⁸ The company has also a funded debt of \$6,942,000, and the stock was increased in 1899 and 1900 to \$21,000,000 preferred and \$17,000,000 common, various new works being undertaken.

⁹ Beaman, pp. 261-270, 272, 294.

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Petroleum industry of Colorado.—Testimony on the petroleum industry in Colorado was submitted in 1899 by ex-Senator Hill, who is engaged in oil refining, and Mr. Johnston, a crude-oil producer. It appears from the testimony that several years ago a number of small oil-refining companies in Colorado combined into the United Oil Company. They found the Continental Oil Company, a branch of the Standard Oil Company, in the field as a distributor of oil. Through its influence with the railroads the Continental Company would have been able, in the opinion of Mr. Hill, to crush out all competition. Accordingly, the United Oil Company entered into an arrangement to make the Continental Company its selling agent for all oil. The latter company paid the Chicago wholesale price plus the freight from Chicago. Other independent competitors, it was stated, have been crushed out by the Continental Oil Company. Thus in 1896 the Rocky Mountain Oil Company built large works at Overton, but prices were sharply cut by the Continental Oil Company for the purpose of driving out the new concern, and after a short time it was compelled to give up the refining business. Mr. Johnston stated that at this time the retail price of oil at Florence, Colo., was cut from about 20 cents a gallon to 5 cents a gallon. At the time of his testimony, this witness asserted, the Standard Oil Company produced no crude oil in Colorado, but bought the entire refined product of all other concerns. The retail prices were at that time about the same as before. Mr. Hill believed that the retail prices were excessive as compared with prices paid to the refining companies. The crude-oil producers, Mr. Johnston held, were benefited by the arrangement with the Continental Company, securing a steady market at a fixed price. This witness believed that there had been discriminations in freight rates in the West in favor of the Standard Company. The Rocky Mountain Oil Company had to pay \$1.87 to ship oil from Colorado to the Pacific coast, while the Standard Oil Company shipped it from Whiting, Ind., to the coast for 87½ cents. Mr. Johnston also referred to the operation of the Standard Oil Company in Eastern States, holding in general that it had proved beneficial to the public.¹

CONDITIONS OF MINE LABOR IN THE WEST.

Testimony regarding the general conditions of the mining industry of the Western States was presented especially by Mr. Grant, ex-governor of Colorado, and manager of the Grant Smelter of the American Smelting and Refining Company at Denver; by ex-Senator Hill, oil operator and manager of the Argó Smelter; by Mr. Hanauer and Mr. Terhune, both formerly connected with the Hanauer Smelter at Salt Lake City and with precious metal mining interests there; by Messrs. Allen and Chambers, metal mine operators of Utah; by Mr. Lee, precious-metal mine inspector of Colorado; by Mr. Beaman, of the Colorado Fuel and Iron Company; by Mr. Sharp, a Utah coal operator, and by Mr. Newhouse, of the Philadelphia Smelting and Refining Company of Pueblo.

Labor organizations in the Mountain States.—It appears from the testimony that a considerable proportion of the miners in the precious-metal mines of Colorado, Idaho, and Montana are connected with labor organizations. The Western Federation of Miners included in 1899 about 16,000 members. Many of the local unions of the miners' federation in Colorado are also affiliated with the State Federation of Labor. One witness estimated in 1899 that 70 per cent of the precious-metal miners in Colorado were organized.²

In Utah, however, several witnesses testified, very few labor organizations at that time (1899) existed among either metal miners or coal miners. Little definite evidence was given regarding the nature of the labor organizations among Colorado coal miners although one witness stated that nearly all of them were organized.³ It appears also

¹ Hill, pp. 375, 376, 385-387; Johnston, pp. 338-346.

² Coates, p. 245; Smith, pp. 211-213; Sullivan, p. 347; Clarke, p. 322.

³ Thomas, pp. 623, 627, 629; Callis, p. 634; Chambers, pp. 584, 586, 587; Sharp, p. 640; Terhune, p. 596.

that the smelters have not been long organized, the great strike in the smelters during 1899 having been conducted by a newly formed organization.¹

Mine operators and smelter operators testifying before the Industrial Commission appeared generally to agree that labor organizations among the miners, especially in the precious-metal mines, had been frequently unreasonable in their demands, and even lawless and violent in their actions. These witnesses complained especially of the control which a few unprincipled leaders exercised over the great body of the miners. Objection was also made to the attempt to exclude nonunion men from the mines—often by violence. Two or three of these witnesses denounced labor unions in general as injurious to employers and labor alike. Others, however, believe that, if properly conducted, labor organizations might prove beneficial.²

The various representatives of the miners' organizations who testified before the Commission did not attempt to disprove in detail the charges of lawlessness among miners. They did maintain that labor organizations were necessary for the protection of the rights of the miners, and that they had resulted in material advantage as regards wages and conditions of labor. Two or three witnesses asserted that the general inclination of organized workingmen was against all forms of lawlessness.³ In particular, they denied that the Western Federation of Miners had any disposition to coerce or intimidate nonunion men. The policy of the organization, it was asserted, is to persuade them by peaceful methods to join the union. Many nonunion men recognize the advantages which accrue to themselves from the existence of labor organizations.⁴

More detailed evidence regarding the actions of labor organizations in the Cœur d'Alene district is summarized below.

The representative of the Colorado Fuel and Iron Company, as well as Mr. Hill and Mr. Grant, representatives of two of the large smelters of Colorado, declared that they did not raise the question as to whether a man belonged to the union or not. They had never recognized unions nor dealt with their representatives. During the great smelters' strike of 1899 the American Smelting and Refining Company refused to deal with the union of smelter workers as such.⁵

Strikes and lockouts among Western miners.—Reference was made by various witnesses to a number of strikes, some of considerable importance, among the metal miners of Colorado. The representative of the Colorado Fuel and Iron Company asserted that practically no strikes had been directed against that company, although in 1894 some of the miners struck in sympathy with a general strike of miners in northern Colorado. Another extensive strike occurred in the northern coal mines in 1898-99. Two or three small strikes in Utah were referred to, but the general consensus of evidence was that strikes among miners in that State have been very few and unimportant.⁶ Two representatives of miners' unions admitted that the common opinion was that miners are more ready to strike than most other classes of employees, but they denied that this opinion was well-founded, although one suggested that the nature of the industry was such as to give rise to frequent causes of disagreement.⁷

Several witnesses, representing the employers, declared that in the inauguration and conduct of strikes among miners agitators play a large part; that they often foment disputes which the majority of the miners scarcely approve. It was also asserted that violence toward men seeking employment during strikes, and destruction of property, are frequent accompaniments of labor disputes.⁸ Representatives

¹ Wright, pp. 306, 312.

² Hanauer, pp. 609, 617, 618; Beaman, pp. 270, 272, 274, 286; Thomas, p. 629; Grant, pp. 201, 208, 206-208.

³ Coates, pp. 259, 260; Smith, p. 211; Clark, pp. 322, 323; Callis, 635; Sullivan, pp. 347, 359.

⁴ Sullivan, pp. 347, 348; Coates, p. 245; Clark, p. 323.

⁵ Beaman, p. 263; Newhouse, pp. 295, 297, 303; Hill, p. 373; Grant, pp. 199, 205.

⁶ Beaman, pp. 272, 273, 293; Lee, pp. 223, 231; Sharp, p. 640; Callis, pp. 632, 634; Thomas, p. 626; Terhune, p. 594; Hanauer, p. 609.

⁷ Sullivan, p. 349; Clark, p. 326.

⁸ Lee, pp. 223-231; Grant, p. 208.

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of the miners' organizations, however, declared that strikes can ordinarily be instituted only after a secret vote of the members of the unions, and that it is impossible for a few leaders to inaugurate strikes against the will of the rank and file. These witnesses also denied any disposition to lawlessness on the part of the unions as such, and declared that they endeavor to secure peaceful negotiations with employers, and thus to effect a settlement of disputes. Committees, it was said, are also sometimes appointed to interview men seeking employment during strikes and inform them as to the true state of affairs.¹

Several labor men asserted that mine operators have imported laborers, colored and white, from Eastern States for the purpose of defeating strikes. This was done especially in connection with the strike at Leadville in 1896, and with the strike of miners in the northern coal district of Colorado in 1898. The laborers so imported, it was claimed, are often induced to come by misrepresentations; they are not informed of the existence of a strike. These imported laborers also are of the lowest class and tend to force down the standard of living of other workmen. Representatives of employers did not deny the existence of this practice of importing labor in Colorado, Mr. Grant especially asserting that it has frequently been resorted to. No complaint regarding importation of labor for work in smelters or in other States than Colorado was made.²

Two witnesses, representing Colorado miners, referred to the issuing of injunctions to restrain acts of strikers. During the northern coal strike of 1898, it was said, an injunction was issued to restrain men from congregating in numbers or from going upon the property of the employers. These witnesses denounced the use of injunctions under such circumstances.³

At the time when the subcommission took testimony in Colorado in 1899 a strike was in force against the American Smelting and Refining Company. It appears from the statements of witnesses on both sides that the immediate occasion of the strike was the fact that the 8-hour law was to go into effect June 15, 1899. The company proposed to pay practically the same rate of wages per hour under the 8-hour day as had been paid when the men worked 10 or 12 hours, although an advance of 10 per cent in rates per hour, to restore a cut made during the depression of 1893, was offered. The corporation posted a notice that it would leave it optional with the men to work longer if they desired, but that it would not compel them to do so. The employees considered that this was virtually a violation of the law. They demanded 30 cents an hour for furnace men instead of the 25 cents offered by the company. The representative of the American Smelting and Refining Company asserted that, even with the rates offered by the company, wages would be higher in its works than in those of independent competing smelters, while representatives of the employees asserted that the wages paid by the outside companies were usually higher than those offered. The representative of one of the competing smelters testified that it was paying about 10 per cent less per day under the 8-hour system than it had been paying under the 12-hour system.⁴

During this strike the American Smelting and Refining Company refused to negotiate with the organization of the smeltermen. The company's representative held that the organization was a new one, formed largely under the influence of agitators, and therefore not worthy of formal recognition. The combination closed its smelters in Denver and one or two others in Colorado on account of the strike, and diverted at least part of the work formerly done by those establishments to other plants operated by it. The representative of the company admitted that the fact that it controlled numerous plants strengthened its position as against strikers, and, indeed, in

¹ Smith, pp. 214, 215; Clarke, p. 328; Sullivan, p. 349.

² Wright, p. 313; Clark, pp. 328, 329; Grant, p. 197; Smith, p. 215; Sullivan, pp. 351, 356; Coates, pp. 248, 249, 257.

³ Coates, p. 250; Clark, pp. 329, 330; Smith, p. 216.

⁴ Newhouse, pp. 301, 302.

its dealings with labor generally, since part of the plants could be closed while the business was still carried on profitably in others.¹

Blacklists.—Several representatives of labor organizations asserted that blacklisting was commonly practiced by mine owners in Colorado and that the law against it has had virtually no effect.² In Utah there is a constitutional provision prohibiting blacklisting.

Wages of labor.—Notwithstanding the statements to the effect that the mining industry in the Western States is generally prosperous, several representatives of labor organizations stated that there were a considerable number of miners constantly out of employment, and that very few miners worked full time. One metal miner of Colorado stated that he had worked about 250 days during 1898, and that this was more than the average number of days worked by metal miners during recent years.³ One or two representatives of the mine operators, however, asserted that employment was fairly regular. They asserted especially that the improvements in mining machinery, while they have at first displaced labor, have afterwards made possible the extension of operations so as to increase the demand for labor.

It appears from the testimony that the usual wages in the precious-metal mines of Colorado are from \$2.50 to \$3.50 per day, the more common rate for skilled labor being \$3, while in some of the isolated mining camps the rates run as high as \$4 and \$4.50. In Utah the prevailing rate of wages in the precious-metal mines was said to be about \$2.50, although in a few cases the rate for skilled miners was as low as \$2, and in others as high as \$3. In Montana and Idaho, it was said, the wages were from \$3 to \$3.50. Witnesses stated that the cost of living is lower in Utah than in the adjoining States, and that the mines are dryer and more satisfactory to work in, especially because of the saving of the expense of rubber clothing.⁴ While wages in all these States have decreased somewhat during the past 20 years, it is the opinion of some witnesses that their purchasing power is higher than before on account of the reduced cost of living. One miner thinks that wages as measured by purchasing power are a little lower than 20 years ago.

At the time of the great fall of the value of silver after 1890 wages of metal miners in several of the mining States were very generally cut. In some instances there was an understanding that if the value of silver should be restored wages would be raised again, but the price of silver has never risen sufficiently to bring about an increase in wages.⁵

In the coal mines of Colorado and Utah, according to the statements of witnesses, wages are usually paid by the ton. In the northern Colorado field the rate in 1899 was 80 cents per ton, having been reduced from 92½ cents in 1888. In Utah the rate for screened coal was from 60 to 80 cents per ton, and for "run-of-mine coal" from 35 to 45 cents per ton. Mr. Clark, a representative of organized miners, stated that at one of the best coal mines in Colorado during 1897 the average earnings of the men for the days they worked were \$2.30 per day and their average working days 11½ per month. The representative of the Colorado Fuel and Iron Company, however, declared that hundreds of its miners earned over \$100 per month net, and that \$2.60 per day was paid to day laborers working outside the mines. The manager of the Pleasant Valley Coal Company of Utah stated that for February, 1899, the average wages of its miners, after deducting powder and other charges, were \$2.65, men working outside the mines being paid 20 cents per hour. There was a consensus of

¹ Grant, pp. 199-211; Coates, pp. 247, 253, 254; Wright, 306-320, 321; Beaman, pp. 275, 288. The smelter men's strike was settled soon after this testimony was taken, the strikers being unsuccessful in securing the terms demanded.

² Clarke, p. 328; Coates, p. 248; Sullivan, pp. 349, 356.

³ Sullivan, pp. 347, 353, 362.

⁴ Smith, pp. 216, 219, 223; Sullivan, pp. 347, 353, 362; Lee, pp. 233, 234; Coates, p. 252; Allen pp. 568-570, 576, 577; Hanauer, pp. 607, 608; Chambers, pp. 584-588.

⁵ Chambers, pp. 581, 582; Allen, p. 570.

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evidence to the effect that wages have fallen in coal mines during the past 10 or 15 years, but the fall does not appear to have been great.¹

It was stated by representatives of the smelter companies in Colorado that the wages vary considerably according to the skill of the workmen. After the establishment of the 8-hour day, in 1899, the rates for most employees in smelters at Pueblo were \$1.80 and \$2, about 10 per cent less than for 12 hours' work before. The smelters of the American Smelting and Refining Company at Denver at that time offered \$2 per day to furnacemen, who had been receiving \$3 per day for 12 hours in 1893 and \$2.75 thereafter. In Utah the wages, under an 8-hour day, in one of the leading smelters, ranged from \$1.40 for laborers to \$2 for furnacemen, and \$2.40 for crushermen.²

Intervals of wage payment.—It appears from the testimony that, at least in 1899, it was the custom in both metal and coal mines and in smelters in the mountain States to pay wages monthly. Several representatives of workmen urged that the intervals of payment should be weekly and biweekly. More frequent payment, it was argued, would relieve the men from the necessity of buying goods on credit, especially freeing them from the domination of the company store. One or two mine operators, however, maintained that the extra labor of preparing more frequent pay rolls, as well as the tendency of miners to waste time in dissipation at pay days, rendered more frequent wage payments undesirable.³

Screening of coal.—In neither Utah nor Colorado is there any law regarding the use of screens in determining the quantity of coal on which wage payments shall be based. It appears from the testimony of representatives both of employers and employees that most miners are paid on the basis of screened coal, although in some cases, particularly where coal is sold by the companies just as it comes from the mines, the "run-of-mine" basis is used in paying the workingmen. It was asserted by Mr. Clark that there were very considerable differences in the size and form of screens used in different Colorado mines. It was stated by several witnesses that from one-third to one-half of the coal passed through the screens. Two or three representatives of the miners favored legislation requiring the payment of wages on the basis of all the coal mined. The manager of the Colorado Fuel and Iron Company, on the other hand, argued strongly against such a practice. He asserted that the different purposes for which coal was used, and the different kinds of coal, made it desirable to screen some and not to screen other coal; but that generally as much lump coal as possible was desired, and by paying the miners on the basis of lump coal, a premium was put on careful and skillful mining. This witness believed that the majority of the coal miners themselves would oppose the uniform application of the run-of-mine method of payment. A Utah coal operator stated that his miners were paid on the basis of the actual weight of all coal, with the deduction of an average percentage of screenings ascertained by a test made several years ago.⁴

There appeared to be very little complaint on the part of Western miners regarding the system of docking wages on account of the loading of coal containing rock and other waste material, although one witness thought there were some abuses in connection with this practice.⁵

*Company stores.*⁶—It was stated by various witnesses in 1899 that company stores were found in connection with most, if not all, of the Colorado coal mines, but that

¹ Smith, pp. 216, 219, 223; Clark, pp. 331, 333, 336; Beaman, pp. 261-264, 285, 293; Thomas, pp. 624-629; Sharp, pp. 638, 639, 643; Callis, pp. 630, 633, 336.

² Newhouse, pp. 301, 302; Hill, pp. 371, 372, 381; Terhune, pp. 590, 591; Wright, pp. 319-321.

³ Lee, p. 232; Allen, pp. 569, 570; Sharp, p. 643; Terhune, p. 594; Coates, pp. 250, 251; Smith, p. 216; Sullivan, p. 352; Callis, p. 633; Beaman, pp. 275, 276, 269; Burbidge, p. 460.

⁴ Clark, pp. 330-333; Beaman, pp. 283-285; Thomas, pp. 624, 628, 629; Callis, p. 632; Sharp, p. 641.

⁵ Smith, p. 218; Coates, p. 252; Thomas, p. 624.

⁶ Coates, pp. 250, 251; Clark, pp. 332, 333, 336, 348, 352; Smith, pp. 217, 218; Grant, p. 193; Thomas, pp. 625, 629; Sharp, p. 641; Allen, pp. 570, 578; Terhune, p. 595; Hanauer, p. 608; Chambers, p. 585; Callis, p. 632.

they were rare in connection with precious-metal mines. In Utah company stores seemed to be rare in the coal mines as well as the metal mines, although some were said to exist. Special complaint was made by representatives of the workingmen regarding the abuse of the company-store and store-order system by the Colorado Fuel and Iron Company, and to a less extent by other coal companies in Colorado. It was asserted that miners were virtually compelled to trade at stores owned or designated by the companies. Although an absolute rule to that effect might not be made, those who did not deal at the stores were discriminated against. It was also asserted that the charges of these stores were excessive, while one witness complained of the fact that the coal companies usually charged the miners \$2.50 per keg for powder, the cost of which was about \$1.25 or \$1.30.

A representative of the Colorado Fuel and Iron Company stated that it had a subsidiary organization operating stores at some mines, and at others it made arrangements with responsible merchants to receive the company's orders and to pay the company a commission of 5 per cent. In consequence of the company-store law the company no longer issues orders on these stores, but the miner draws his own order and is charged with the goods against pay day. The system, this witness asserted, is satisfactory to the miners, enabling them to get goods at lower prices than they could get them at from other merchants, especially because the company stores buy in very large quantities. The opposition to company stores, he added, arises chiefly from competing dealers. Laborers can not be expected to respect a law which prohibits the very natural arrangement by which employers furnish goods when desired. The witness further stated that no coercion was exercised upon the employees of the company to compel them to deal at the company store, and that the company made no effort to prevent other stores from being established.¹

Company tenements.—It was stated by several witnesses that it is a relatively common practice for operators of both metal and coal mines in Colorado and Utah to rent houses to their employees, although the system is by no means universal. Two miners especially complained that the company houses were mere cabins; that in many instances the miners were virtually compelled to live in them, and that the system gave employers an undue control over their men, especially if the latter desired to strike. The representative of the Colorado Fuel and Iron Company asserted that the houses furnished by that company were good frame houses of from 3 to 5 rooms and that the rents were reasonable.²

Company boarding houses.—A metal miner of Colorado testified that some mining companies in that State ran boarding houses, virtually compelling the men to board there, and that as much was charged for board alone as private houses would charge for board and lodging. It was stated by two or three witnesses that company boarding houses are also more or less common in Utah. One smelter operator in that State said that the practice was formerly more common, but that, on account of the opposition of the miners, boarding houses have usually been discontinued, or at least the compulsion to board at them has been abandoned. One Utah mine operator stated that his company owned a boarding house and expected its men to board there, the rate being 80 cents per day, while another said that the men were not required to board at the boarding house run by his company.³

Compulsory fees for hospital and medical services.—According to the testimony of both employers and employees, it is the custom of mine and smelter operators in the Rocky Mountain States to provide for hospital and medical service for their employees, deducting from their wages a fee, usually of \$1 per month, to cover the expense. In general, there is a company doctor who receives these fees and who must maintain the hospital. The two laboring men who gave testimony on this subject were not

¹ Beaman, pp. 262, 263, 276-278, 290.

² Coates, p. 252; Beaman, pp. 265, 278; Smith, p. 218; Clark, p. 233; Wright, p. 307.

³ Sullivan, pp. 350, 353; Thomas, p. 625; Terhune, pp. 631-633; Allen, pp. 569, 570; Sharp, pp. 641, 642; Hanauer, p. 608.

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especially disposed to criticise the system, although it was asserted that smelter workers in Colorado were inclined to consider it an abuse. The hospital system is said, however, to have been one ground of complaint in the Cœur d'Alene strike. (See below.) In this connection it should be noted that the mine operators also frequently deduct a sum from the wages to cover accident insurance.¹ (See below, page xv.)

The 8-hour laws of Utah and Colorado.—The legislature of Colorado in 1899 enacted a law which went into effect June 15, 1899, fixing the hours of labor in mines and smelters at 8 per day. It was stated that the previous hours of labor had usually been 10 in mines and 10 or 12 in smelters.

During the summer of 1899 several witnesses said that the mine companies in general had complied with the law, although no statement was made as to whether changes in the rates of wages had accompanied the reduction of hours. Some of the smelters complied with the law, reducing wages somewhat, while, as has been above pointed out, the American Smelting and Refining Company nominally obeyed the law, but reduced wages materially and offered its men the option of working longer. The Colorado statute was afterwards declared unconstitutional.²

Several representatives of the Colorado miners declared that they considered the reduction of hours highly desirable, especially because of the improvement in the health and standard of living of the miners which might be expected. It was asserted that the 8-hour law had been enacted largely under the influence of labor organizations. Several prominent employers of labor, however, argued strongly against the enactment of the 8-hour law. They declared that the differing conditions in different mines made variations in the number of hours desirable. It was asserted that if in the coal mines the men worked only 8 hours, many more men would have to be employed in the winter season, and that in the summer, when the work is light, these additional men would have to share in the small aggregate earnings, reducing the annual wages of all. Two or three witnesses believed also that the reduction of hours, unless wages were likewise reduced, would cause many precious-metal mines to close. Mr. Grant and Mr. Hill, smelter operators, expressed the opinion that in smelters, because of the uniform capacity of the furnaces, a reduction of hours must mean a decrease of product in somewhat the same proportion. Another smelter operator, however, thought that the arrangement of labor in smelters in three 8-hour shifts furnished considerable advantages, the only other satisfactory method being 12-hour shifts, which are perhaps too long.³

In Utah the State constitution authorized the legislature to provide for the safety and health of employees in factories, mines, and smelters. An act of the legislature, passed in 1896, fixed the hours of labor in mines and smelters at 8 per day, and this was declared constitutional by the supreme court of the State and the Supreme Court of the United States in the case of *Holden v. Utah*.⁴ There was a general agreement among the witnesses representing both employers and employees that this act had proved beneficial. Several employers stated that the men worked harder and, whether they worked by the piece or by the day, accomplished practically as much in 8 hours as they had done in 10, especially in mines. The hours of labor are usually measured at the place of actual work. Witnesses also agreed in maintaining that the general health and morality of miners and smelter men had been improved by the reduction in hours and the added leisure thus given. In some instances day wages were reduced when the hours were lessened, but in others the same rates were paid as before.⁵

¹ Wright, pp. 307, 317; Chambers, p. 585; Allen, p. 568; Sharp, p. 641; Callis, p. 632; Terhune, p. 596.

² Smith, pp. 220, 226; Coates, p. 247; Clark, p. 333; Sullivan, pp. 354, 359; Wright, pp. 306, 308, 318-334.

³ Beaman, pp. 279-290, 291; Grant, pp. 209, 210, 299-302; Hill, pp. 371, 377, 381; Lee, pp. 235, 242; Hanauer, 610.

⁴ Hammond, p. 618.

⁵ Hammond, p. 618; Terhune, pp. 591, 592; Chambers, pp. 584, 589; Sharp, p. 639; Allen, pp. 571, 572; Thomas, pp. 626, 628.

Sunday labor.—It appears that Sunday labor is almost universal in smelters in the Western mining States. Smelter operators stated that it was necessary to run the smelters continuously, but that as many men as possible were given a day of rest on Sunday, while in one smelter, at any rate, the work is so arranged that each man gets one day off at some time during the week if he desires. It was also stated that stamping mills must be operated on Sundays. One mine operator, however, declares that in his opinion men who work on Sundays during the year, in one way or another, lose as much time as they would by working 6 days in the week.¹

Safety and sanitation of mines.—There was a vigorous complaint on the part of one metal miner of Colorado regarding the conditions of health and safety in the mines. He asserted that the hoists and cages were often insufficiently protected and guarded; that the electrical apparatus for hoisting and motive power was frequently unsafe; and that the ventilation was generally very poor, because of the use of blasting powder. A Utah mine operator asserted that metal mines were usually well ventilated.²

A smelter workman complained of the unhealthful condition of some of the smelters, although he believed that in most plants there were fairly satisfactory systems for removing gas, smoke, and cinders. Smelter operators in Colorado asserted that working in smelters is not necessarily injurious, where there is proper precaution, and especially where lead is not used; but a smelter operator at Salt Lake City admitted that the fumes of arsenic, sulphur, and lead in his smelter tended to injure the health of workmen.³

Mine-inspection laws.—In Colorado there is a bureau for the inspection of coal mines and a separate bureau for metal mines. The latter has 2 inspectors, besides the commissioner of mines. The commissioner declared in 1899 that the inspectors were not able to get around to all the mines, as the law requires them to do, but were forced to confine themselves mainly to investigation on complaint. Several other witnesses confirmed the statement as to the inadequacy of the inspection force. One miner declared that he had seen an inspector only once in 10 years, when the inspector went through the mine in about 20 minutes.⁴

In Utah there is no law for the inspection of metal mines, although there is one for the inspection of coal mines. It was stated that efforts to secure the inspection of metal mines had been defeated by the mine operators. There is only one coal-mine inspector. One coal miner declared that the ventilation of coal mines had been much improved, but was still unsatisfactory.⁵

In Idaho, apparently, the mine-inspection system is a rather perfunctory affair.⁶

Compulsory accident insurance.—It appears from the testimony of both employers and employees that it is the common custom among the precious-metal mines and smelters of Colorado and Idaho to insure their men against accident, deducting a certain amount, usually \$1 per month, from their wages to cover the cost. Several of the witnesses, however, stated that the custom of compulsory insurance was not general in Utah. One mine and smelter operator of that State said that in his mines it was optional to take accident insurance or to pay for hospital service, and that the men usually preferred accident insurance. No statements or opinions on this subject were made by employees, although the deputy commissioner of labor of Colorado urged that a rigid employers' liability law was especially desirable in that State.⁷

Standard of living and general character of labor.—There was an agreement on the part of representatives both of employers and employees, that the general standard

¹ Terhune, pp. 596, 603; Hanauer, p. 607; Chambers, p. 588; Newhouse, p. 297; Sharp, p. 639; Allen, pp. 571, 578.

² Sullivan, pp. 356, 357-359; Allen, p. 676.

³ Terhune, p. 592; Wright, p. 315; Hill, pp. 371, 376; Newhouse, p. 301.

⁴ Lee, pp. 224, 226; Clark, pp. 337, 338; Sullivan, p. 358; Doyle, p. 369.

⁵ Hammond, pp. 618, 622; Thomas, pp. 628-630; Callis, pp. 633, 636, 637.

⁶ Burbidge, p. 359.

⁷ Doyle, pp. 368, 369; Lee, p. 233; Newhouse, pp. 298, 303; Wright, p. 307; Hanauer, p. 608; Terhune, p. 595; Chambers, p. 585; Collins, p. 592; Burbidge, p. 459; Smith, pp. 226, 227.

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of living and character of the miners and other workmen of the mountain States had improved materially during the past 20 years; that they had more comforts and conveniences, a higher standard of living, and greater morality and intelligence. Representatives of the workmen attributed this improvement largely to the efforts of labor organizations, while employers considered it as due to the development of the public-school system and the general progress of civilization with the opening up of the country. The reduction in the cost of living was especially emphasized by numerous witnesses. Two or three witnesses in Utah spoke of the large proportion of miners and smelter workmen who are married and of the growing tendency toward the ownership of homes by workmen.¹ One witness, however, asserted that the standard of living of coal miners in Colorado was much lower in 1899 than it had been 10 years before.²

Foreign-born labor.—Little evidence was presented as to the nationality of laborers in the precious metal mines of Colorado. It was stated that in the coal mines a considerable number of foreign-born were employed, some having been imported from other States by the operators, but that most of these were able to speak English. In Utah, in both metal and coal mines, according to the evidence, probably a majority of the miners are foreign-born—Italians, Finns, Irish and Swedes being especially numerous. It appears that in the smelters also many foreign-born are employed, especially in the lower grades of work. Colored labor has not been employed to any considerable extent in the West, in either mines or smelters, although a number of negroes were said to have been imported by the Colorado Fuel and Iron Company.³

THE CŒUR D'ALENE STRIKE AND RIOT OF 1899.

The subcommission on mining visited, in July, 1899, the Cœur d'Alene mining district of Idaho, the scene of the riot of April 29, 1899, during which the mill of the Bunker Hill and Sullivan Mining Company at Wardner was destroyed and two men were killed. The testimony of a large number of witnesses was taken as to the strike and riot, the subsequent establishment of martial law, the arrest and detention of miners, and the requirement of permits from the authorities as a condition of work in the mines.

Causes of strike—Preceding events.—It appears that the Bunker Hill and Sullivan Mining Company has, ever since 1893, had difficulty with its employees, especially as to the rate of wages and as to the recognition of the miners' unions. From 1895 until a short time before the strike of 1899, the company had been paying \$3 per day to miners and \$2.50 to mine laborers, shovelers, etc. The prevailing union rate of wages in the other mines of the district was \$3.50 for both classes of employees. Beginning in 1895 also, the company refused to employ union men, although gradually, the situation having become less strained, some of its employees became members of the union without being discharged. In April, 1899, the unions of the district made an effort to draw a larger proportion of the employees of the Bunker Hill and Sullivan Company into their membership. The company then undertook to discharge its union men. Members of the union at Wardner, including chiefly the employees of the Last Chance mine, thereupon, April 23, 24, and 26, sought to interfere with the working of the Bunker Hill mine, visiting the mine in force and with arms, and trying to induce the miners to join the union, at the same time demanding from the company recognition of the union. This recognition was refused, but

¹ Coates, p. 252; Sullivan, p. 363; Wright, p. 312; Callis, p. 631; Thomas, p. 626; Hill, p. 380; Lee, p. 233; Terhune, p. 592; Chambers, p. 585; Allen, p. 576; Sharp, p. 640.

² Clarke, p. 332.

³ Smith, pp. 221, 222; Coates, pp. 248, 249; Thomas, p. 626; Hanauer, p. 611; Chambers, p. 588; Allen, p. 572; Hill, p. 37; Newhouse, p. 296; Terhune, p. 595; Wright, p. 313.

the company increased wages to \$3.50 for miners and \$3 for mine laborers, and work in the mine continued for a few days, until April 29.¹

The assistant superintendent of the Bunker Hill Company declares that there was, on various grounds, justification for lower wages at the Bunker Hill mine than at the mines on Canyon Creek, where the union rates were paid, and this position is also taken by the coroner's jury and by a representative of one of the Canyon Creek mines.²

Several of the witnesses representing the miners, however, blame the Bunker Hill Company for refusing to pay union wages or to recognize the unions, for compelling the men to contribute to a hospital fund, and on other grounds.³

Description of riot.—The evidence shows that early on April 29 a body of miners boarded the Northern Pacific train at Burke, the station farthest up Canyon Creek, and took possession of the train. At Gem, the next station, other miners boarded the train, and near that place a powder house was broken open and a large quantity of giant powder was seized. Near Wallace, the county seat, another body of miners, from Mullan, got on board. The mob compelled the engineer to run the train over the tracks of the Oregon Railroad and Navigation Company to Kellogg, the junction near Wardner. There the mob was joined by miners from Wardner. The number of men in the mob as thus brought together is variously estimated at from 800 to 1,200. The evidence seems clear that most of the miners working on Canyon Creek were in the body. Perhaps 200 of the men were armed, and these for the most part were masked. The mob proceeded to the mill of the Bunker Hill and Sullivan Company and destroyed it and other property. There appears to have been no effective resistance to the mob. A few of the employees of the Bunker Hill Company were seized. These were told to run and several shots were fired at them. One of them, James Cheyne, was killed. Another man, John Schmidt, supposed to have been a member of the mob itself, was also killed by the mob, either accidentally or intentionally. The rioters then returned to their respective homes.⁴

Alleged complicity of unions (see also page xxi).—An important question is as to the extent to which the miners' unions were implicated in this outrage, either directly and officially, or indirectly. The findings of the coroner's jury upon the bodies of the two men killed assert that the riot may be attributed directly to the action of the unions; that meetings of the unions at the various towns were held immediately before the action, and that it was resolved to proceed to Wardner in a body; that arms were taken and masks put on in at least one of the union halls, and arms were taken by members of another union while marching in a body from the hall to the train. Two or three of the witnesses maintain that these same facts were proved, by the evidence of the members of the unions themselves, in the trial of Paul Corcoran for murder, and in the other trials held by the State and Federal courts. Aside from such formal action by the unions, it is urged that practically all of the miners on Canyon Creek took part in the riot, and that practically all of them were union men, so that the action can not be considered otherwise than as union action.⁵

The commission did not take detailed evidence as to the precise action of the unions. Two or three members of the Burke and Gem unions denied before the commission that any meeting was held before the riot or any action taken. These and other witnesses strenuously insist that the purpose of by far the larger part of

¹ Report of coroner's jury, p. 465; Burbidge, p. 441; France, p. 462.

² Burbidge, pp. 440, 450, 455; Coroner's jury, p. 496; McDonald, p. 482.

³ Doud, pp. 540-543; Sovereign, 393; Matchette, pp. 436-438; Gillen, p. 425.

⁴ Burbidge, p. 443; France, p. 463; McDonald, pp. 480, 481; Hutton, pp. 564-567; Sovereign, pp. 393-398; findings of coroner's jury, p. 468; Matchette, p. 433.

⁵ Coroner's jury, p. 467; Sinclair, pp. 547, 554, 562; France, pp. 477, 478; Finch, pp. 493-498.

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the members of the mob was merely to make a demonstration or to see what was going on, and that only a comparatively few, particularly those who bore arms, had any definite plans. These witnesses declare further that the unions, and the great majority of their members, have always been law-abiding in spirit, and that most of the miners deeply deplore the destruction of the property and the killing of the men.¹

Declaration of martial law.—Shortly after news of the events of April 29 reached the governor of Idaho, he sent Mr. Sinclair, State auditor, to Shoshone County with power to take whatever measures he might deem necessary to apprehend the criminals and to prevent further lawlessness. Mr. Sinclair remained in charge as the representative of the governor up to the time of the evidence before the commission. He declares that he himself is primarily responsible for the various measures taken, but that they have been approved by the governor.

By the suggestion of Mr. Sinclair, the governor declared the Cœur d'Alene district under martial law, and at his request the Secretary of War sent to his assistance the United States troops located at Spokane, Wash., which were under the command of Gen. H. C. Merriam. Mr. Sinclair says that all of the militia of the State of Idaho was at the time in the Philippine Islands, so that recourse to the Federal troops was necessary. The same witness and other mine operators, as well as the ex-mayor of Wallace, justify the declaration of martial law, on the ground that the civil authorities of the county were not only unable but indisposed to take the measures necessary to apprehend the large number of persons implicated in the crime of April 29. It was, they declare, necessary at once to arrest a very large proportion of the male population with a view to preventing the escape of the guilty ones and to securing evidence. Furthermore, the experience of earlier years, together with that in April, warranted the fear that further disorder might arise unless ample precautions were taken.²

Several witnesses, however, especially miners, assert that after the riot there was no further danger of lawlessness; that the miners had returned to work; that it would have been possible in due time for the sheriff and county commissioners to obtain necessary deputies and to arrest the comparatively small number of persons who were actually responsible for the crime. The chief complaint of the miners, however, is as to the procedure of the troops, and as to the acts done by the State authorities with their assistance, rather than as to the declaration of martial law.³

Removal of county officers.—In this connection it should be noticed that by the judgment of the State district court the sheriff and county commissioners of Shoshone County in office at the time of the riot were impeached and removed shortly after the riot, and that other officers were appointed in their place by the governor. Some minor technical charges were brought against the displaced officers, but the chief charge was that they had failed to take proper steps to prevent the riot, and afterwards had failed even to attempt to apprehend the criminals. The report of the coroner's jury on the bodies of the men killed goes even further, and charges the county commissioners and the sheriff with complicity in the crimes. The decision of the court, the findings of the coroner's jury, as well as several witnesses before the commission, declare that the county commissioners and the sheriff were notified of the action of the mob of union men at the Bunker Hill mine on April 23, 24, and 26 in attempting to prevent the nonunion men from working, and that they were informed of the danger of further trouble, but that no attempt was made to gather a posse and suppress disorder. The sheriff, it was declared, was on the train bringing the rioters from Wallace to Wardner on April 29, and was present during the proceedings at the Bunker Hill mill, but did nothing more than to order the mob to disperse.⁴

¹ Sovereign, pp. 402, 403; Gillen, p. 421; Gann, pp. 487, 488; Gill, p. 521; Young, p. 536.

² Sinclair, pp. 544, 551, 554, 562; Finch, p. 499; Barnard, pp. 414, 415, 418.

³ Sovereign, pp. 398-395, 398-401; Gann, p. 488; Gill, p. 524.

⁴ Decision of the district court, pp. 501-508; findings of the coroner's jury, pp. 469, 470; Sinclair, pp. 552, 562, 563; Burbidge, pp. 451, 452; Finch, p. 499.

Mr. Young, the deposed sheriff, on the other hand, declares that he did all in his power to prevent the riot. There had been no further violence after April 26, and the miners at Wardner had declared that they would not again interfere with the working of the Bunker Hill mine. The witness had had no intimation of the intended action of April 29. He had joined the mob in the hope that he might be able to influence them, although single handed; but he was unable to do anything to prevent their criminal acts. After the riot he deemed it necessary to wait for a short time before making arrests, until the feeling had quieted and until he could secure a large body of men. He believes that he could in due time have secured the apprehension of the criminals more effectively than was actually done under martial law.¹ Two or three other witnesses also declare that in their opinion the sheriff and county commissioners had done all that they could. Mr. Young and these witnesses also state their belief that the removal of the county officers was largely due to partisan reasons, and that, indeed, the wholesale arrests under martial law and the establishment of the permit system were due in part to the same motive. It is claimed that a majority of the voters in Shoshone County have been Populists, and that it was the desire of the Democratic governor and his associates to drive a part of the Populist voters out of the country and otherwise break up the party in that county.² Mr. Sinclair and Dr. France, the coroner, emphatically deny any such political motive in any of the actions of the authorities.³

Arrests.—Many complaints were made as to the wholesale manner in which miners were arrested after the declaration of martial law, and of the long detention of many of the persons arrested without formal charges and without trial. It is declared that the soldiers, under the direction of the civil authorities, took a "drag net" down Canyon Creek and arrested practically all the male members of the community, from 500 to 800 altogether. Some witnesses are inclined to believe that the soldiers in certain cases made arrests without the authority of the civil officers, but there seems to be no very definite basis for this charge. It is, however, clear that warrants were not usually served on the persons arrested. Many men who appeared before the commission had been arrested, although they declare that they had not even gone to Wardner on April 29, and they assert that many other innocent men were also arrested. Complaint is made especially that those arrested were generally not told what were the charges against them, that many of them were held several weeks under very disagreeable circumstances, and were finally discharged without trial by a court, sometimes even without direct examination by the State officers, being simply told that there was nothing proved against them. Some of these witnesses think that many arrests were made simply in order to terrify the men.⁴ Two or three specific instances were mentioned in which arrests were made on other charges than that of participation in the riot of April 29, these charges being, it is alleged, more or less frivolous and unwarranted.⁵

To these complaints it is replied, especially by Mr. Sinclair, that wholesale arrests were rendered necessary by the extraordinary conditions. Very nearly all the male members of the community had been present at the riot of April 29, even if they did not actively take part in it. Pending the discovery of the actual perpetrators of the crime, it was necessary to hold some innocent men in order to prevent the escape of the guilty, and to hold some as witnesses. As a matter of fact, Mr. Sinclair thinks that a very large proportion of the miners were guilty at least of conspiracy, and that a number of those discharged for lack of definite evidence were morally guilty. The

¹ Young, pp. 534, 535.

² Doud, p. 541; Matchette, p. 427; Gill, pp. 521, 523; Sovereign, pp. 394, 395, 405, 406; Young, pp. 531, 532, 537.

³ France, pp. 470, 476; Sinclair, p. 557.

⁴ Sovereign, pp. 393, 395, 399; Matchette, pp. 434-436; Gillen, pp. 421, 426, 427; Miller, p. 429; Barnard, pp. 413, 415, 418; Creedon, pp. 525, 527; Gill, pp. 519-521; Gann, pp. 486-489; Murphy, pp. 431, 432; Stevenson, pp. 509-518.

⁵ Stevenson, p. 509; Barnard, pp. 415, 418.

persons arrested were so numerous that it was impossible to sift their cases in a short space of time, but just as rapidly as any were shown innocent, by the investigations of the witness himself or of the grand jury, they were set free. At the time of the investigation of the commission, about 3 months after the riot, the 230 to 260 men who remained imprisoned included practically only those who were under indictment on one charge or another. It is necessary, Mr. Sinclair concludes, in every community from time to time to arrest and hold innocent men until they can be proved innocent. Dr. France, the coroner, makes similar statements.¹

Treatment of prisoners.—Many witnesses complain that the prisoners were ill-treated by the soldiers during their detention. Several state that they themselves were deprived of food and water for 24 hours when first arrested. It is also stated that the prisoners suffered greatly with cold, especially during their detention in the barn which served as a prison for some time, until the construction of the special buildings constituting the so-called "bull pen." Here, it is claimed, the men were without bedding, and in many cases they had to lie on wet hay or manure. Complaints are also made that the weak and sick, as well as the strong, were compelled to work, that those seriously sick were without proper medical attendance, and that the dying, in one or two instances at least, were deprived of religious consolation. It is further alleged that the soldiers, especially the colored soldiers who were at first stationed in the Cœur d'Alene district, were harsh in their treatment of the prisoners, often prodding them with bayonets, striking them, threatening them, and using abusive language toward them. No very serious ill-treatment was definitely stated by witnesses as having been inflicted upon themselves, but there were many complaints of a general nature, and a number of specific statements as to minor instances of harsh treatment inflicted on the witnesses themselves or on others in their presence.²

Mr. Sinclair and Dr. France, the chief authorities in charge, however, deny emphatically that the prisoners were treated with undue harshness. They specifically deny knowledge of any failure to provide sufficient food, of ill-treatment or neglect of the sick, of the use of the bayonet or the inflicting of blows by the soldiers. They state that, on account of the immense number of prisoners and the lack of preparation for their care, they were at first necessarily somewhat uncomfortably housed and somewhat ill provided with bedding and blankets, but that the State sought as rapidly as possible to furnish a proper prison and to improve the condition of the inmates. Mr. Sinclair suggests that most of the miners were unaccustomed to detention and would consider any form of discipline severe.³

Permit system.—The strongest differences of opinion exist as to the justification of the permit system established by the State authorities after the strike of April 29. By proclamation of Mr. Sinclair, in the name of the governor, it was declared that certain organizations in Shoshone County had shown themselves criminal in purpose, and that accordingly mine owners must not employ men belonging to those organizations. Persons wishing employment were required to obtain a permit from Dr. France, who had been appointed sheriff after the riot. In applying for these permits they were obliged to deny participation in the riot of April 29, to declare the belief that the riot was incited and perpetrated by the influence of the miners' unions, to express disapproval of the riot, and to renounce membership in the miners' unions, pledging themselves thereafter to obey the law. It appears that comparatively few of the miners had at the time of the commission's investigation made application for these permits, either on account of opposition to the terms required or of fear of refusal.⁴

¹ Sinclair, pp. 546, 562, 568, 563; France, p. 473; Finch, pp. 499, 500.

² Sovereign, p. 395; Gillen, pp. 421-427; Gill, p. 521; Gann, pp. 486, 487; Stevenson, pp. 510-512, 515-519; Creedon, pp. 526, 527; Miller, pp. 429, 430; Young, pp. 535, 539; Hutton, p. 567.

³ Sinclair, pp. 549-551, 555; France, pp. 473, 474.

⁴ Sovereign, pp. 390, 391; Sinclair, pp. 545-547; France pp. 471, 477.

Several witnesses representing the miners denounce the requirement of the permit and the conditions contained in the application. They declare that, in their opinion and in the opinion of most of the miners, the system is an invasion of the rights of individual liberty and of free contract, and therefore unconstitutional. Attention is especially called to the fact that a statute of Idaho prohibits discrimination against the members of labor organizations in the granting of employment. It is also urged that the miners' unions have not shown themselves criminal organizations and that no such extreme measures against them are justified. It is stated that the effect of the requirement was, wholly or partly, to suspend the operation of the mines for a considerable period, although gradually nonunion men were brought in to take the place of those who refused to apply for permits or who were unable to obtain them.¹

To these statements it is replied by Mr. Sinclair that the permit system was rendered necessary by the lawless character of the unions and of the mining population of the Cœur d'Alene district generally. The State authorities have no opposition whatever to unions as such, but are, in fact, disposed to encourage them; but it is necessary to break up the organizations which have shown themselves criminal in the past and to teach the community that such lawless organizations will not hereafter be tolerated. The State can not afford to run the risk of such disturbances as those which have occurred repeatedly in the past. While the requirement of a permit would not be permissible under civil law, it is legitimate under martial law in view of the extraordinary conditions prevailing. Dr. France and two mine officers also defend the system on similar grounds.²

Character of miners' unions.—This justification of the permit system depends, in part, upon the evidence as to the lawless character of the miners' unions of the Cœur d'Alenes. The evidence as to the participation of the unions in the riot of April 29, 1899, has already been referred to. Several witnesses, State officers and mine operators, declare that the miners' organizations have, ever since 1892, either directly or indirectly, been guilty of criminal acts. While the majority of the members may perhaps be disposed to be law-abiding, they have been under the control of criminal and powerful leaders. Most of the lawless acts of previous years, it is stated, may not have been formally determined upon by the unions, but they were committed by union men, usually against or on account of nonunion men. The unions have dictated to employers, forcing them to discharge nonunion men. In two or three instances foremen, or other officers of the mines, have been driven from the country, and one foreman was shot in 1897. Nonunion men have in some cases been forced by threats to join the union; while in other cases they have been refused admission to the union. Those who refused to apply for membership, or who were denied admission, have often been driven from the country by violence or threats. In 1892 union miners, in an armed mob, attacked several mines and drove hundreds of nonunion men out of the country, some being killed on both sides. Other nonunion men have been killed from time to time. Attacks have also been made on the property of the mine owners. A considerable amount of specific evidence as to such lawless acts was presented by these witnesses. It is further stated by them that the sympathy of the great body of the miners has been to such an extent on the side of those guilty of such crimes that it has been in most cases impossible to discover and apprehend the perpetrators.³

Numerous miners, and one or two other witnesses, make broad statements to the effect that the miners' unions are not criminal organizations; that by far the most of the members are law-abiding citizens and have taken no part in the violent actions of previous years, but have, on the contrary, deprecated them. Some of these witnesses specifically deny that the unions as such have participated in any of the past

¹ Sovereign, pp. 390-392, 396; Barnard, pp. 414, 415, 419; Gillen, pp. 424, 425; Gill, pp. 515, 524; Miller, pp. 430, 431; Matchette, pp. 434, 435; Doud, pp. 539, 540.

² Sinclair, pp. 545-547, 554-562; France, p. 477; Burbidge, p. 457; Finch, pp. 494-498.

³ MacDonald, pp. 479-484; Finch, pp. 489-500; Burbidge, pp. 444-449, 554, 557; Sinclair, p. 561.

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lawless acts, but admit that members of the unions have been guilty of such acts. Mr. Sovereign, editor of the Idaho State Tribune, at Wallace, declares that there is far too large a conservative element among the members of the unions to permit criminal action to be taken by the organizations as such.¹

CAPITAL IN EASTERN COAL MINING.

Several witnesses complain of the decline of profits in coal mining; doubtless indicating a condition, however, which is not peculiar to one industry. The profits of coal mining in Illinois 30 years ago are said to have been very large; but in the last 10 years, partly because of strikes, and partly because of excessive competition, they are asserted to have been very small. Somewhat similar accounts come from the Pittsburg region.

The practice of assessing the value of coal in undeveloped territory, for purposes of taxation, is referred to as an injustice by an Illinois witness, because until a mine is developed it is impossible to tell whether there is coal in the ground, or what its value is. The methods of the local assessors in the anthracite region are stated to vary greatly. The average profits of anthracite operators are estimated by one of them at from 5 to 7 per cent.²

Some interest begins to be felt in the duration of our coal supply. One independent anthracite operator believes that another 50 years, at the present rate of consumption, will nearly finish the anthracite coal. The bituminous coal of the Pittsburg region is expected by one of the operators to be exhausted in 75 years.³ Other witnesses before the commission have estimated the duration of the anthracite beds at from 80 to 200 years.⁴ The highest estimate is that of Mr. McLeod, who was for some years president of the Reading railroad.

The testimony does not indicate that any considerable proportion of the bituminous coal in the eastern United States is owned by the railroads. One or two railroads are said to be largely interested in mines in northern Illinois.⁵ There is said to be some railroad ownership in Ohio, and the interest of railroad officers in Ohio mines is also referred to.⁶ The large and increasing control of the anthracite by railroad interests was clearly brought out. The general superintendent of the Philadelphia and Reading Coal and Iron Company stated that his company alone mined 80 to 85 per cent of the anthracite that goes over the Reading road, and about 18 per cent of the whole output of anthracite. An independent operator stated in May, 1899, that 11 roads owned two-thirds of all the mines.⁷ The president of the United Mine Workers stated in 1901 that 90 per cent of the coal was then owned by 7 railroads, and that this is fully 15 per cent more than they owned before the strike of 1900.

The effects of railroad ownership of anthracite upon the independent operators and the consuming public are emphasized by several witnesses. It is admitted that freight rates on anthracite are uniform to all shippers, but it is pointed out that when the railroad itself mines the coal the division of the price at destination into freight and price at the mine is only a matter of bookkeeping. The railroads are asserted to allot an excessive amount to freight, and so to depress disproportionately the share which is allotted to the coal at the mouth of the pit. It is repeatedly stated that the freight charge on anthracite is four times that charged on bituminous coal for equal distances. Two or three witnesses estimate the average rate on anthra-

¹ Sovereign, pp. 394, 408, 407; Gill, pp. 521-523; Cleary, p. 530; Creedon, p. 528; Hutton, pp. 567, 568; Young, pp. 536, 537; Gillen, pp. 421, 423-426; Miller, pp. 430, 431.

² Dalzell, 105, 111, 112; Brooks, 157, 162.

³ Schluederberg, 82; Marcy, 667.

⁴ Reports of the Industrial Commission, vol. ix; McLeod, pp. 565, 570, 571; Fleming, p. 540; Saward, pp. 511, 515; Harris, pp. 606, 607.

⁵ Lucas, 674.

⁶ Mullins, 169-174, 177.

⁷ Brooks, 152, 154.

cite at 10 mills a ton a mile, and particular instances of much higher rates are cited; while bituminous coal is said to be hauled at 2½ mills a ton a mile. By these excessive freight charges independent operators are alleged to be compelled to sell their coal to the railroad companies. Contracts under which the operator receives 60 per cent of the price at tidewater on the most valuable sizes and smaller proportions on the less saleable coal are said to be common. It is also asserted that the railroads have bought up large quantities of coal lands at low prices, after depressing the value through their excessive freights. The fixing of the selling price and the limitation of the output by agreement of the railroads is referred to by one or two witnesses. One independent operator, however, declares that nothing has transpired in connection with his business that would lead him to believe that prices are fixed by a combination, and that he has never felt any pressure from the railroad companies. It is interesting to note that the same witness testifies that the railroads own but little mining land in his vicinity, and that 40 or 50 per cent of the coal in that neighborhood is produced by independent operators.¹

Several witnesses refer to the allotment of the anthracite production among the several railroads. The stronger roads are said to be able to secure for themselves more than their share, so that mines which are tributary to them are able to work more days in the year than those upon the other roads. It is also asserted that the mines owned by the railroads themselves are permitted to run more than the independent mines. No mine can run except as cars are furnished it for shipping, and more cars are alleged to be given to the railroad mines. On the other hand, the general superintendent of the Philadelphia and Reading Coal and Iron Company asserts that he never heard any such complaints in the region where his company operates. In that region every colliery is rated, by officers of the Coal and Iron Company appointed for that purpose, upon its producing capacity. The railroad distributes the cars upon the basis of the rating, and always leans toward the individual operators to avoid any accusation of partiality. When the demand is slack, this witness asserts, the independent operators run more steadily than the Coal and Iron Company, so that their proportion of the shipments over the Reading road runs up from 15 per cent to 20 per cent, and has been known to go as high as 25 per cent. They are furnished with cars enough to make this possible.²

While substantial unity of control, by agreement among a limited number of powerful interests, appears to have been effected in the anthracite region, there seems to be no considerable approach as yet toward such unification among the bituminous mines. The desire for agreements which should diminish competition and increase prices is indicated by several witnesses, including one member of the executive board of the United Mine Workers. His idea is a general organization of operators and miners to regulate prices and wages. The president of the Illinois Coal Operators' Association believes all combinations to be injurious to both workers and consumers, and against the public interest. Two unsuccessful attempts at combination in Ohio are mentioned, and are said to have been generally disapproved by the operators. In the Danville, Ill., district one company sells all the coal. An association exists in West Virginia which divides orders and cars in proportion to the producing capacity of the mines, and sells in the Western markets through a single agent. Other attempts at combination on a smaller scale are referred to.³

There is no evidence of freight discrimination between individuals, unless the assertion of one witness that coal from West Virginia has been sold at lake ports at less than the published rate of freight may be so regarded. The existence of such discriminations is repeatedly denied. There is, however, some testimony to the effect that railroads which have coal-mining interests in the bituminous fields adopt the

¹ James, 147, 150; Brooks, 154-156, 163; Marcy, 664, 666, 667, 670.

² Brooks, 155; Luther, 649-652.

Robinson, 7-9; McKay, 61-63; Schluederberg, 77; Dalzell, 114, 119, 122; Mullins, 171, 172.

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same policy as the anthracite roads, of charging high freight rates, and so diminishing the value of coal at the mine, while raising the price to the consumer.

Complaints are made of rates which are regarded as unduly favoring particular regions. The rates on West Virginia coal are a special source of complaint. It is asserted that rates from West Virginia to Lake Erie are lower than from Ohio mines, not more than half as distant, and that coal is carried from West Virginia to St. Paul, perhaps a thousand miles, as cheaply as from Illinois, say 400 miles. These conditions are thought by one witness to be due in part to ownership of mines by railroads or by their officers. It is also suggested, however, that it may be due more to the anxiety of certain roads to get business, especially roads that are financially weak.¹

LABOR ORGANIZATIONS OF COAL MINERS.²

It appears that the first organization of coal miners was formed as early as 1868, in the anthracite region. Several attempts were made to establish a national organization, and they had greater or less temporary success. The United Mine Workers was formed in 1890. It attained only a small strength until the great strike of 1897. The interest which was aroused by that struggle gave it an impulse which has been followed by a remarkable growth. It had no considerable strength in the anthracite region until the anthracite strike of 1900. It went into that strike, it is said, with a membership of only 8,000 among the anthracite miners, and came out of it with about 100,000. According to the statement of the president, the total membership in January, 1897, was 11,000; in January, 1898, 25,000; in January, 1899, 54,000; in January, 1900, 91,000; in January, 1901, 189,000; in July, 1901, about 250,000.

The success of the organization in increasing wages is referred to by several witnesses, both members and others. One outside witness states that in Illinois, because of the increased wages of miners, coal cost about 22½ cents a ton more in 1900 than in 1899. Another witness, not a member of the union, estimates that the average increase of wages in Illinois between 1897 and 1899 was 30 per cent. The president of the organization declares that in all the central States, where the union has acquired great strength, wages increased 40 per cent between 1897 and 1901. No doubt the increase is partly due to the general rise of prices and wages, which is one of the phenomena of increased industrial activity, as well as partly to the efforts of the union.

All the employers who refer to the matter speak well of the organizing of the miners as a general principle, and of the United Mine Workers in particular. The organization is said to be managed by able and conservative men, and the effects are said to be good for employers as well as for employees.

It is stated that while the organization uses all legitimate means to bring in non-union men, it is only very rarely that the members refuse to work with them, or that it is demanded that membership be made a prerequisite to employment. It is pointed out that when a strike is ordered by the union, the nonunion men very commonly respect the order, and that both in the great bituminous strike of 1897 and in the great anthracite strike of 1900 only a very small minority of the strikers were members of the union when they quit work.³

It appears that colored miners are freely admitted to the organization, and apparently into the same local unions as the white miners; since the fact that they are permitted to hold office in the unions is specially referred to.⁴

WAGES IN COAL MINES, AND METHODS OF PAYMENT.

It seems to be generally agreed that since 1897, or thereabouts, wages have risen. (See above.) The rise is attributed, not only by the members of the miners' organization, but by some operators, to the strength of the organization and to the great

¹ Mitchell, 54; Schluederberg, 86, 87; Dalzell, 113, 114; Mullins, 169-174, 177.

² Robinson, 14; Schluederberg, 74-77; Mullins, 166, 172; Mitchell, 30-38, 699.

³ McKay, 59, 66; Davis, 125; Dalzell, 118, 119.

⁴ Mitchell, 82, 52, 53.

strike of 1897. The general upward tide, which has been flowing during these years, has of course contributed to it.

Widely varying statements are made as to the course of wages, when a considerable series of years is considered.

The secretary of the Illinois bureau of labor statistics, testifying in 1899, thought that general wages had risen materially during the last 30 or 40 years. He spoke especially of purchasing power. The president of the Illinois Coal Operators' Association, however, said about the same time that miners' wages were not as high in Illinois as they had been 10 years earlier. He gave definite statements of rates in his own mines. The representatives of the miners generally agreed at that time that wages had fallen during the past 15 or 20 years. This seems to be confirmed by the testimony of operators from Ohio and from the Pittsburg district.¹

The daily earnings in West Virginia are stated by an operator to be from \$1.25 to \$2, and by a miner at \$1.25 as an average, and \$1.75 as a maximum. For the anthracite region a representative of the miners gives the day wage (1898) as \$1.98 for 10 hours' work of a miner underground, and \$1.10 to \$1.64 for underground laborers. The workers on the breakers, etc., are said to receive from \$1 to \$1.20. This witness states that he himself in 1898 earned \$404 in 240 days' actual work at one of the best-paying mines. The representative of one railroad anthracite company says that miners working by the day receive \$2, and that the average miner ought to earn \$2.50 to \$2.75, working full time by contract. The representative of another anthracite company says that taking the names of from 6 to 12 men at each of his company's mines, good miners, poor miners, and average miners, he has found that they have actually drawn from \$500 to \$1,000 a year, after the deduction of all supplies. Since, however, each miner usually has an assistant, whom he pays, it is not clear whether the amounts stated were the wages of single men, or, in some cases, of 2 men. An independent anthracite operator, employing 120 to 125 miners, states that 23 per cent of his men earn less than \$300 in a year; 47 per cent earn between \$300 and \$500; about 30 per cent earn from \$500 to \$900; and some few, \$1,000. This employer declares that if a man's wages are very low, it is because he does not work when there is work for him. All this testimony was given in 1899 or in the spring of 1900, before the great anthracite strike, which resulted, according to Mr. Mitchell's supplementary statement, in a 10 per cent advance on existing rates.

The president of the United Mine Workers, taking the reported production of bituminous coal in 1898, and assuming the average price of mining to be 50 cents a ton—which he says is a high average estimate—states that the resulting amount of wages would give for each of the 248,000 miners less than \$1.03 for each of the 306 working days.²

All the testimony agrees that coal miners are employed only a fraction of the annual working days. Representatives of the United Mine Workers state that on the average the miners worked from 174 to 179 days out of 306 possible working days in 1897. One gives the average number of days of employment at 204 a year from 1890 to 1893, and at only about 100 from 1894 to 1897. An operator from West Virginia states the average number of working days at from 197 to 229; another from Ohio says hardly more than 200 to 225. The secretary of the Illinois bureau of labor statistics gives the average for his State at from 175 to 180 days.

A representative of the United Mine Workers gives the average number of working days in anthracite mines as 150. An independent anthracite operator states that some mines work as many as 250 days, but others only 100. The general superintendent of the Philadelphia and Reading Coal and Iron Company gives the number of so-called "breaker days" worked by his company since 1894. These are 10-hour days, and the number is obtained by dividing the whole number of hours worked

¹ Stephenson, 21, 24, 26; McKay, 69; Schluederberg, 75, 80, 81; Pearce, 99; Dalzell, 105, 107, 121, 122; Mullins, 167-169; Ross, 185, 186.

² Robinson, 7-10; Stephenson, 21, 24, 26; Mitchell, 57; James, 143, 144; Luther, 646, 647; Loomis, 661, 63; Marcy, 667-669.

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in the year by 10. The number was, in 1894, 180; in 1895, 189; in 1896, 176; in 1897, 132; in 1898, 141; in 1899, 158. The last two of these years are years ending June 30, in consequence of a change of the fiscal year of the company.¹

Nearly all the actual mining in the anthracite region seems to be done on a contract or piecework system. Contract prices appear to be usually determined by individual bargaining between the miner and the superintendent. They vary from mine to mine, and from vein to vein. One operator, however, states that he pays a uniform price for a car of a given size.²

The sliding scale seems not to have been introduced in any coal mines outside the anthracite region. There it was established in 1875, or, in some parts, as early as 1868. The miners complained that they were not permitted to check in any way the computations or the statements on which their wages depended, and that the sliding scale had become meaningless, and tended to bring wages to a minimum. The superintendent of the Philadelphia and Reading Coal and Iron Company, on the other hand, gave figures showing the advance of wages with the price of coal in 1899 and 1900. The sliding scale was abolished as one of the results of the strike of 1900.³

The universal desire of the representatives of the miners is for a weekly pay day. In several States they have obtained laws requiring payment at particular intervals. A weekly-payment law was declared unconstitutional in Illinois as interfering with liberty of contract. West Virginia requires payment semimonthly, but the law is not enforced. The law of Pennsylvania is largely ineffective, because it requires semimonthly payment only "on demand." It is asserted that those who have demanded their wages semimonthly have found that they were given no more work. It appears, however, that many operators, at least in the anthracite region, do comply with the law, though disapproving it. In Ohio the semimonthly-payment law seems to be complied with.

The miners allege that the great reason of the operators for opposing frequent payments is their desire to compel miners to trade at the company stores. The operators complain of the great labor involved in the making out of frequent pay rolls, and they complain that pay day is likely to be followed by 2 or 3 days of idleness and dissipation. The representatives of the miners deny that more frequent pay days would mean less industry. The actual interval of payment, both in the anthracite and in the bituminous region, seems to be generally a month or half a month. The custom is repeatedly referred to of keeping back half a month's pay; that is, of paying only what has been earned up to a time half a month before pay day. The secretary of the Illinois Bureau of Labor Statistics testifies that in his State the miners have generally been able to obtain weekly payment by the strength of their organization. This witness thinks that frequent payment is better for the employees; that it does not increase drunkenness or loss of time, and that it works no special hardship to employers.⁴

The miners complain bitterly, both in the bituminous and in the anthracite region, of the practice of docking for impurities. They allege that whole cars are deducted from their account because of trifling amounts of slate or dirt. Statements are exhibited which show as many as $7\frac{1}{2}$ cars docked out of 57 mined, and as many as 144 out of 1,750. Some of the operators maintain that the docking is necessary to prevent carelessness and dishonesty. One asserts that he has had car after car come out with from 1,200 to 2,200 pounds of rock topped off with coal. This witness, however, does not himself practice docking. He notifies the miner once or twice

¹ Robinson, 5, 10, 11; Mitchell, 86; Davis, 120, 127; James, 144, 149; Brooks, 153, 155; Luther, 646, 651

² Luther, 645, 647, 648; Veith, 654, 658; Loomis, 659; Marcy, 668, 669.

³ James, 146, 147; Luther, 646, 648, 649, 652.

⁴ Mitchell, 41; Dalzell, 109; James, 143; Brooks, 158; Ross, 183-185.

that his coal must be cleaner, and if the miner does not do better he is discharged. Other witnesses state that they follow the same practice.¹

There is no evidence of any refusal of operators to permit the miners to station check weighmen at their scales. One or two operators complain of the arbitrary conduct of check weighmen and the unnecessary trouble that they make. A representative of the United Mine Workers says that although operators allow the check weighman to test the scales, they often let it be done only at particular times, while scales can often be doctored with a touch.²

The practice of screening coal, before it is weighed to determine the amount earned by the miner, is a cause of complaint throughout the bituminous region. The miners feel that they are robbed of their wages on all that goes through the screen. The operators point out that more is paid per ton for screened than for unscreened coal, and that miners can earn as much on one system as on the other. They allege that the system of screening is a safeguard to the operator and a benefit to the more careful miners. It is desirable that as much coal as possible be got out in lumps. The screening system offers a premium for good work, and insures the careful miner the benefit of his care. This opinion is not, however, universally held by the operators. The commissioner of the Coal Operators' Association of Illinois believes that the run-of-mine system, if miners will use care, will make better miners in the end and be more satisfactory to both parties. He admits, however, that in his State, where the miners' organization has secured an agreement for the run-of-mine system, there is still some complaint about carelessness in loading poor coal.

Laws requiring coal to be weighed before screening have been held unconstitutional in Illinois and Pennsylvania. In West Virginia the law is not enforced, the supreme court of the State being equally divided as to its constitutionality. The constitutionality of a similar law was being tested in Ohio at the time of the hearings.

The representatives of the miners complain not only of what they think the unfairness of the screening system in general, but of variations in screens, due in some cases to their construction and in some cases to their need of repairs. The usual screen is 12 feet by 6, with flat bars, 1½ inches apart. It is complained that some operators have used screens with as much as 80 square feet of surface instead of 72, and with diamond-shaped bars 1¾ inches apart. Indeed, a West Virginia operator states that the screens used in that State vary from 1½ to 2 inches in opening.³

COMPANY STORES AND COMPANY TENEMENTS AT COAL MINES.

It is claimed on the part of the operators that the establishment of company stores is necessary because mines are opened in isolated places, where supplies could not otherwise be obtained. It is admitted by the miners that this is sometimes true. It is maintained, however, that such cases are exceptional, and that in almost all cases the necessity is temporary. The real reason for the maintenance of the company-store system is declared to be the great profit that it brings. Prices are alleged to be 15 per cent, 25 per cent, even 30 and 35 per cent higher than in other stores. The isolated character of many of the mining villages is mentioned as a justification for somewhat high prices. It is alleged, however, that miners are compelled to deal with the company stores, both by refusal of employment otherwise and by the barring out of other sellers. Often, it is stated, the mining company, owning the land where the town stands, refuses to admit any store but its own. Even when an outsider is permitted to establish a store, the company sometimes demands a percentage on his sales. In one instance peddlers and delivery wagons are alleged to have been prohibited from going near the company houses.

¹James, 144, 146; Marcy, 669.

²McKay, 72, 73.

³Robinson, 13; McKay, 64, 68, 70, 71; Pearce, 92, 94; Justi, 600.

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Two influences are mentioned as contributing most powerfully to the decay of the company store system—growth of population and the consequent increase of trading facilities, and the growth of labor organizations. In most parts of the country the system appears greatly to have declined. All testimony agrees that it still flourishes undiminished in West Virginia, where the organization of the miners has little foothold. A West Virginia operator, who says that he knows of no operators who do not have company stores, asserts at the same time that prices are not excessive and that miners are free to deal elsewhere if they please. He admits, however, that the miners' organizations protest against the prices.¹

The supplying of powder by the anthracite operators was a special case of compulsory dealing. Powder which cost \$1.50 or less a keg was sold to the miners at \$2.50 or \$2.75. It was maintained on the part of the companies, however, that this difference was not to be regarded as profit, but was taken into account in the fixing of wages. The Philadelphia and Reading Coal and Iron Company sold powder at \$1.50 a keg. All the operators reduced it to this price as a result of the strike of 1900.²

Some operators give reasons for the building of company tenements similar to those which are given for the establishment of company stores. It is declared to be necessary that the company furnish houses because the miners could not get them otherwise; it would be impossible without furnishing the houses to obtain the necessary labor. The representatives of the miners admit that this may be true in some cases; but they do not admit that it is the motive by which the operators are usually guided. They complain that the company houses are usually cheaply made, of boards straight up and down, not weather-boarded, and often not plastered. The water supply and other conveniences are said to be of the poorest. The conditions are alleged to be the worst in West Virginia, and best in the anthracite region. One miner declares that he knows of 5 houses in Ohio which were built in 1892 for \$95 each, and rent for \$5 or \$6 a month. It is asserted that in West Virginia the rent is usually about \$2 a room. One anthracite operator, while admitting that the company houses are not very satisfactory, holds that they are as good as can be furnished for the rent paid, and that, while private owners build better ones, they charge much more for them. The houses described by this witness are mostly of 2 stories, with 2 rooms on the lower floor, and the rent charged is \$6 a month, including a monthly ton of coal. The general superintendent of the Philadelphia and Reading Coal and Iron Company declares that while his company owns many houses it prefers to have the men live in the towns and villages, where it need not make provision for them, and that it arranges to have them transported by rail, even 10 and 15 miles, to and from their work, at a trifling charge.

The miners complain that influence is brought to bear upon them to make them occupy the company houses, and that the occupation of the houses is made a means of coercion in times of strike. A West Virginia operator admits that tenants are ordered out when they strike, but declares they are not compelled to live in the houses, and are not discriminated against if they do not; that 32 per cent of his employees own their own houses, and that in many cases he has given aid in acquiring them.³

HOURS OF LABOR AND OTHER CONDITIONS OF COAL MINERS.

It appears that in the bituminous mines of western Pennsylvania, in Illinois, Indiana, Ohio, and, to some extent, in other States, the United Mine Workers have been powerful enough to induce the employers to grant an 8-hour day. The representatives of the organization declare that the change has been beneficial to the health of the miners and to their mental and moral culture. Especial need of short hours in

¹ Robinson, 15, 16; Mitchell, 43, 44; Stephenson, 24, 25; McKay, 66, 68.

² Brooks, 160; Luther, 658; Loomis, 663; Marcy, 670; Mitchell, 700.

³ Robinson, 12, 16; Mitchell, 45; Schluederberg, 80, 81; Pearce, 98; Davis, 133, 134.

mining, because of the unhealthfulness of the work, is emphasized. Among other arguments for shorter hours, it is alleged, on the one hand, that they tend to the absorption of the mass of unemployed workers by diminishing the output per man, and, on the other hand, that a man can do as much physical labor in 8 hours as in 10.

An Ohio operator says that the 8-hour system is generally satisfactory to the operators as well as to the miners in his district. It has compelled the introduction of better machinery for handling coal, so that the miners can now produce about as much as they formerly produced in the longer day. Operators from Pittsburg and from Illinois, however, believe that the change has been injurious to them. A man can, they say, do only about four-fifths as much in 8 hours as in 10. It is a disadvantage to the operators that their machinery should lie idle two-thirds of the 24 hours. One of these witnesses admits, however, that the miner may produce as much during the year with the 8-hour as with the 10-hour day, because the work will be more continuous. The representatives of the miners also insist that even the machinery will be operated as many hours during the year, because it will be operated on more days.¹

In the anthracite mines a considerable irregularity of hours seems to exist. One operator declares that he has not 3 men out of 120 or 125 who will work 10 hours. His men usually work 4, 5, or 6 hours, and it is an exceptional one that works 7. A representative of the miners, on the other hand, asserts that the anthracite miners usually work 10 hours a day, and that they are sometimes compelled to work even more.²

The testimony of several anthracite operators is that the general condition of the miners has improved during the past 15 or 20 years. It is alleged that the foreigners from the south and east of Europe are adopting a higher standard of living. The same report is given by a bituminous operator of the Pittsburg region.³

The importation of the lower class of foreign laborers under contract by the proprietors of the anthracite mines is lamented by every witness who refers to it. It is agreed that such importations have now ceased. The influx of laborers from the south and east of Europe still continues, however, in full force. One witness believes that 60 per cent of the anthracite miners belong to non-English-speaking races. Another, an operator, states that the Irish, the Welsh, and the Germans are still the predominating nationalities in the region as a whole, though the Hungarians, the Poles, and the Italians have come in rapidly in recent years and outnumber others in certain districts. It is stated that the law of Pennsylvania prohibits any foreigner from working as a miner in the anthracite mines until he has worked there 2 years as a laborer to learn the business. This law is said to have been passed to keep out the Hungarians and similar classes, but the effect of it is alleged to have been to increase the number of them and to keep out the skilled miners from western Europe.⁴

Attention is called by the representatives of the miners to the special need of legislative interference to protect the miners from foul air and dangerous gases, as well as from accidents. The safety laws of Illinois, Indiana, Ohio, and Pennsylvania are said to be good, and the inspection under them is said to be thorough. One or two representatives of the miners mention the laws of Ohio as perhaps the best, though this opinion is not universal. Some of the miners complain of inefficient enforcement of the Pennsylvania law, chiefly because the inspectors are too few. Several witnesses call attention to the desirability of uniformity of legislation, in order that the operators in all districts may be put under the same burdens.⁵

¹ Mitchell, 36, 41, 47, 48; Schluederberg, 82; Dalzell, 109, 111; Mullins, 171.

² James, 149; Marcy, 666-669.

³ Brooks, 160; Schluederberg, 81; Veith, 656, 657.

⁴ James, 140, 141; Brooks, 158, 160, 161; Luther, 652, 653; Veith, 655.

⁵ Mitchell, 56; Schluederberg, 88, 89; Pearce, 103, 104; Brooks, 164, 165.

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The use of mining machinery is steadily spreading in the bituminous mines wherever the use of it is practicable. One witness in 1899 estimated that 40 per cent of bituminous coal was already machine mined. Nearly all Pittsburg operators are said to use machines. The machines are used very little in the Massillon district of Ohio, and not at all in the northern district of Illinois. In the former case the nature of the coal veins does not permit the use of them. In northern Illinois the exclusion of them is attributed to the opposition of the miners.

The officers of the miners' organization plainly manifest their regret at the advance of machinery. They assert that it displaces labor, and they believe that it depresses wages. They deny, however, that the organization opposes the introduction of machines, and they admit that it is an inevitable industrial advance.

A Pittsburg operator states that 6 men with a machine can produce as much coal as 10 without it. The effect upon wages is a matter of dispute. It is admitted, even by the representatives of the miners, that the absolute number of miners has steadily increased. They maintain, however, that besides limiting the increase of the demand for men the machines reduce the proportion of skilled labor in the craft. Some witnesses believe that the increase of production and the employment of more engineers, firemen, etc., fully counterbalance any apparent displacement of miners by the machines. The secretary of the Illinois Bureau of Labor Statistics considers the improvement in machinery one of the chief causes of the increase of miners' wages during the last 30 or 35 years. This increase, however, is itself denied by other witnesses.¹

The use of machinery in the anthracite mines has not been found practicable. It is stated, however, that new machinery has largely replaced the labor of boys in cleaning the coal and preparing it for market.²

RELATIONS BETWEEN COAL MINERS AND THEIR EMPLOYERS.

The desirability of formal agreements between organizations of employers and organizations of employees, determining wages and hours and other conditions of labor for fixed periods, is a matter of general agreement among all the witnesses who refer to it. The organization of the miners, the United Mine Workers, seems to have promoted the formation of such agreements to the best of its ability, and to have been successful in establishing them in most places where it has developed great strength. The most notable of the joint conferences at which such agreements are periodically made is the interstate conference of the so-called competitive district, covering Illinois, Indiana, Ohio, and the western region of Pennsylvania, which determines the conditions of labor of perhaps 100,000 workers. An informal conference of operators and representatives of the miners' organization, covering the most of this region, was held as far back as 1885, and was repeated annually for several years. The custom was broken up, however, in 1889. The renewal of it followed the great strike of 1897. A conference was held in the spring of 1898, at which a formal agreement for the ensuing year was drawn up; and a similar conference has been held each year since. The conferences are attended by many operators and by representatives of each local union of the United Mine Workers. Each side and each State, however, has the same vote—the miners of each state 4, and the operators of each State 4. Every important decision must be reached by a unanimous vote—not by a mere majority. The actual formation of the scale is referred, after general discussion, to a committee consisting of 4 miners and 4 operators from each State. If an agreement is not reached, questions in dispute are referred to a sub-committee of 8 or of 16.

In Illinois and Indiana the operators have State organizations, each of which employs a paid executive officer called a commissioner, whose chief duty is to deal

¹ Mitchell, 54-56; Schluenderberg, 87, 88, Dalzell, 114; Mullins, 177; Ross, 185, 186; Justi, 684.

² James, 150; Luther, 651.

with the officers of the miners' organization. When any dispute arises the pit committee of the men and the pit boss try first to settle it. If they can not agree, the matter is appealed to successively higher authorities on each side until the State officials of the United Mine Workers and the commissioner of the operators' association are called in. Very rarely the national officers of the United Mine Workers are asked to help. The commissioner of the Illinois Coal Operators' Association acted in about 200 cases during the year previous to his testimony before the Commission. About 80 per cent of the cases, he said, were decided against the miners; they were more likely to be wrong, because their local organizations and their local officers were more likely to misunderstand the terms of the agreement. In all cases, however, they loyally submitted to the decisions.

There is no State organization of operators in Ohio or in Pennsylvania. In portions of Ohio there are local associations which employ a commissioner, and there is a conference in the central district of Pennsylvania. State agreements have been formed and State conferences established between the operators and the miners in Alabama, Kentucky, Tennessee, Missouri, Kansas, Iowa, and Michigan.

The president of the United Mine Workers asserts that since the adoption of the system of joint agreements wages have increased on the average fully 40 per cent in the States covered by the interstate agreement, and practically the same advantages have been secured in the districts where State conferences have been established. The 8-hour day has also been secured in nearly all these places. The semimonthly payment of wages in cash has been established, and where screens are permitted the size of them has been regulated. The commissioner of the Illinois Coal Operators' Association estimates the increase of wages in the competitive district, by the advance of 1900 alone, as probably amounting to nearly \$20,000,000 for the miners of the 4 States affected.

It seems to be agreed that the operators as well as the miners benefit by the agreement system. The number of disputes and strikes is greatly diminished, and the several districts and the several operators within each district are put upon a fairer basis of competition with each other. The uniformity of conditions which the agreements introduce is a matter of congratulation to those who are brought under them. It is complained, however, that the unorganized condition of West Virginia, and the consequent lower wages and longer hours that prevail there, put the other districts at a disadvantage. It is the desire of the operators outside of West Virginia, as well as of the organization of the miners, that the miners of that State be brought into the union, in order that the conditions there may be brought to a level with those of other States. It is asserted on behalf of the West Virginia operators that they do have a conference and an agreement with a local organization of miners; but it is alleged on the other side that this local organization is managed and supported by the operators themselves, and is not a genuine labor union.¹

Several strikes of coal miners, with their causes and results, are referred to in the testimony. The great strike of bituminous miners in 1897 is declared to have been caused by a single company, which refused to pay the rate of wages which was paid by its competitors. It is admitted by the operators that under the pressure of competition wages had been cut contrary to the agreement with the miners. The president of the United Mine Workers, however, declares that the purpose of this strike was to increase the price of coal and thereby to raise wages. Though the strike lasted 84 days, the earnings of the miners in that year are asserted to have been more than in the preceding.²

It is agreed by all witnesses who refer to the matter, including the secretary of the Illinois Bureau of Labor Statistics and the president of the Illinois Coal Operators' Association, that the strikes at Pana and Virden, Ill., in which so much excitement was caused by the refusal of the governor to permit the importation of colored labor,

¹ Robinson, 14; Stephenson, 20; Justi, 677-685; Mitchell, 698, 699.

² Mitchell, 36; Schluederberg 78, 79; Mullins, 178.

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were caused by the refusal of operators to abide by the agreement which the association of operators had made with the miners' union, and by their subsequent refusal, after submitting the dispute to the State board of arbitration, to comply with its decision. It is stated that the governor did not maintain that he had the right to deprive a man of the privilege of contracting for his labor, and it is denied that the color question entered into the case. The governor held that the imported men were an undesirable class of citizens, and that it was illegal to bring them into the State under the protection of an alien armed body.¹

Several witnesses who testified before the great anthracite strike of 1900 declared that the last general strike of anthracite miners had taken place in 1888, and that the last before that was in 1875. The strike of 1900 is described by the president of the United Mine Workers. Only 8,000 of the miners are said to have been connected with the union before the strike. The strike involved 140,000 men and boys, and threw out of employment not less than 50,000 other people. It continued 39 days and resulted in the granting of all the miners' demands, it is said, except the official recognition of the organization.²

Several representatives of the miners complain of the practice of blacklisting, especially as directed against men active in organizing labor. The existence of the practice is not directly admitted by any employer, though one says he has heard of it. This witness declares his belief that no miner in his neighborhood has been blacklisted, at least in his time.³

SOCIAL QUESTIONS SPECIALLY AFFECTING LABOR.

Labor organizations.—The value and the necessity of labor organizations are asserted or admitted by all the witnesses who refer to the subject. There is general agreement as to their effect in raising wages, and their influence upon labor legislation is also referred to. The commissioner of the Illinois Coal Operators' Association holds that strong organizations of both employers and employees are necessary to successful arbitration and conciliation. The tendency to exert pressure on nonunion men to induce them to join is not denied, though the restriction of the pressure to legitimate kinds is asserted. Nonunion men benefit by the action of the union, it is said, and to refuse to join is meanness.⁴

The incorporation of trade unions is desired by several employers and others, on the ground that it would increase their responsibility and restrain the more radical element. One witness thinks it would make the property of the unions more secure. The idea is opposed by some representatives of the unions on the ground that the organization could then be held responsible for the breaking of contracts by individual members, and on the ground that the courts would sometimes be unjust in their decisions.⁵

Conciliation and arbitration.—All witnesses express their approval of methods of conciliation, and nearly all approve of some form of arbitration. Arbitration by a committee within the trade is preferred by several, and a considerable proportion of the witnesses place little reliance upon any action by the State. The existing State boards are usually regarded as of little moment. In some cases they are able to compose differences by conciliatory methods.

Compulsory arbitration is favored by several witnesses, mostly from Colorado and Utah. The representatives of the Eastern miners, with one or two exceptions, oppose it. Some witnesses who do not favor compulsory arbitration would approve of compulsory enforcement of awards when arbitration has been voluntarily entered into.

¹ Mitchell, 52, 58; Dalzell, 118; Ross, 178-180.

² Luther, 658; Mitchell, 700.

³ Mitchell, 37; Marcy, 671.

⁴ Ross, 185, 191; Smith, 212, 213, 223; Coates, 251, 252; Justi, 686, 687.

⁵ Stephenson, p. 19; Dalzell, pp. 116, 117; Ross, pp. 180, 181; Beaman, 273, 274, 286.

Others, on the other hand, desire an investigation of disputes by State authority, with compulsory attendance of witnesses, and in general with such procedure as compulsory arbitration would involve, but without the enforcement of awards. They would depend upon public opinion to secure obedience to the decisions of an impartial tribunal. While the possible necessity of resorting to imprisonment to compel the obedience of the workmen to an award is one of the objections to compulsory arbitration, the complaints of actual refusal to obey awards under existing conditions are brought almost exclusively against the employers. Several cases are cited in which employers, after submitting disputes to arbitration, refuse to accept the result. No instance of similar action by workmen is definitely cited.¹

Strikes and boycotts.—Most witnesses mention wage disputes as the chief causes of strikes. Special demands, such as relate to screens, docking, safety appliances, recognition of unions, and prohibition of joining unions, are regarded as of minor importance. One witness notes that strikes are most frequent immediately after labor unions are organized, and diminish as the unions grow older. One witness states that the real purpose of the great coal strike of 1897 was to raise the price of coal by restricting the production, and so to raise wages. One employer does not hope for a full end of disputes this side of the millennium, and one or two witnesses find the ultimate cause of strikes in the competitive system and in the control of land and machinery by a small class.²

Sympathetic strikes are defended in principle by several representatives of organized labor. They are declared to be particularly necessary among miners, because if one district is permitted to work while another is shut down, the first will supply the market of the other, and there will be a division of the profits among the proprietors, so that the strike will, in a great measure, lose its effect.³

The boycott is referred to only by representatives of labor, and by them is universally justified, though treated as a last resort, to be used only when the object of a strike can not otherwise be gained. The boycott is repeatedly compared with the corresponding weapon of the employers, the blacklist, and is declared to be more justifiable and less effective. The boycott is removed when the particular dispute is over; the blacklist remains.⁴

The representatives of the labor organizations universally deny that they sanction violence for promoting the purposes of strikes. It is admitted that abusive language may sometimes be used in arguments with workmen who displace the strikers, and that occasional cases of violence arise; but even abusive language is declared to be discountenanced by the leaders. The president of the United Mine Workers asserts that he knows of no instance where unlawful interference of striking miners has precipitated a riot, or where they have intimidated men from working. Violence is oftener precipitated, he asserts, by armed guards.⁵

Some employers fully approve the current use of injunctions against strikers, and consider that the opposition to it proceeds from demagoguery or from want of proper understanding. The representatives of labor, however, speak of the matter with great bitterness. They declare that the policy of the courts has done much to destroy the patriotism of the laboring people and to shake their faith in the judiciary and in the law. If a man is enjoined from committing a crime and is punished under the injunction, he is deprived of his right to a trial by jury. If he is enjoined, as men often have been, from walking peacefully along the highways, from holding public assemblies, or from attempts to advance his interests by argument and persuasion, he is deprived of the fundamental rights of a citizen.⁶

¹ Mitchell, 35; Pearce, 96; Davis, 131; Clark, 324, 325, 329; Sullivan, 349, 351.

² Stephenson, 21; Davis, 126; Ross, 181; Smith, 213; Coates 246, 247, 260; Beaman, 266.

³ Mitchell, 37, 38.

⁴ Coates, 248; Sullivan, 350, 351.

⁵ Mitchell, 38, 39; Davis, 128, 129.

⁶ Mitchell, 38-40; McKay, 66, 67; Dalzell, 121; Ross, 183; Beaman, 275, 288, 289.

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One or two witnesses consider strikes injurious to all classes, either always or in most cases. Among the representatives of labor organizations, however, there is no difference of opinion as to the necessity of them, however much the necessity may be regretted. Some of these witnesses manifest very clearly the disposition to regard the strike as an evil in itself, to be appealed to only as a last resort. All of them, however, agree that the condition of the working people, both organized and unorganized, is distinctly better than it would have been without strikes. Without strikes, it is declared, the joint agreements in the coal trade could not have been obtained. It is pointed out that to estimate the losses caused by strikes upon the basis of the days of idleness is radically erroneous. In coal mining, for instance, even a very prolonged strike may not increase the amount of idleness in the year. In 1897, when there was a strike of 78 days, the number of days worked was only from 1 to 13 days less in the different districts than in 1896, when there was no strike, and the amount of coal produced was greater.¹

Hours of labor.—The desire for a universal 8-hour day is generally expressed by the representatives of labor, and several of them are of opinion that the shortening of hours either tends to increase wages or at least does not tend to diminish them. Some express the feeling, however, that the 8-hour day should be obtained, even if somewhat serious concessions in wages are necessary.²

Machinery.—A sharp difference of opinion appears as to the effect of machinery upon the well-being of the workingmen. Some witnesses believe that it increases employment and wages and tends to decrease the hours of labor. Others hold that it throws men out of work and permanently diminishes the demand for labor. Such witnesses attribute the advance of wages, which is admitted to have taken place when a long period is considered, chiefly to the increase of education and skill. They believe, however, that by a reduction of the hours of labor the injurious effects of machinery can be remedied and perhaps turned to benefit.³

Convict labor.—Most witnesses agree that some sort of employment for convicts is desirable, for the good of the convicts themselves as well as to lighten the burdens of the taxpayers. There is an equally general agreement, however, that this employment ought to be such as to involve the smallest possible competition with free labor. Work on public roads and in the maintenance of the convicts themselves are the kinds of work most generally favored. Two or three representatives of labor declare that the workmen can better afford to maintain the convicts in idleness than to encounter their competition in work which free labor would otherwise obtain, and one goes so far as to advocate the withdrawal of the convicts from all employment and the occupation of them in reading and study.⁴

Child labor.—The employment of children in mines and factories is deprecated by every witness who refers to it. All agree that it checks the mental and physical development of the children themselves, and the representatives of labor add that the competition of children with men depresses wages and increases the number of the unemployed. In the most progressive States, it is said, the employment of children under 14 is now forbidden. Several witnesses desire the age to be raised to 16, and one would keep boys out of mines until they are 18. The development of machinery is asserted by some to have increased the employment of children, because a child can often tend a machine to substantially the same purpose as an adult. In the anthracite mines, however, it is noted that the new machinery in the breakers has, in a considerable degree, displaced boy labor. One miner thinks that the Pennsylvania law requiring children to attend school until they are 15 years of age has considerably diminished child labor in the mines.⁵

¹ Mitchell, 36; Schluederberg, 75; Davis, 126, 127; Clark, 325, 326.

² Smith, 220; Wright, 821.

³ Ross, 188, 189; Smith, 226; Wright, 314, 315; Terhune, 605.

⁴ Ross, 188, 189; Coates 258; Sullivan, 350, 360, 361.

⁵ Mitchell, 46, 47; Davis, 135; McKay, 69; James, 149, 150.

Immigration, and importation of labor.—Several witnesses state that the injurious effects of immigration were more marked in earlier years than they are at present. It is generally agreed, however, that the continued coming of men of a low standard of life continues to press down the wages of American workmen. A desire for some sort of restriction of immigration is almost universal among the witnesses. Usually the restriction suggested is either an educational or a property qualification. The secretary of the Illinois labor bureau points out that the first concern of government in dealing with the matter should be to protect industrial interests, rather than merely to consider the character of the immigrants. A single employer doubts that immigration has depressed wages in any marked degree, and one representative of organized labor objects to any restriction of voluntary immigration, because he believes that every human being has a right to wander where he pleases upon the face of the earth. The president of the United Mine Workers, on the other hand, would prohibit immigration entirely for the present.¹

There are repeated references to the transfer of laborers under contract from one State to another, and especially to the importation of negroes from the South for the purpose of breaking strikes in mines. The representatives of labor have the same objection to this practice that they have to the earlier practice of importing European laborers for the same purpose. They complain that the laborers are frequently led into these contracts by false statements; by misrepresentation of the conditions of employment, and especially by denial that they are desired to take the places of strikers. Such false pretenses, it is maintained, should be prohibited by law. Some witnesses would have all importation of contract labor from one State to another prohibited.²

Cooperation.—It appears from the testimony that 2 Colorado coal mines have been run as cooperative enterprises, and that one is still run so, though the other has been bought out. It is said also that Colorado has a cooperative colony which has met with fair success. No wide application of the cooperative principle, however, is referred to. One employer doubts the possibility of it, on the grounds of the low general rate of business profits and the risk of loss.³

Employers' liability.—Increased pecuniary recompense to workmen in case of accident is desired by several witnesses, to be obtained either by enlarging the liability of employers or by a system of public insurance. Some employers deprecate any attempt to burden them with the ordinary risks of the workingman's occupation. Some doubt is also expressed of the practical efficiency of employers' liability laws.⁴

¹ Mitchell, 50, 51; Schluederberg, 83, 84; Ross, 187, 188; Dalzell, 120; Coates, 257, 258.

² Stevenson, 23; Mitchell, 40, 51, 52; Schluederberg, 78; Davis, 130, 131.

³ Smith, 221; Beaman, 281; Clark, 334.

⁴ Schluederberg, 88; Dalzell, 114; Ross, 189, 190; Coates, 258, 259.

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TOPICAL DIGEST OF EVIDENCE.

[Prepared by E. DANA DURAND and CHARLES E. EDGERTON.]

I. CAPITAL IN WESTERN MINES.

A. Precious-metal mining.—1. *Colorado.*—Mr. GRANT, ex-governor of Colorado, says that it is difficult to compare the earnings of capital in the mining business in Colorado with the earnings of other lines of business. Comparatively few of the original owners and discoverers of mines invest large sums of capital. Each mine is developed largely from the profits taken out of it. But a very large amount of speculative capital enters developed mines, and it is impossible to estimate the average profits upon such investments. People invest in the hope of excessive profits.

The witness believes that the amount of capital invested in mining in Colorado is greater now than at any previous time. The mines, generally speaking, may be considered prosperous. For a short period during 1893 numerous mines were closed on account of the fall in silver, but improvements in processes have made it possible to operate them successfully. The introduction of the cyanide method of treating low-grade ores, the various improvements in smelting, the construction of drainage tunnels, deep shafts, and various conveniences for handling ore, and the use of electricity, especially in connection with mining machinery, have induced capitalists to take hold of properties which were formerly unprofitable. It is not now true that any mines are closed on account of low prices, although, of course, many unsatisfactory mines have been closed from time to time. Mr. Grant does not think there would be any more mines worked to-day if silver were worth 90 cents instead of 60 cents per ounce. Most mining camps have a variety of different precious-metal products mingled, and at least one of them is apt to be profitable.

It is impossible to estimate the average cost of production of ores or precious metals, on account of very great differences in the forms in which they are found and the richness of the mines.

One can not speak of overproduction and underconsumption of the precious metals in quite the same way as regarding other products. In one sense there is an underconsumption of silver shown in its reduced prices, and yet there is a market for every ounce of silver produced.

The mining interests of Colorado are much more widely scattered in locality than those of the neighboring States. The ownership is exceedingly diversified, and Colorado is especially a promising field for the poor man to mine in. For this reason combinations of mines seeking to raise the price of the precious metals are not likely to be practicable. (192-195, 198.)

Mr. LEE, mine inspector, Colorado, thinks that more money has been spent in Colorado in prospecting and developing mines, dealing with mining strikes, etc., than has been produced by the mines. The thousands of failures offset the great successes. Nevertheless the business is on the whole profitable, especially for those having large capital. There are men who keep a large number of prospectors constantly looking for mines, and they consider it a paying proposition if one good mine is secured out of 10 on which considerable money is spent.

There have been very great improvements in mining machinery and methods in recent years. In fact, Colorado has only commenced to develop its mining interests. Ores formerly worthless can be worked at a profit. There is an active demand for all of the different metals produced. (237, 241.)

Mr. HILL, of the Argo smelter, considers that the mining industry of Colorado is prosperous, though there are always a large number of mines that can not pay the cost of running them. There are more mines in the State paying very large profits to the owners than ever before. The profits of mine owners have been greatly increased by the improvements in the processes of treatment. These improvements

have increased the value of all ores, but in particular they have given a value to ores which could not otherwise be economically mined. The process of concentrating, depending on the greater specific gravity of the valuable parts of the ore, has made it possible to put the value of 10 or 15 tons of low grade ore into 1 ton, and then extract the metals by smelting the ton. If it had been necessary to smelt the whole bulk, the returns would not have paid the cost. (370, 380, 381.)

Mr. SMITH, deputy labor commissioner of Colorado, believes that the profits from mining in that State are probably, on the whole, greater than those of other industries. (224.)

2. *Utah.*—Mr. HANAUER, who is interested in Utah mines and smelters, says that the mining industry in Utah is generally prosperous, more so during recent months than it had been for years before. He attributes the increased prosperity to the investment of Eastern capital. The increased price of copper and of lead has contributed to it.

Mining is probably less prosperous and remunerative in Utah than in Colorado and Idaho. There has been no great change in the prosperity of the industry in Utah during the last 5 or 6 years. Some mines have come up and others have gone down. The amount of money invested in Utah mines has recently increased. (606.)

A mine in which 25 or 50 cents per ton can be made over all expenses is a paying mine. At such mines, producing low-grade ore, small differences of wages may make the difference between gain and loss. (608.)

Mr. Hanauer says further that silver mines are making more money to-day with silver at 60 cents than they made when silver was worth 90 or 95 cents. This is because of the reduction in cost of supplies and of machinery. (616.)

Mr. Hanauer also states that his experience gives a good deal of support to the old idea that more money is put into the ground in mining than is taken out. This idea does not correspond so well with the facts as it formerly did, because mining is done with better judgment and on a larger scale and with better appliances. Low-grade ores can not be worked except in a large way. Even the Calumet and Hecla copper mines in Michigan could not be made to pay, in Mr. Hanauer's judgment, if they were worked on a small scale. There is more hazard connected with mining than with manufacturing or mercantile business, but if it is successful the profits are usually greater. (606.)

Mr. THOMAS, State coal-mine inspector of Utah, says that there are a larger number of metal mines than of coal mines in the State, and he thinks the metal mines employ more men, though the difference in the number of men is not great. (628.)

Mr. ALLEN, manager of the Centennial-Eureka mine, Salt Lake City, thinks that capital in mining is better remunerated than formerly. Men have learned by experience and expend less haphazard and foolish work on mining. The returns are more certain. The improvements in methods of reduction have increased the value of ores and have given a value to low-grade ore for which the owners formerly received no return. (568.)

Mr. Allen states that even in the same camp the cost of production of ore may vary considerably. For instance, one mine may be wet and a neighboring mine dry. The cost of pumping would be a great additional expense. (577.)

Mr. CHAMBERS, a mine manager, of Park City, Utah, says that mining in Utah is prosperous, but not more remunerative than 25 or 30 years ago. There is more capital invested in metal mining in Utah, but not more men employed than 10 years since. (580.)

Mr. Chambers states that the advance in the price of lead has made a very great difference in the working of old mines and the opening of newer ones in Utah. (588.)

Mr. TERHUNE, a metallurgist of Salt Lake City, says that the mining industry in Utah is very prosperous, and that its earning capacity is much greater than in past years. (590.)

Mr. Terhune considers that with the present knowledge of the mining business investment may be made with a good degree of safety, if good judgment is used. The idea that mining investments are a kind of gambling is caused by a lack of knowledge of the subject. (596, 597.)

Mr. Terhune states that the arsenic in the ores treated in the Utah smelters runs from 0.03 to 7.4 per cent. Sulphur runs from 0.3 to 5.7 per cent. As depth increases in most mines the percentage of sulphur increases also. (593.)

3. *Idaho.*—Mr. BURBRIDGE, of the Bunker Hill mine, Wardner, thinks that the mining business in Idaho is thriving, and that the outlook is steadily improving. The use of improved machinery of different classes in and outside of the mines has enabled the development of much larger undertakings and has tended to increase the wages of labor and the number of men employed. It would be impossible, for

example, to work the Bunker Hill mine without a concentrator at the mine. It is still necessary for a considerable amount of lead ore to be imported into the Western States from Mexico and British Columbia for use in fluxing ores, but a material proportion of the lead made from such imported ore is reexported for the sake of the drawback. (458, 459.)

4. *Effects of demonetization of silver.*—Mr. CHAMBERS, manager of a metal mine in Utah, says that the demonetization of silver closed a great many silver mines. Few mines can now work unless they carry a by-product of the baser metals, as lead or copper. The purely silver mines were very largely closed by the demonetization of silver, both in Nevada and in Utah. Those who worked in them had to seek other camps or other occupations. Many located lands and went to farming, and many went into other kinds of work. What are called dry ores, carrying only silver, must either be of very high grade, bearing 50 to 100 ounces of silver, to pay for mining, or they must be exceedingly productive; that is, the veins must be large and easily worked. (580, 581.)

Mr. TERHUNE, of Salt Lake City, states that the demonetization of silver stimulated the development of other metals, particularly gold and copper. In 1898, 50 per cent of the value of the product of his smelter, the Hanauer smelter, Salt Lake City, was silver. In earlier years the proportion had run very much higher—perhaps 75 per cent.

The decline of silver has worked against high wages in Utah, and has been the principal cause, he believes, of their relatively low level there. (604.)

5. *Size and limits of mining claims.*—Mr. TERHUNE would increase the size of a mining claim to 1,500 feet square, or about 50 acres, and would then restrict its limits within vertical planes to the center of the earth. This would lead to greater caution and discretion in the establishment of boundaries than are demanded under the system of permitting a man to follow a vein. (603.)

Mr. ALLEN, a mine operator, states that while there are some local regulations which may cause the size of claims to vary, most mining claims in Utah are of the size fixed by the present United States statute, 600 feet by 1,500 feet, containing about 20 acres. (573.)

Mr. HAMMOND, secretary of state of Utah, says that the number of claims which one person can take should be restricted. He would consider 50 acres a reasonable amount for an individual, but would not think it wise to put it in the form of a square, 1,500 feet on a side, as has been suggested. While he would permit an individual to take only one claim of reasonable size, such as 50 acres, in one camp, he would not forbid the same individual to take other claims in other camps.

Mr. Hammond says that he has heard some discussion of the extralateral rights of owners of claims, and opinion seems to be somewhat evenly divided upon the question. (619, 620.)

6. *Consolidation of mining claims.*—Mr. ALLEN states that the present tendency in Utah is toward the consolidation of mines, the gathering of considerable tracts into the hands of one company. He believes that this is advantageous, at least in some cases. It makes it possible to mine low-grade ore, which could not be mined at all on the small scale, and so offers additional employment to miners. (573, 574.)

Mr. CHAMBERS, a mine manager, states that there is recently a tendency to the consolidation of mining properties in Utah, and that he thinks the result will be beneficial. He does not see how the interests of the miners or of independent owners of small claims can be injured. The consolidation of properties, by making it possible to work on a large scale, will lead to the development and working of mines of low grade and difficult character, which could not be worked by small separate owners. Among other advantages, he cites the example of the great drainage tunnel run by the Ontario mine. It cost this mine more to pump water than to hoist its ore. At one time it burned 112 tons of coal per day for pumping water alone. It has spent nearly \$700,000 in running a drainage tunnel between 3 and 4 miles long, and has not only drained its own mines but also all the other mines near it. This great economy could not have been effected except by a large concentrated capital. It is true that arrangements for contribution are often made in such cases with adjoining mines. None were made in the present case, because the neighboring owners were not producing when the tunnel was started, and did not know whether the prospecting would justify them in developing their properties. (582, 583.)

Mr. HANAUER, a smelter, does not see that the consolidation of mining claims has any bad effect; it has distinctly good effects in extending mining operations and making it possible to develop properties which could not be developed otherwise. A dozen claims may be developed with practically the same expense as one in some cases. Low-grade ore, which an individual owner could not mine at a profit, can be mined at a profit on a large scale. At Bingham, Utah, there has recently been a

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large consolidation of claims, and Mr. Hanauer thinks the production of Bingham will soon be as great per day as it now is per week. There has already been a rise of wages there. (615.)

Mr. TERRONE, a metallurgist, states that the consolidation of different mining properties eliminates the managing staff of some of them, but does not diminish the number of employees. It tends to stimulate mining. He seems, however, to believe that the social results of small separate properties are more desirable than those of great consolidated mines. Individual ownership and individual development are preferably to be preserved. (602, 603.)

Mr. BURBIDGE, of the Bunker Hill mine, Idaho, declares that the interests of the mining industry are promoted by bringing together different mines under one management. He does not believe that the smaller enterprises are in any way injured in this way. A great many promising mines can not be operated for lack of expensive machinery. A number of claims in the same vicinity, if brought together, will justify the construction of necessary mills and other works.

Generally speaking, the witness thinks that combinations of capital are not injurious to anyone. The lead trust, perhaps, injures producers of lead more than anyone else. Where a combination does not attempt to limit production and where by its economies it reduces the cost to the consumer it is beneficial even though some smaller enterprise may be harmed. (457, 458.)

7. *Machinery, mining.*—Mr. HANAUER states that improvement has been exceedingly rapid in the machinery for smelting, concentrating, and mining the ores of precious metals. Expenses have been reduced, prosperity of mining has been increased, and the demand for labor has been fully maintained. All interests concerned are benefited by it. (616.)

Mr. ALLEN, manager of a metal mine near Salt Lake City, states that mining machinery is used in his mine, and that it increases production and lessens the cost. He believes that it benefits the mine owner, the smelter, and the laborer. It increases the number of laborers employed, because many mines are now developed which it would be impossible to develop without machinery. (575, 576.)

8. *Limitation of copper production.*—Mr. HILL states that some years ago the copper production of the country was limited by the agreement of large owners. This is not now the case. For several years every copper-mine owner has been producing all he could. (375.)

B. Precious metal smelting.—1. *Growth of local smelters.*—Mr. HILL, of the Argo smelter, Denver, says that his smelter formerly did a large business in Montana ores. For many years it had the advantage of a method so superior that it could afford to bring the mattes from Butte, Mont.; but it can do so no longer. The Montana ores are now smelted near the mines. Again, a great deal of ore used to be brought from Utah to Denver. It is now smelted at Salt Lake City, and other places in Utah, at a charge no greater than the freight to Denver. The Argo smelter is therefore compelled to confine itself to local or Colorado ores. (382.)

2. *Charges for smelting.*—Mr. HILL states that the capacity of the Colorado smelters has for several years been greater than could be used with the available ore. A large proportion of the ore that has been handled is of low grade, and the price of it has been determined by the need of inducing the owners to take it out. A great deal of ore has to be handled at a price which really gives the smelter no profit. (370.)

Mr. DOYLE, a director of the Portland Gold Mining Company, states that the book-keeper of the Independent mine, adjoining the Portland, told him that the Independent ore was treated by the Omaha & Grant smelter for \$2.85 less than the same smelter charged the Portland, and that in his opinion the smelter paid somebody a rebate of \$2.85 on the Portland ore. The witness believes that such a rebate of \$1.85 is paid at present. (367.)

3. *Methods.*—Mr. NEWHOUSE, manager of the Philadelphia Smelting and Refining Company, states that the methods of smelting have improved rapidly; that there has been a vast improvement even in the last year. The improvement has been largely metallurgical. Mechanical roasters have been introduced into the smelters and have displaced labor. By decreasing the cost of treatment of ore, however, these improvements have increased the demand for mining labor. The witness believes that they have caused more labor to be employed upon the whole. (298.)

Mr. HILL states that when his works were first built in Blackhawk, Colo., it was thought that the whole mining field there would soon be deserted. There had been on the surface a class of ore that could be worked in the stamp mills; but when the miners passed a certain depth they found ore that would not yield gold in the stamp mills. A good deal of money had been spent in the unsuccessful attempt to treat these ores. Mr. Hill's smelter supplemented the stamp mills by taking a grade of ore which they could not use profitably. The general market thus

afforded for ores make the mines prosperous, and in three or four years a large number of stamp mills were again running successfully. (379, 380.)

Mr. Hill states that there has been a very great decrease in the cost of reducing ores of the precious metals, due to the reduction of transportation costs and to the introduction of improved machinery. The benefit of these economies has not accrued to the owners of the smelters. It has gone largely to the owners of the mines, and in some degree to the consumers of the metals. The reduction of the value of the metals affects the smelters favorably in reducing the amount of capital needed to carry on the business. The better prices for ores help the smelters by giving them a fuller and better assortment. (370, 374, 375.)

Mr. Hill states that when he first built his smelting works at Blackhawk, Colo., he paid \$1 apiece for fire brick, and 23 cents a pound for the iron that was used in construction. These high costs resulted from the situation of the plant. Everything had to be carried in wagons from the Missouri River. Wages were fully double what are now paid for the same work in Denver. This was largely, though not altogether, due to the very high cost of living. Notwithstanding the high costs, profits were greater in those days than now. (370, 378, 379.)

Mr. ALLEN states that the greater part of Utah ores are reduced by smelting. The ores of the Mercur district are extracted by the cyanide process. Some gold ore at Bingham is reduced in a small way by concentration. (579.)

Mr. WRIGHT says that the free-milling ores are not smelted. The greater the amount of the more refractory ores that is mined, the busier the smelters are, and the more money the companies make. When the copper and lead ores are plenty, the companies can get a better class of smelting ores and can adjust their ores better. Of the four metals, gold, silver, lead, and copper, nearly all the refractory ores carry at least two, and many carry them all. Copper, lead, and silver were all relatively high in price at the time of the witness's testimony, and the smelting industry and the mining industry of Colorado had been very prosperous up to the time of the smelters' strike. (310, 311.)

Mr. NEWHOUSE, manager of the Philadelphia Smelting and Refining Company, states that this company used to bring in a great deal of ore from Mexico to its Pueblo plant, but has brought a very little since the establishment of its smelters in Mexico. Its chief supply of lead and copper ores comes from Utah. It used 7 000 or 8,000 tons of Idaho ore in 1898. With the increased prices of lead has come an increased production of lead ores in Colorado and elsewhere. (295.)

4. *Combination in cyanide process.*—Mr. HANAUER states that no effort is being made, to his knowledge, to consolidate the cyanide-process plants. It would be useless unless the mines were also bought. A cyanide plant is valueless without the mine. (615, 616.)

5. *Farmers as smelter men.*—Mr. TERHUNE, recently manager of the Hanauer smelter, Salt Lake City, states that a considerable number of men worked for the smelter in the winter and upon their farms in the summer. These men would, perhaps, make up 20 per cent of the winter force of the smelter. This resulted in a scarcity of labor in the summer. (595, 596, 603.)

C. American Smelting and Refining Company.—1. *Organization and plants controlled.*—Mr. GRANT, general manager of the American Smelting and Refining Company, testifies that it was incorporated, in the State of New Jersey, in April, 1899. The practical management is in the hands of an operating committee. The witness implies that the preferred stock of the smelters' combination covers the full cost of constructing the various plants, and that a limited amount was also reckoned for good will. The common stock is thus to be considered bonus. The combination includes seven smelters in Colorado and also smelters in Salt Lake City and Omaha. There are two strong independent smelters in Colorado. (194.)

Mr. COATES says that the American Smelting and Refining Company, commonly known as the smelters' trust, has one establishment in Kansas City, two in Omaha, two in Denver, two in Pueblo, one in Leadville, one in Durango, and, he thinks, three in Utah, close to Salt Lake City. He supposes that they have some refineries in the East. There are only two independent companies operating smelters in Colorado. Mr. Coates does not believe that the organization of this trust will produce beneficial results to any but stockholders. (253, 254.)

2. *Capitalization.*—Mr. HANAUER, who sold the Hanauer smelter to the trust, states that he received \$200,000 in preferred stock and \$140,000 in common stock, besides cash for materials and supplies on hand. The plant cost "from first to last \$173,000," but could be duplicated for less. The estimated value of the plants absorbed was based largely upon their past earnings. (613, 614.)

Mr. CHAMBERS says that some of the smelters bought by the trust were put in at two or three times their value. He fears that the trust will try to make the miner pay for it, and furnish a dividend on the entire capital. (589.)

Mr. TERHUNE, recently manager of the Hanauer smelter, Salt Lake City, which was absorbed by the trust, holds the opinion, based on what the trust paid for the three Salt Lake City plants which it absorbed, that its plants could be duplicated for one-fourth of the nominal capitalization. (600.)

3. *Objects and advantages of combination.*—Mr. LEE, commissioner of mines of Colorado, says that the recent combination of smelters was largely forced by the competition of the large Guggenheim smelters. The Guggenheim concern is not a trust in the ordinary sense, the ownership being practically in one large family, which owns a smelter in Mexico, one in Trenton, N. J., and by far the largest plant in Colorado. The capital back of these smelters is perhaps \$125,000,000, while the smelters in the combination have only about \$85,000,000. The Guggenheim smelters have secured a very considerable control over the lead ores by paying premiums on them.¹ Proper lead ores are essential in the fluxing process. All other smelters, so long as they competed among themselves, were unable to secure sufficient lead ore. For a number of years they had declared no dividends. It is understood that the Grant smelter controlled a large proportion of the lead production of Idaho, and the other smelters by combining with it will be able, by dividing up the available ore among different plants, to compete more effectively against the Guggenheim smelters. (238, 241.)

Mr. GRANT says that the cause of the combination was the ruinous competition which had existed. Smelters can nowadays be built rapidly, and it was impossible to make a profit under the conditions formerly existing. It was believed that various economies could be effected and that labor as well as capital would be benefited. At the same time it was hoped to secure somewhat higher prices by limiting the competition. In particular the combination proposed to make use of the most favorable locations for its plants, abandoning various smelters which had been unfavorably situated.

Aside from the economy secured in this way, and from the use of improved methods, it was expected to derive advantage from having a wide control of different classes of ore. No single mine furnishes just the right kind of ore to make proper and economical smelting mixtures, and any one plant is at a disadvantage in securing the right ores. (194-199.)

4. *Effects on competition, prices of ore and products, etc.*—In view of the circumstances leading to the formation of the combination, Mr. LEE thinks that the "smelters' trust" will be advantageous to ore producers. The premiums which have heretofore been paid for lead ore have practically been charged to the mine owners in higher rates for treating their ore, and these rates can be lowered by the advantages of the combination. Moreover, on account of the element of transportation, the smelters must continue to be located in numerous places near the source of ore, and this will prevent such complete control over the plants as would be possible if business were concentrated in large centers. If the combination should close any of its plants permanently, independent capital would be likely to establish plants at such places. Moreover, the competition of the two great separate concerns which now exist prevents the injurious effects which might come to mining interests if there were only one combination.

Similar considerations, the witness thinks, apply as to the effect of the smelters' combination on labor. While it would be possible for the combination to close some of its plants and thus injure laborers who have established their homes there and also exercise undue control over them, such a course of action is hardly probable. Too much capital is invested in the plants to allow them to lie idle, and local treatment of ore is most economical. (238-241.)

The combination will not probably have any effect, Mr. GRANT thinks, in depressing the price of ore to the miners. The widely scattered ownership and location of the mines especially operates against this. The small mine owner will get as good prices for his ore at the smelter as the large owner. It is hoped, however, to exercise some control over the prices of the finished product, especially in the case of silver and lead. The demand for silver is always active, and yet at times conditions have been such that the smelters have sold large quantities at several cents below what they knew the proper market price should be, the dealers in London, especially, reaping the advantage. Although it would not be possible to limit the production of ores, or permanently to restrict the output of the smelters, a corporation with a great capital can afford to carry a considerable quantity of its output and dispose of it at the most favorable periods, as a smaller concern could not do. The witness thinks it is perfectly defensible thus to regulate supply within reasonable limits. (194-199; 202, 203.)

Mr. HANAUER, recently owner of the Hanauer smelter, Salt Lake City, which was sold to the trust, does not think that the combination is strong enough to prevent

¹ Since this testimony was given a combination of the Guggenheim concern with the American Smelting and Refining Company has taken place.

healthy competition. Some of the plants of the trust will be dismantled and the business will be concentrated in a smaller number of establishments. His own plant, and doubtless others, were running at one-third of their capacity before consolidation. It is much more economical to run a smaller number of plants fully. The trust can not keep competition out of its field except by holding its charges for the treatment of ore low. Mr. Hanauer believes that this will be its policy. (612-615.)

Mr. Hanauer states that besides the Argo smelter at Denver and the Guggenheim at Pueblo, there are independent smelters at San Francisco, at Everett, and at Tacoma or Portland. A man with capital and experience would have no difficulty in running a smelter in opposition to the trust, especially as a plant could now be built for much less than the cost of building the syndicate plants. (614.)

Mr. CHAMBERS, a Utah mine operator, does not think that the formation of the smelter trust has hurt mining enterprises in Utah. Such a combination is dangerous, however, to the interests of the country. It has a power which is liable to be abused. It may dictate the price of labor at the smelters, and in some degree the prices of ores. It may discriminate in price between ore producers. It might be able to close some mines entirely. It so narrows the opportunities for employment that the smelting laborer may have to submit to the dictates of the trust or to find some other occupation, and the effect upon the ordinary small producers of ore may be very similar. There would probably be a tendency to dismantle some of the works, so desolating places where they had stood, and compelling men to seek other homes. It tends to the congestion of population in great centers. (583.)

Mr. Chambers refers to the shutting down of one of the three smelters owned by the trust near Salt Lake City, and regards such operations as a serious evil resulting from the formation of industrial combinations. A little settlement has grown up around every such institution, the men have their little homes there, and when the institution closes the home is desolated and the value of it is destroyed. The tendency must be to produce bitterness and immorality. (589,590.)

Mr. TERRUNE, a metallurgist, states that in the case of the smelter trust no tendency to the congestion of population is probable, as the situation of smelters is determined by geographical laws. Many low-grade ores will not bear shipment, and the smelters have to be placed at suitable points for treating them. The trust will be able to close some plants and by such means to effect some economy. (601.)

5. *Effect on labor.*—(See also as to strike of 1899, p. LVIII.) Mr. HANAUER, who sold the Hanauer smelter, Salt Lake City, to the trust, states that this smelter is closed, but that the neighboring Germania smelter has doubled its force, so that the Hanauer men have found employment there. The closing of some smelters by the trust does not diminish the number of workmen that are needed. It does displace some superintendents and clerks, though some of the office men of the Hanauer were taken in by the Germania. (613.)

Mr. ALLEN, a Utah mine manager, states that the so-called smelter trust owns three plants in Salt Lake County and has closed one of them, presumably for purposes of economy. The men employed have not been thrown out of work. One of the trust smelters near by has been enlarged and has absorbed some of them, and others have got work with a neighboring independent smelter. (574.)

Mr. COATES understands that Mr. Grant, one of the officials of the trust, has said that if the profits were increased as a result of the combination the laborers should share equally. He thinks that labor would share equally if Mr. Grant were in control, but he does not think that the trust will allow Mr. Grant to carry out his desire. (260.)

Mr. GRANT admits that the possibility of closing part of the plants of the combination, to resist a strike or for other reasons, will be likely in the future to make men timid about building homes in connection with the smelters. In fact, the tendency of the combination will probably be to consolidate its business in a few large cities. Mr. Grant admits, also, that the individual workingman may find himself at a disadvantage in securing employment owing to the combination. If he were discharged for some violation of the rules at one plant he might also be excluded from the others. So far, however, Mr. Grant does not think that the combination has found that it will be possible to dispense permanently with any part of the employees. (201.)

6. *Philadelphia Smelting and Refining Company.*—Mr. NEWHOUSE, manager of the Philadelphia Smelting and Refining Company, states that this company is a corporation, with a capital stock of \$1,125,000. The cost of construction of its works is nearly \$1,250,000 and the running capital employed is a good deal more. The stock is all owned by M. Guggenheim Sons, of New York—seven brothers. The Pueblo plant smelts from 20,000 to 23,000 tons of ore per month. The company has another plant at Perth Amboy, N. J., and two in Mexico. (294, 295, 298, 299, 304.)

D. Conditions of capital in coal mining.—1. *Coal deposits.*—Mr. BEAMAN, secretary of the Colorado Fuel and Iron Company, states that there are about 18,000 square miles of coal area in Colorado. There are two distinct classes of coal, one in the north and one in the south; they are different coals and used largely for different purposes. The area is so great, and so tempting to new competitors, as to keep down the profits of mining companies. (270, 273.)

Mr. SHARP, superintendent of the Pleasant Valley Coal Company, estimates the coal deposits of Utah at 2,000 square miles. Perhaps 4 or 5 square miles have been opened. The Castle Gate mine vein averages 5½ feet thick. Other veins are 11 feet, 14 feet, and 28 feet thick. The present production is about 600,000 tons per annum. The quality of coal is believed by the witness to be as good as that of the Pennsylvania bituminous. He states that the Castle Gate coal is similar to the Canyon City coal of Colorado. The Utah coal slacks badly, however, and it is not customary to mine at any time more than 30 days' supply ahead. (637, 638, 643.)

1. *Prosperity of coal mining, Utah.*—Mr. CALLIS, county attorney of Summit County, Utah, says that capital is safer in coal mining now than 12 or 15 years ago, but on account of fierce competition profits are not so great. (630.)

Mr. SHARP states that the capital and labor employed in coal mining in Utah are about five times as great as 15 years ago and three times as great as 10 years ago. The prosperity of the business has increased. (638.)

Mr. THOMAS, State coal mine inspector of Utah, says that the returns to the operators of Utah coal mines are not quite as great as they were 10 years ago. This is due to the fall in the price of coal. (623.)

Mr. THOMAS said further that the industry was relatively dull at the time of his testimony, August 5, 1899, and that the output was then about 2,500 tons per day. The industry is generally prosperous. The coal is marketed in Utah and on the Pacific coast. The product is bituminous coal not of a high grade. Coal has been mined in Utah for over 40 years, and the product is constantly increasing. The coal beds of the State are exceedingly large. (622, 623.)

3. *Ownership of coal mines.*—Mr. BEAMAN states that the Colorado Fuel and Iron Company owns some of its mines and leases some. The royalty on leases is sometimes 10 cents per ton—sometimes more, sometimes less. (265.)

Mr. SHARP states that the mines at Coalville are the only coal mines in Utah in which no railroad company is interested. (643.)

Mr. THOMAS, State coal mine inspector of Utah, says that nearly all the coal mines of that State, and all the best, are worked by companies affiliated with the railroads. Freight on coal is kept very high. Mr. Thomas's estimate is \$1.75 to \$2 per ton for a haul of 80 or 90 miles. (624.)

4. *Coal markets.*—Mr. BEAMAN, secretary of the Colorado Fuel and Iron Company, states that his company does not export any coal. It did sell some anthracite in California, but that trade is cut into by the anthracite that comes over in ships as ballast. A very large amount of Colorado coal goes into the adjacent noncoal-producing States. (269, 280.)

Mr. SHARP says that the Utah mines depend for their markets upon the railroads and the demand for steam making and for domestic use in Utah, and also in California. The Wyoming mines are the chief competitors. (638.)

5. *Sizes of coal.*—Mr. BEAMAN, secretary of the Colorado Fuel and Iron Company, states that where coal is screened the screenings will run about 40 or 50 per cent of the total production. There is sometimes a demand for nut coal, but it is usually a very light demand. The company sometimes makes pea coal also. There is no market for slack, although much of it is used for coking. (292, 293.)

Mr. CLARK states that by successive screenings the coal in his part of Colorado is separated into lump, nut, pea, and slack. All of these sizes of coal find a market, the slack being used for running furnaces of heat and power plants. (330, 331.)

E. Colorado Fuel and Iron Company.—1. *Extent of business, etc.*—Mr. BEAMAN, secretary and general attorney of the Colorado Fuel and Iron Company, states that this company was organized October 22, 1892. It has 11 coal mines in Colorado that were in operation at the time of his testimony, July 14, 1899, and 7 which were not in operation. It has 5 coke plants in Colorado and 2 in New Mexico, all of which were in operation. It has 1 iron mine in Colorado and 1 in New Mexico which were in operation, 1 in Colorado not in operation, and 1 in Wyoming that was being opened. It has also a large steel plant at Pueblo. Its taxes average about \$50,000 a year. It does not insure its property, finding it cheaper to carry its own risks. It employs about 6,000 miners and mine laborers. It sells its coal in Colorado, Kansas, Nebraska, Utah, New Mexico, old Mexico, Arizona, and Texas, and coke and sometimes coal in Idaho and Montana. Its output of coal for the year ending June 30, 1898, was about 2,630,000 tons. It made about 322,000 tons

of coke. It is not mining any coal outside of Colorado, though it sells the output of some New Mexico mines. (261, 265, 266, 268.)

2. *Capital and dividends.*—Mr. BEAMAN states that the capital of this company is \$13,000,000, of which \$2,000,000 is preferred. The capitalization was reduced when the present company was formed by consolidation. He denies that there is any water in the company's stock, though the answer to the question whether the face value of its stock represents actual investment would depend upon the valuation of its land. It has about 70,000 acres of land, the value of which depends upon how much is coal or iron land, and that is largely speculative. The company has paid three dividends on its preferred stock, and only one dividend, of 1½ cents, in 1893, on its common stock. (269, 294.)

3. *Effects of combination.*—Mr. BEAMAN states that the Colorado Fuel and Iron Company was formed in 1892 by the consolidation of the Colorado Coal and Iron Company and the Colorado Fuel Company, together, apparently, with the Denver Fuel Company and the Elk Mountain Fuel Company. There had been sharp competition between the Colorado Coal and Iron Company and the Colorado Fuel Company in the coal and coke business. One of the great benefits of consolidation was the stopping of this competition. Mr. Beaman does not consider that the consumers were injured, although prices had formerly been frequently cut. The companies are benefited by saving the expense of two separate organizations, with their agents and officers. The miners also were benefited. No mines were shut down as a result of the consolidation. The rates of wages were not reduced during the panic of 1893, and the witness thinks they could not have been maintained without the consolidation. He admits that the small companies which compete with his probably pay the same wages, but he says he knows of only two small companies which were operating in southern Colorado in 1893. He does not think that wages were reduced by these companies. (268, 269, 294.)

Mr. Beaman says that he can not explain how numerous small companies can compete with his large organization, in spite of the economies which, he states, come from consolidation. They may have coal easier to mine. He does not know what the wages or the profits of the small companies are. The small companies are numerous, and the number of them seems to be constantly increasing. (269, 270.)

4. *Agencies.*—Mr. BEAMAN states that the company's product is sold through agents who have a monopoly, each in his own town. These agents may perhaps fix their profits themselves, or they may be subject to some regulation from the company as to prices. They make from 50 cents to \$1 a ton, "and they get about the biggest slice out of it of anyone." He regards this system of local monopolies as necessary. A business in which there are agents could not be run in any other way. (267, 272.)

F. Petroleum industry of Colorado and Wyoming.—1. *General conditions in Colorado field.*—Mr. HILL states that the old wells around Florence, Colo., are constantly falling off in their production, and many of the new holes do not produce any oil. The drill is always put down 2,500 feet. There is nothing at the surface to indicate where oil will be, and for the last year about all the profit in the business has been consumed in drilling holes. The Florence wells supply the oil of Wyoming, Colorado, New Mexico, Utah, Arizona, and Montana. The quality of the refined oil is fully up to that of the best of that produced in the East. (375.)

Mr. JOHNSTON, an oil producer, of Florence, Colo., states that oil was first discovered in paying quantities in that district about 1885. The quality is much inferior to that of Pennsylvania oil. The present production is probably more than 1,000 barrels per day. (338, 346.)

2. *Petroleum in Wyoming.*—Mr. JOHNSTON states that he made a somewhat extensive examination of Wyoming oil lands some 2 years ago. The Salt Creek Works were practically the only petroleum works then producing in Wyoming. The oil produced there is an excellent lubricating oil. No illuminating oil is made from it. The lubricating oil is supplied to the Denver and Gulf Railroad. (340.)

3. *Operations of the Standard Oil Company in Colorado.*—Mr. HILL, of the United Oil Company, states that when he went into the oil business in Colorado he succeeded in joining a number of small oil-refining companies into the United Oil Company. He found that the Continental Oil Company, controlled by the Standard, was in the field as a distributor of oil. It had an extensive plant of storage tanks, tank cars, etc., which it would have cost several hundred thousand dollars to duplicate; and the duplication would have been a waste of capital, and would have simply meant destructive competition between the two companies. Moreover, the Standard could crush its smaller competitor whenever it chose. "They could make the railroads carry oil from Chicago, and sell it here for a price that would destroy our business. They have the power, I think, to do that at any time, and we have no independence in that matter at all." It seemed wisest for the United Oil Company to make an

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arrangement with the Continental for the sale of all its refined product. Such an arrangement was concluded and exists to the present time. The Continental Oil Company always pays the Chicago wholesale price, plus the freight from Chicago. At times when there have been cut rates the Continental has not insisted on a corresponding cut in Colorado oil, and so has paid even more than the Eastern price, plus the freight. Another small company at Florence has the same arrangement with the Continental. Mr. Hill understands that the Standard has never treated any other competitor with the same lenity. It has always been its policy in other cases to crush out independent refiners, and to insist on buying the crude oil and refining it itself.

After the arrangement had been made with the Continental Oil Company by the United Oil Company, the Rocky Mountain Oil Company built works at Overton, near Pueblo, and went extensively and extravagantly into the petroleum business. It tried to manufacture products like paraffine wax and a fine quality of lubricating oil. Mr. Hill attributes the failure of this company to bad judgment and bad management. He admits, however, that prices were very sharply cut by the Continental Oil Company, and by the United Oil Company, under its selling agreement with the Continental. "We cut the price in order that the other company might not come in * * * and thus destroy our field." He has heard it stated that the Standard Oil Company had advantages over the independent company in the reductions made at that time, and he has also heard it denied. He does not know whether it is true or not. "I know they have very great power over the railroads, growing out of the immensity of their business." After the Rocky Mountain Company had been compelled to give up the refining business, Mr. Hill and his associates handled the Rocky Mountain Company's oil under the name of the Western Oil Company. (375, 376, 385-387.)

Mr. HILL says that he regards the prices exacted by the Standard in Colorado as excessive in comparison with the prices which it pays to his company. The oil is delivered at retail by wagons, and the retail price is about 20 cents per gallon. Mr. Hill admits that the cost of retail distribution is considerable. (386.)

Mr. JOHNSTON, a Colorado oil producer, states that the refining of petroleum in Colorado was controlled by several independent companies up to 3 or 4 years ago. At about that time the retail price of oil was cut from some 20 cents to 5 cents at Florence. The witness supposes that the cut was made by the Standard when the Rocky Mountain Oil Company, an independent company, put its oil on the market. The Standard must have brought its oil at least from Whiting, Ind., about 1,000 miles away. An arrangement was afterwards made between the independent companies and the Continental Oil Company, which is supposed to be the western branch of the Standard Oil Company, under which the Continental buys the whole output of the independent refining companies, and in this way controls the marketing of the whole Colorado product. The Standard does not produce crude oil in Colorado, and it sets no limit to the amount of crude that shall be produced. The field is now producing all that it is capable of producing.

Mr. Johnston thinks that the profits of the oil producers in Colorado are about the same as before the Standard got control of the business, and that the retail prices are about the same as before the cut. The cut price of 5 cents per gallon was below the cost of production. He does not think that the cut was made for the purpose of increasing prices through control of the product. He thinks the purpose was "to compromise in some way whereby each company could market its product at a fair price." The companies were, however, selling at a fair profit before the cut was made, and he is not prepared to explain why the cut was necessary in order to secure a compromise under these circumstances. He suggests that when a new company comes into the field of an established business and divides the market, the old company's profits are reduced because of its diminished business, and "the object might be a compromise between the two whereby a price could be fixed at a reasonable profit, and each sell its own product." He admits that the cut in prices was due, in his opinion, to the efforts of the larger and stronger corporation to destroy the smaller and weaker ones, with the end in view of advancing prices when competition was driven out. The contracts with the Continental Oil Company are of advantage to the producer in that they furnish a steady market at a fixed price. There is no change in the circumstances of the employees.

The witness speaks of the town of Overton, 6 miles from Pueblo, which was built up by the establishment of a refinery there by the Rocky Mountain Oil Company, which constructed a pipe line from Florence. After the arrangement was made with the Standard the Overton plant was dismantled, and the town is now absolutely depopulated. The pipe line is no longer used.

Mr. Johnston thinks that the operations of the Standard Oil Company in Colorado

have not done any harm except in crushing the independent refiners out of business and throwing some intermediary men out of employment. (338-343, 346.)

4. *Freight rate discrimination.*—Mr. JOHNSTON says that the general manager of the Rocky Mountain Oil Company told him at one time that it cost that company \$1.87 per barrel to ship oil from Overton, Colo., to the Pacific coast, while it cost the Standard Oil Company 87½ cents to ship from Whiting, Ind., to the Pacific coast, a distance about 1,000 miles greater. (343, 344.)

Mr. Johnston believes that there is discrimination in freight rates in favor of the Standard Oil Company, the elevator combination, and other like organizations, but his knowledge in that regard, he admits, is very limited. (345.)

5. *General effects of Standard Oil Company.*—Mr. JOHNSTON considers that the effect of the operations of the Standard Oil Company has generally been beneficial. It has given the public a much better and cheaper grade of illuminating oil. Hardship has been wrought to the independent manufacturer, and the witness admits that a great combination that works such local hardship as that which resulted from the depopulation of the refining town of Overton, Colo., destroying the value of all property there, is likely to work hardship generally and is not a good thing from the point of view of public policy. He admits also that the petroleum industry might have flourished just as well if there had been no Standard Oil Company. The witness's opinion as to the effect of the Standard upon the price of crude oil is not clear. He seems to say that the producers would receive a lower price if the market were open, and again that the producers are receiving a lower price from the Continental Oil Company, which represents the Standard in Colorado, than they would get in the open market. He states, however, that the arrangement with the Continental Oil Company gives satisfaction to the producers. (339, 340, 342.)

Mr. Johnston states further that he has seen a good deal of the dismantling of refining plants in Pennsylvania. It is the general policy of the Standard to buy up competing plants and dismantle them in order to get competitors out of the business. The small plants are dismantled for the sake of economy; the Standard can produce cheaper in its large plants. The witness is not prepared to explain why it is necessary to buy up competing plants if oil can not be produced in them as cheaply as in those of the Standard. (343.)

6. *Petroleum—causes controlling prices.*—Mr. JOHNSTON states that the price of crude oil in Pennsylvania fluctuates very greatly, presumably because of variations in the output and the demand. Variations in the price of crude oil have in recent years followed variations in the foreign price of refining, and it has been possible to foresee them by observing the course of the London market. (345.)

G. Discriminating freight rates on mining products.—(See also as to general principles, p. CLXIV).—1. *Precious metal ores.*—Mr. DOYLE states that he is one of the directors of the Portland Gold Mining Company, which operates the Portland mine, one of the richest in the Cripple Creek district. The ore from this mine is nearly all shipped to the Omaha and Grant smelter at Denver. The distance is about 140 miles. The freight rate is about \$5 per ton; no less now when the ore is loaded on the cars at the mine than it was when the ore was hauled the first 25 miles in wagons. There are two roads over which the Portland ore could be shipped to Denver. All the ore goes by one of these roads. Mr. Doyle and one other of the five directors of the Portland company desired the shipments to be divided. In the course of the discussion of the matter, it was discovered that the railroad was paying a rebate of \$1.50 per ton, which the president of the Portland Gold Mining Company was putting in his pocket. For the year 1896 the whole amount of these rebates was some \$50,000 or \$60,000. None of this money was divided among the stockholders. In consequence of the discovery of the rebates, and in consequence of Mr. Doyle's protests, one month's rebates were divided among the directors; Mr. Doyle got \$1,000. He learned from the statements of stockholders and employees of other companies that all the larger mining companies in the Cripple Creek district were receiving rebates. Ninety per cent of the ore that could be shipped was shipped to Denver, because the rebate netted the shipper more than did the value of the ore. The small individual miners, he believes, received none. He considers this a serious injustice. The burden is removed from the shoulders of those who are best able to bear it and placed upon the weakest. He and one other director of the Portland Gold Mining Company protested against the rebate practice. They had a petition drawn up for a receiver for the mine, but the petition was never filed. Mr. Doyle has no actual knowledge of the payment of rebates at the present time, but he believes that the practice still continues. He believes that the receipt of rebates is as common in other branches of industry as in mining; that there are merchants in Denver who do not make a dollar on their goods, but live off their rebates. (364-368.)

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Mr. GRANT, who is connected with the smelters' trust and interested in various mines, declined to answer a question as to whether discriminating rates on railways were received by the smelters or the mines. (194.)

Mr. NEWHOUSE, manager of the Philadelphia Smelting and Refining Company, states that that company pays the tariff rates as published by the railroads. He has no further knowledge of the freight situation. (300.)

Mr. HILL, of the Argo smelter, states that his company has never asked for any discriminations. It has often asked for reduced rates on low-grade ores in order to enable them to be shipped, and the reductions have often been granted; but Mr. Hill has no reason to believe that they were not open to everybody. He has many times had suspicions that very unreasonable and unfair discriminations were made, but he has seldom had any positive proof of it. He is very strongly opposed to railroad discriminations. (373.)

Mr. SMITH, deputy labor commissioner of Colorado, believes that there are very considerable discriminations in freight rates as between places and individuals in Colorado, and that they have an injurious effect upon labor, as well as upon merchants and producers. Dealers in the vicinity of Leadville claim that they are discriminated against as compared with Montana and Utah points. The witness has heard it frequently said that the smelter combination enjoys advantages in freight rates over independent smelters. (224, 225.)

Mr. CHAMBERS, a mine operator of Utah, says that a very large shipper ought to get a better rate than a small shipper, because the large shipper's profits may consist in the saving of freight on the material he handles. He explains, however, that he has in mind the comparison of a man who ships 1 carload a month of ore with the man or company whose shipments are large and constant, and that there is a presumption that the small ore shipper will ship a higher grade, which can stand a higher freight. The large company is likely to be mining low-grade ore, and to depend for its profit upon a large business and small expenses. Speaking generally, he would hardly advocate a discrimination between the shipper of 1 carload and the shipper of larger quantities, or at least the discrimination between train loads and carloads should be very slight. (581.)

Mr. HANAUER, formerly a smelter owner, does not know that there have been any discriminations in freight rates in recent years, though he thinks there was discrimination in years gone by. He regards it as proper that the railroads should transport low-grade ore at a low rate, barely sufficient to cover the cost of transportation, and charge higher rates on more valuable ore. The Southern Pacific guards against frauds or discriminations through this practice by requiring an assayer's certificate of the value of the ore. There should be no discrimination as to rates between a carload and larger quantities. (612.)

Mr. ALLEN, a mine manager, has not heard any complaints of freight discriminations between mines in Utah. He believes that small shippers should be able to send freight as cheaply as the largest, provided they make up a carload. (573.)

2. Coal.—Mr. CALLIS, county attorney of Summit County, Utah, and formerly a coal miner, believes that freight rates on coal are excessive, and that they are discriminatory against the small mine owners and in favor of the large companies. There has also been complaint about discriminations in shipping facilities. There has lately been a disposition, however, to supply the small miners with cars, and the position of the independents is therefore slightly improved. While it has been charged that the railroad companies do not encourage the developing of independent mines, Mr. Callis is not prepared to say that this charge is well founded. (630, 631.)

Mr. SHARP, superintendent of the Pleasant Valley Coal Company, states that though some stock in the Pleasant Valley Coal Company is owned by men interested in the railroad over which the coal is shipped, the company received no special freight rates nor rebates. Special rates are sometimes made to reach a certain business; for instance, to supply other railroad companies, or to get into other territories. The witness has known of rebates for some special temporary purpose, as to cover a shortage in weight or on account of inferiority in coal. (643.)

Mr. BEAMAN, of the Colorado Fuel and Iron Company, states that that company receives no rebates or discriminations, and that he does not believe that discrimination in freight rates is practiced to any extent. (266.)

Mr. THOMAS, State coal-mine inspector of Utah, says that coal which is worth \$1.50 per ton at the mine is worth \$4.50 or \$4.75 at a distance of 100 miles. The freight alone for such a distance is \$1.75 or \$2. Nearly all the coal is mined by companies affiliated with the railroads. (624.)

4. *Discriminations between places.*—Mr. TERHUNE, recently manager of the Hanauer smelter, Salt Lake City, says that the railroads seem to favor Colorado and Missouri River points at the expense of Utah. The Hanauer smelter used to handle large

quantities of galena from Idaho. In 1885 the railroads changed their policy as to freight rates in such a way that this business was cut off. The rates for the longer haul to Colorado were so reduced relatively to the rates to Salt Lake City that, when combined with the lower rates on bullion from Colorado points to the East, they made it impossible for the Utah smelters to do the business. Though Mr. Terhune has suffered from the application of the long-haul principle, he is not prepared to say that it is in itself unjust or necessarily improper. It would, of course, be wrong for the railroads intentionally to destroy one town for the purpose of building up another, in order to make some special profit for themselves or their officers. (597, 598.)

Mr. BEAMAN does not think that coal is ever shipped over longer distances at lower rates than those for shorter distances, though the rates in many cases are the same. This is true of all commodities. Coal is doubtless cheaper in some cases at a greater distance from the mine than at a less, when there is competition at the more distant point. He does not think this is the case with Canyon City coal, which feels the effects of competition less than others. (267.)

H. Taxation of mines.—1. *Colorado.*—Mr. GRANT, ex-governor, thinks that the system of taxation of mines in Colorado is very favorable to mining. A low valuation is placed on the surface improvements and the net output is taxed at a uniform percentage under a general law. (193.)

Mr. SMITH, deputy labor commissioner, describes the method of taxation upon mining property in Colorado. He believes it would be more just to impose taxes upon mines proportionate to the royalty obtained from the mine under lease; the State should receive practically the amount over and above the cost of operation and a fair return upon the investment in the mine. Taxation, in other words, should seek to obtain the unearned increment of the mines, although it would never equal the full amount of that increment. (224.)

Mr. LEE, mine inspector, says that the Colorado mines evade the tax laws to a great extent, but attributes this to the fact that the method of taxation itself is unjust. The taxes on the gross value of ore, when the ore is of low grade, becomes unjustly heavy. Although nominally only the improvements on the surface are taxed, where the improvements are slight an assessment is practically made on the land itself. The witness favors taxation somewhat after the method employed in Mexico. (237, 238.)

Mr. BEAMAN, of the Colorado Fuel and Iron Company, considers that the fundamental defect of the taxation system of Colorado is the inequality between the counties. He believes that it would be overcome if there were county and State boards of equalization, as in some of the Eastern States. He would have township assessors, and equalization between townships by county commissioners, and equalization between counties by a State board. (266, 267.)

Mr. HANAUER, metallurgist, says that mines in Utah are taxed on a valuation, he believes, of \$5 per acre. There are taxes besides on the improvements and on the net output. He thinks the system is satisfactory. (612.)

2. *Utah.*—Mr. ALLEN, mine manager, states that in Utah mines pay a tax on land value, which is usually estimated only at the Government price, a tax on the improvements, and a tax on the net product. He considers that the tax on the net product is a discrimination against the miner. He does not suggest any better method of equalizing the taxation upon mines with the taxation upon other kinds of property, whose value, it is suggested to him, is more readily ascertainable. (572, 573.)

Mr. SHARP, superintendent of the Pleasant Valley Coal Company, says that that company's mines are taxed on a valuation of \$20 per acre, and there is an additional tax on the net product. It is perhaps a discrimination to tax the net product of mines, yet it is difficult to arrive at the taxable value of the land, and perhaps no fairer method of taxation could be devised. (640.)

3. *Idaho.*—Mr. BURRIDGE says that the rate of taxation in Shoshone County is 5 or 5½ per cent, which the mine owners consider excessive. The assessments are supposed to be at about two-thirds the value of the property. The mines themselves are not assessed, but only the improvements. The assessment of the Bunker Hill and Sullivan Company, which is capitalized at \$3,000,000, is \$250,000. (440.)

Mr. DOWD, county tax assessor of Shoshone County, declares that the various mining companies in that county, but more especially the Bunker Hill and Sullivan Company, have resisted strongly the fixing of a fair valuation upon their property for the purpose of taxation. The State laws require property to be assessed at its full value. The assessors have attempted to comply with the law, and usually the property of the miners themselves is assessed at nearly full value. The witness understands that the Bunker Hill Company has declared that the property destroyed on April 29 was worth \$250,000, and yet its sworn statement as to the value of all its improvements for tax purposes in 1899 fixed the figure at only \$123,000. The wit-

ness, as assessor, attempted to collect taxes upon a larger valuation, but at the time of his testimony an injunction was pending against him to prevent him from selling the property of the company for delinquent taxes. (540, 541.)

II. LABOR IN WESTERN MINES.

A. Labor organizations.—1. *Extent of organization movement.*—Mr. COATES, president of the Federation of Labor of Colorado, says that trade unions have had a continual growth in that State during the last ten years, and are now in a better condition than ever before. The membership tends to increase during strikes. A certain proportion of those who join at such times do not understand the benefits of organization and afterwards drift out, but many become permanent members. (245.)

Mr. SMITH, deputy labor commissioner, says that the growth of trade unionism in Colorado has been irregular. At present the witness thinks that perhaps 25 per cent of the employees in all industries are members. Nearly all of the coal miners are organized, and perhaps 70 per cent of the precious-metal miners. Unskilled labor in Colorado, as elsewhere, is not so well organized as skilled labor, largely owing to its lower standard of intelligence. (211-213.)

Mr. THOMAS, State coal-mine inspector of Utah, says that there is no organization among the Utah coal miners. He regards this as due to the fact that employers and employees have no disputes. It is probable that the fact that many of the men who mine coal during the busy season, in the winter, work in the summer on their own farms, has something to do with it. Though the men have no regular union, they generally deal with their employers through representatives. (623, 627, 629.)

Mr. CALLIS attributes the absence of miners' unions in Utah to the fact that the people are disposed to conciliatory measures and the relations between employer and employee have been very friendly. (634.)

Mr. CHAMBERS, mine operator, states that he does not know of any organization of miners in Utah. There was a union at his camp, at Park City, but it never attained any prominence, and he does not think that more than one-third of the men joined it. Only one union ever attained strength enough in Utah to initiate a strike; that was at Silver Reef in southern Utah. There have been many attempts to establish unions in different camps in the State. They have failed; and he believes they have failed because the men have considered that the unions are organized by men who devote themselves to that business in the hope of getting salaries. It is his impression that this is true of unions in general. Mr. Chambers would approve of labor unions if properly conducted. (584, 586, 587.)

Mr. SHARP, mine superintendent, states that a union was formed at one of the mines of the Pleasant Valley Coal Company, and that one of its first acts was to try to secure the discharge of a foreman in a way which the heads of the organization at Denver refused to uphold. In consequence of this incident the local union disbanded. (640.)

Mr. ALLEN states that there are some labor unions in Utah, but none at his camp. (569.)

Mr. TERHUNE states that in lead smelting there is no union in Utah. He attributes this to the fact that the conditions existing without a union are satisfactory. (596.)

Mr. CALLIS, the county attorney of Summit County, Utah, and formerly a coal miner, says that while the Mormon Church does not encourage its members to join labor unions or other societies, it does not discourage them. Many of its members belong to such organizations as the Knights of Pythias and the Ancient Order of United Workmen. The attitude of the church toward all organizations is strictly neutral. The number of Mormons in the mines at Park City is exceedingly small; perhaps only 20 out of a large number employed there. (635, 636.)

2. *Western Federation of Miners.*—Mr. SULLIVAN, a metal miner of Colorado, states that the Western Federation of Miners is the organization to which the miners of Colorado most generally belong. The benefits, such as accident and death benefits, are established by the local lodges at their discretion. (347.)

Mr. CLARK, a miner, says that the Federation had about 10,000 members in 1898, and the convention of 1899 reported about 16,000. It extends into Idaho and Montana as well as Colorado. As a body it is affiliated with the Western Labor Union which was formed in May, 1899, and has its headquarters at Butte City, Mont. The Colorado local unions of the Miners' Federation are very largely affiliated with the State Federation of Labor of Colorado. (322.)

Mr. Clark states that when there is a dispute with the employers the union men and the nonunion men generally meet together, and their action is determined by the vote of a majority of all. If the vote results in a strike the nonunion men get the same support as the union men. The strikers are supported so far as possible out of the general fund of the Federation, and if it is not sufficient the members are assessed.

The action of the union is determined by referendum vote in the local branches. The witness thinks a three-fourths vote is necessary to declare a strike. Further, strikes have to be approved by the general executive board. (323.)

3. *Federation of Labor, Colorado.*—Mr. COATES, president of the Federation of Labor of Colorado, says that this State organization was formed May 1, 1896. All organized laborers in the State are eligible to membership. Unions that were represented at the first convention had about 3,000 or 4,000 members. The organization now has 15,000 or 16,000 members. As a federation it has no benefit features except that assessments may be levied in strikes by a referendum vote. Nearly all of the unions affiliated with the Federation have out-of-work benefits and funeral benefits as well as strike benefits. (244, 245.)

Mr. Coates says that the executive board of the State organization has power to levy a strike assessment not exceeding 10 cents per week for 5 weeks, and then to levy a 50-cent assessment; but upon that there must be a referendum vote. This power has been used only once. (244, 245.)

In case of a strike or a condition which threatens a strike, continues the witness, the union involved is required to give notice to the executive board of the State federation. This board is required to investigate the matter. If the strike comes, the management of it is in the hands of this executive board. A strike can only be declared by a two-thirds vote, or sometimes by a three-fourths vote, of the local unions affected. Nearly all the local unions belong to the national organization; and in case of such unions the questions pertaining to the strike are submitted to the executive board and the officers of the national organization. The details of the strike are usually placed in the hands of a strike committee of the union. The observance of law and order is one of the first principles of organized labor. Mr. Coates considers the boycott a natural and proper weapon. (245, 247, 248.)

4. *Recognition of labor unions by employers.*—Mr. BEAMAN, of the Colorado Fuel and Iron Company, does not know that the question of the recognition of the miners' unions has been mooted among that company's employees. When the committees of the miners wish to confer with the officers of the company, the company responds. He does not know whether the men are treated as organized. He believes that if a man comes with a grievance, he is received and it is talked over regardless of how he comes. No agreement in writing has been made with respect to wages. The company makes no discrimination between union and nonunion men. (263.)

Mr. Beaman states that the Colorado Fuel and Iron Company has never exacted any agreement from its men with reference to unions or union relations. Neither does the company make any deductions for insurance or make any exactions or requirements in that respect. (294.)

Mr. NEWHOUSE, manager of the Philadelphia Smelting and Refining Company, Pueblo, Colo., states that that company makes no discrimination between organized and unorganized labor, and asks no questions about it. There is only one labor union that the company has dealt with as a union. That is the masons' organization. The company has a good mason who is a member of the masons' union. When he needs men in his department, he gets them from the union, and Mr. Newhouse has found union membership to be, in this case, a guarantee of good workmanship.

The subject of the recognition of a union among the smelter men has never come up, and the witness does not know what his decision about it would be. (295, 297, 303, 305.)

Mr. HILL, of the Argo smelter, states that his company has always made it a rule not to inquire when a man was seeking work whether he was a union or a nonunion man. (373.)

Mr. ALLEN says that some mine owners in Utah would probably not object to labor unions among their men and others probably would. He does not know that there is any prejudice against the Western Federation of Miners, but some prejudice has been created against Mr. Boyce, who was at one time the head of the organization. (577, 578.)

Mr. COATES states that employers have no reason to fear that treating with organized labor would bring violence. On the contrary, he believes that the refusal to treat with organized labor brings violence. Violence is rather to be feared from unorganized than from organized labor. All the railroads make contracts with the various brotherhoods, and in Mr. Coates's experience in the last few years they have not had any friction. The Denver newspapers have had contracts with union labor for many years and have had no friction. This is the general experience. Mr. Coates has heard, to be sure, that at Wardner, Idaho, and Cripple Creek, Colo., violence was resorted to by organized labor, but he has heard that it was because of the refusal of employers to recognize organized labor. (259, 260.)

5. *General policy and character of unions.*—Mr. HANAUER, a smelter owner of Salt

Lake City, would have no objection to organizations of labor if they did not interfere with men that want to work and did not want to join the union. He does not think they have any right to dictate to employers whom they shall hire or to compel outside workmen to become members. It is just as wrong, however, for a great consolidation like the American Sugar Refining Company to put the price of its produce below cost in order to drive a competitor out of the market as it is for a labor union to say to a nonunion man that he shall not have employment. Organization of workmen is proper and perhaps necessary in itself, and he would approve a system under which the laborers on the one side and the employers on the other should treat together as organized bodies. He does not think that such a condition as this can be brought about in the West. The walking delegates are generally responsible for labor troubles. They make their living out of the unions, and they must be agitating and creating trouble in order to keep their places. (609, 617, 618.)

Mr. BRAMAN, secretary of the Colorado Fuel and Iron Company, would favor labor unions if they would confine themselves to the principles laid down in their written constitutions. The trouble is that their actual activities are largely turned in other directions. The deliberations of the unions are generally controlled by the more radical and more active element. When they inaugurate a strike and compel men to remain out of employment who want to work, that is not in conformity with their written constitutions. Such conduct is despotism and hostile to our principles and to our form of government. There is no tyranny in America to-day equal to the tyranny of the trades unions. The denial of the individual liberty of contract is the universal practice of unionism, and necessarily so, for unionism could not otherwise exist for any length of time and perform its chief functions, namely, the maintaining and increasing of wages.

Mr. Beaman admits, however, that there is strength in union, and that it enlarges the confidence of the men in their power to bring their employer to terms. He admits also that if a man chooses to say that he will not work except for the union prices, that is all right if he wants to do it. If they do agree to abide by the principles of the union, then they should abide by them. (270, 272, 274, 286-288.)

Mr. Beaman says there are numerous instances in which conservative, level-headed labor leaders do much to settle disputes between employer and employee, and he believes that a very large majority of actual laborers who belong to unions prefer this conservative management; but the aggressive element is the noisiest and generally controls public assemblies, so that as a general rule the labor unions do not promote the best interests of the laboring men or of the country. (274.)

Mr. Beaman states that the Western Federation of Miners is even more subject than most trade unions to the fire-eating element, and has a general reputation for lawlessness. He believes that it has done more to injure the cause of labor than any organization since the days of the Molly McGuires. (274.)

Mr. SHARP says that the Pleasant Valley Coal Company would prefer not to have its men organized. (642.)

Mr. THOMAS, State coal-mine inspector of Utah, does not think that the harmony between the coal miners and the employers would be as great if the men were organized. It is not his observation that the organization of workers tends to harmony. (629.)

Mr. GRANT, of the American Smelting and Refining Company, says that the tendency of trade unions in the precious-metal mines has been toward violence and unreasonable demands. They are especially arbitrary in trying to exclude non-union men from employment. Generally speaking, Mr. Grant thinks that the organization of labor has a tendency to keep up wages and that it is necessary to prevent undue competition among the laborers. It is justifiable in the same sense that combinations of capital are justifiable. If labor organizations are reasonable, employers are willing to treat with them. (201, 203, 206-208.)

Mr. SMITH, deputy State labor commissioner of Colorado, believes that the unions in that State are generally inclined to be law abiding and orderly, as is shown by their regulations and their actions. They usually have benefit features. Only men of good moral character are supposed to be admitted, although persons of other classes sometimes get in. (211.)

Mr. CLARK, of the Western Federation of Miners, does not think that this union denies liberty of contract to the individual, whether organized or unorganized, though he admits that the union does not encourage it. The method of collective bargaining proves better in some cases than that of individual bargaining. (323.)

Mr. Clark states that the purposes of the Western Federation of Miners are to better the economic condition of its members and increase their intelligence, to protect them against sickness, and to secure a proper and healthful condition in the mines. Their means of improving economic conditions are legislation and concilia-

tion and arbitration. If conciliation and arbitration fail, there is no resource but a strike. (322.)

Mr. SULLIVAN, a metal miner of Colorado, states that some of the miners' unions have reading rooms, though others can not afford it. The men are doing more reading and a little more thinking than formerly, and he believes that all of this improvement is due to the influence of the organizations. (353.)

6. *Relation to nonunion men.*—Mr. SULLIVAN, a metal miner of Colorado, states that some nonunion men realize the benefits of organized labor. When the union has fixed a wage scale, the men who are not members take advantage of it. The Western Federation of Miners does not interfere with the liberty of men who are not members to make such contracts as they please. The cutting of wages of nonunion men affects the members of the union, but no method except moral suasion is used to prevent it. The nonunion men do not generally join the union in a strike, though some do. (347, 348.)

Mr. COATES, of the Western Federation of Miners, says that in case of a strike non-union laborers who may be involved stop work in 99 cases out of a 100, and, when a settlement is reached, it is generally satisfactory to them. The sentiment of trades unionism largely permeates the unorganized, and many more would join the unions but for the fear of losing their positions or being blacklisted. No intimidation, coercion, or threats are used by the Federation of Labor toward nonunion men. It has never been necessary in Mr. Coates's experience to take any action toward them, except to show them the benefits of the organization. (245.)

Mr. CLARK, a member of the Western Federation of Miners, states that his organization uses its best efforts to educate the miners outside of it in a knowledge of the advantages of the union by personal persuasion and by the circulation of literature, which is sometimes found even more effective. He does not know that any other influence is used to bring men into the union. (323.)

7. *Effects on wages and conditions.*—Mr. CALLIS, county attorney of Summit County and formerly a coal miner, does not think that the maintenance of miners' wages in the East by miners' organizations has much influence upon miners' wages in the West, because wages in new countries are generally higher than in the older-settled countries. The leaders of labor organizations are generally sagacious and wise men and encourage settlement of labor disputes by peaceable means; but occasionally there are leaders who are not conscientious and who give bad counsel. On the whole, labor organizations tend to keep up the wages of the men and insure them good treatment. They also have a favorable educational influence. (635.)

Mr. SULLIVAN, a Colorado metal miner, states that the Colorado 8-hour law and the agitation which led to it were the work of the labor organizations. Organized labor is to be credited with whatever progress has been made in shortening the hours of work. (359.)

Mr. Sullivan states that the wages of metal miners in Colorado vary from \$1.50 to \$4 a day, and that the hours of labor vary from 8 to 12, according to the efficiency of their organization. (347.)

Mr. CLARK, of the Western Federation of Miners, believes that organized labor is the principal factor that maintains wages among the coal miners with whom he works. (326.)

Mr. CHAMBERS, a mine operator, states that the uniform scales of wages established in Montana, Idaho, and Colorado have been forced by the unions. He regards the principle of a uniform scale as advantageous to the men as well as to the operator. If wages are higher in Colorado than in Utah, he does not think it is because of labor organizations in Colorado. Colorado miners often apply to him for work, and if he has work for them they accept it without reluctance or demurrer. (584, 586.)

Mr. TERHUNE, a metallurgist, does not believe that the lower wages in Utah than in Colorado are due to lack of organization in Utah. It is true that organization might raise wages a little; but the rate of wages in Utah he believes to have been fixed with reference to what existing conditions enable mine owners to pay. Many silver mines have been closed down, and the men have hesitated to organize and make demands that would be hard to meet. (604.)

B. Strikes and lockouts.—1. *Strikes in Colorado.*—Mr. BEAMAN says that the labor commissioner's report for Colorado from 1881 to 1888 states that there were 53 successful and 66 unsuccessful ones among the trades in the State, not including coal mining. (293.)

Mr. LEE, commissioner of mines, discusses some of the leading recent strikes in the Colorado mines. In 1893 the great fall in the price of silver made the mine owners in Leadville reduce wages. The men refused to work at first, although the difficulty could hardly be called a strike. Finally it was agreed that wages should be reduced from \$3 to \$2.50 as long as the price of silver remained below 82½ cents. After this

many of the miners left Leadville and went to Cripple Creek to work in the gold mines. The Leadville employers, so far as they could afford it, put back the price of skilled labor to \$3 in order to keep the men, the wages of trammers remaining unchanged. It was possible to increase wages in this way only because of the general reduction in expenses, such as those for transportation and smelting, which followed the low prices of 1893.

There was next a strike at Cripple Creek for reduction of hours, which almost produced a civil war, resulting in a victory for the miners.

Another strike at Leadville was caused by a demand on the part of the men that all those employed under ground, including the trammers, should be paid the same rate of wages.

In connection with this strike, according to Mr. Lee, there had been a great deal of agitation on the part of the union leaders, with which he has very little sympathy. Just before one of the strikes at Leadville, he interviewed about 400 men and found that all but about 3 per cent favored going back to work, the men consulted being the more conservative, owners of houses, etc. These men were simply forced into the strike by intimidation. When asked how such a large proportion could be controlled by a few, Mr. Lee referred to other instances showing the strong influence of a few leaders in causing or preventing strikes. (228-231.)

Mr. SULLIVAN, a metal miner of Colorado, states that the Western Federation of Miners does not like strikes, though it is sometimes forced into one, or into a lock-out which the company calls a strike. Nonunion men do not generally act in concert with the union men, though some of them, realizing that organized labor is beneficial to them, do. (347.)

Mr. Sullivan does not think that miners are more ready to strike than men of other trades. Possibly the fact that mining is a dangerous employment may increase the differences between employer and employee. (349.)

Mr. CLARK, of the Western Federation of Miners, admits that it is often asserted that miners are more ready to strike than other workmen; but he does not believe it is true. He explains that the conditions of mining are peculiarly fitted to give rise to constant disputes between employer and employee. The character of the vein may change suddenly and repeatedly; the timbering which the miner must do is much more at some times than at others; the blast may bring down dirt with coal which it is necessary for the miner to pick out; little alterations in the screens or other appliances may be equivalent to cuts of the miners' wages. (326.)

Mr. BEAMAN, secretary of the Colorado Fuel and Iron Company, states that in 1894 a strike began in northern Colorado in sympathy with an eastern strike, and the northern miners marched down through the southern district and succeeded in calling out some of the miners of the Colorado Fuel and Iron Company. The strike was purely sympathetic, and there was no dispute between the Colorado Fuel and Iron Company and its men. This company has had no general wage strikes, except two confined to the drivers. (272, 273, 293.)

2. *Strikes in Utah.*—Mr. SHARP says that there has been one strike in Utah coal mines against the Union Pacific Coal Company. It was made to resist a decrease of wages, and it was unsuccessful. There were no outbreaks of violence in connection with it. (640.)

Mr. CALLIS, county attorney for Summit County and formerly a coal miner, says that there have been two small strikes in Coalville, one about 10 years ago and one about 5 years ago. The first was caused by the discharge of an employee who disobeyed instructions. It was not successful in obtaining his reinstatement. (632, 634.)

Mr. THOMAS, state coal mine inspector of Utah, says that so far as he knows there has never been a strike in the Utah coal mines. (626.)

Mr. TERHUNE says that there has never been a strike in the smelter industry in Utah. (594.)

Mr. CHAMBERS, a metal mine operator, says that he remembers only one strike among the Utah miners. That was, he believes, a strike for union wages. There was some destruction of property, but no serious injury to persons. Some of the strikers were sent to the penitentiary for a short time. (584, 585.)

Mr. HANAUER says that he does not know of any strikes that have taken place at Utah smelters. He recalls one mine strike some years ago at Tintic. He presumes that the walking delegates of the unions brought it on. A complaint about the company boarding house was mentioned in the papers. (609.)

3. *Causes of strikes.*—Mr. CLARK, of the Western Federation of Miners, states that the chief cause of strikes in his experience is the discrimination of the corporations, in prices and methods of working, against union men. The other causes which he mentions are: An attempt to enlarge the screens, contrary to an agreement of long standing and without notice to the men; the bad ventilation of the mines; the short-

age of cars, which sometimes compels the men to quit work after being occupied for only an hour or two; and demands for advance of wages and resistance to reductions. (323, 324.)

4. *Instigation of strikes.*—Mr. LEE refers to an instance in Illinois where a few men in a mine were paid by the employers to influence the men, checking them when strikes were not desired, but instigating them to strike when the company for some reason wished to close down the works. (231.)

Mr. COATES has never known of a case in which coal companies have employed and paid men to bring about a strike. On the contrary, in almost every instance of large strikes, he knows that the leaders of organized labor have influence brought to bear upon them against the strike. Mr. Coates is confident also that no minority of a body of workmen could bring about a strike. Almost all strikes are ordered by a secret ballot, and in all organizations a two-thirds vote is required to declare a strike. Even if the ballot were open the workmen would not be influenced by a small minority of leading men. Indeed, the influence of the leaders is generally exerted against a strike. The leaders of organized labor are opposed to strikes, except in extreme cases, because they know that they will have to stand the responsibility before the community. If a strike comes, they try to have it brought to an end as soon as they can. Mr. Coates has known occasions when leaders were in favor of a settlement and where they got concessions from the owners, and yet could not get the organization to accept them. (260, 261.)

Mr. CLARK, of the Western Federation of Miners, has never known a mining company to pay any of the leaders of the men to control the miners or to inaugurate strikes. He has known of many instances in which the companies have closed down their mines without any strike or any excuse and without giving the men any notice. (337.)

5. *Sympathetic strikes.*—Mr. SULLIVAN, a metal miner of Colorado, thinks there have been no sympathetic strikes in that State among either the coal miners or the metal miners. (351.)

Mr. CLARK, of the Western Federation of Miners, states that strikes have sometimes been called at the mines of competitors who were supplying the trade while the men he was associated with were striking, but that as a general thing this measure is not necessary. (328.)

6. *Methods of strikers.*—Mr. SMITH, deputy labor commissioner of Colorado, says that the ordinary method of declaring a strike on the part of a trade union is as follows: First, the grievance is discussed generally by the organization. Then a committee is appointed to confer with the employer. Its report is discussed, and frequently several consultations by the same or different committees are held before the organization, by a majority vote, finally determines what shall be done.

Trade unions usually caution their members to abstain from acts of violence or from interfering with the rights of anyone. Sometimes committees are appointed to meet strangers coming to town and influence them not to take the places of the strikers. Boycotting was formerly practiced in Colorado to some extent, but has been declared illegal by statute. Employers have sometimes imported laborers to meet strikes, and the witness has understood that they sometimes avail themselves of a common fund. Employees themselves try to get aid from unions elsewhere. (214, 215.)

Mr. CLARK, of the Western Federation of Miners, states that while the workmen always use every method which they consider moral and fair and likely to bring about good results, they have not, in his experience, "resorted to any other influence than solid facts and reason. We propose to meet the operators on a fair basis and to show them that we know that we are right." (328.)

Mr. LEE says that most strikes have begun with formal requests and discussions with employers, but after a time they have often become violent. (231.)

Mr. SULLIVAN, a metal miner of Colorado, states that the effort of his union in case of strikes is to induce the contending forces to submit their case to a conciliatory board of some kind. Moral suasion is used to try to keep other men from taking the place of the strikers. (349.)

Mr. CLARK, of the Western Federation of Miners, states that he has known employers to hire spies to stir up dissatisfaction among the men when a strike was on. He has known them to send men from Denver "to get a keg of beer and set them up to the boys to get them to go back to work." (328.)

7. *Injunctions.*—Mr. COATES says that injunctions have sometimes been used in strikes in Colorado. During the northern coal strike in the winter of 1898 and 1899 an injunction was issued to restrain men from congregating in numbers or going on the property of the companies. Meetings were held in clear violation of the injunction, but Mr. Coates thinks no one was punished for holding them. Such a use of

injunctions tends to take away the little liberty that is left to the wage-earner and to incite the feeling among the men that they are being forced into absolute slavery. It tends to make them rebel. Mr. Coates thinks, however, that when there is reason to believe that crime will be committed men should be restrained by the courts. It is not the injunction, but the abuse of it, that he opposes. "I don't believe you can find a sentiment against the taking or restraining of a man who makes it evident that he is about to commit crime or shows a tendency in that way." (250.)

Mr. CLARK, of the Western Federation of Miners, states that an injunction was served upon him during a strike, though he was not even participating in the strike, but was engaged in prospecting. Three other men were joined with him in the injunction; he and they were the men who had defended the miners before the State board of arbitration, and he supposes that it was for this reason that they were selected. Mr. Clark considers the use of injunctions in strikes utterly unjust. "If we had tried to get an injunction to prevent the corporation from putting a blacklist upon us they would not have given it to us." (329, 330.)

Mr. BEAMAN testifies that the Colorado Fuel and Iron Company has never applied for an injunction to restrain the miners or officers from holding business meetings, nor endeavored to disperse such meetings. It has never employed detectives to find out what the workmen were doing. The only case which he recalls in which the company employed detectives was in a lawsuit with other coal companies, when detectives were hired to hunt up some witnesses. He does not know that the company's workmen have employed detectives. The company has had very little serious trouble with its men. (265.)

Mr. SMITH does not know of any particular instance where the injunction has been used in connection with strikes in Colorado. He refers to the flagrant abuse of the practice during the great railway strike in California in 1894, when several men were imprisoned for disregarding injunctions. The witness considers the practice an arbitrary and unjust extension of judicial authority. (216.)

8. *Strike against the smelters' combination.*—During the time when the subcommittee was taking testimony in Denver, July, 1899, a strike was in progress among the employees of the smelters' combination, and part of the smelters in Colorado, including those at Durango, had been closed by the combination. Mr. GRANT, general manager of the smelters' combination, testified concerning the cause and nature of the difficulty. He said that the wages of men employed at the various smelters had been practically the same since 1882, except that during the great depression of 1893 a cut of 10 per cent was made. There were then thousands of men out of employment, and the smelters could easily have reduced wages from 25 to 40 per cent, but they did not do so, although the employers were not making any money. The smelters' combination had intended to increase wages on June 1, 1899, to the level which had existed in 1893. On June 15 the new 8-hour law was to go into effect. The company did not feel that it could afford to pay the same wages for an 8-hour day as had been paid for 10 and 12 hours' work. To do so would mean an increase of 33 per cent in the cost of labor. An organization was formed among the men about this time for the purpose, as the employers believed, of taking advantage of the 8-hour law and demanding the same wages as for longer hours. About June 1 the corporation posted a notice that it would obey the law and contract with its men for 8 hours of work, but would leave it optional with them to work longer hours if they desired. It was believed that many would prefer the longer hours rather than a reduction of wages. Some of the men struck against this arrangement, and the smelters were closed.

Mr. Grant thought that the demands of the workingmen were unreasonable, the wages offered, after the advance of 10 per cent, amounting to about \$1.75 per day, while men are working at the large smelters outside the combination at \$1.40 for 8 hours' work. At Omaha also wages had been advanced by the combination, and there had been no trouble with the men there. The 8-hour law was in effect in Utah, and the smelters there actually worked only 8 hours.

Mr. Grant said further that he had declined to treat with the committees of the labor organizations on the subject of this strike. It has been the tendency of organizations in the mining districts to be very arbitrary and often violent. This was true during 1894 and 1895, at Cripple Creek and Leadville especially. There had been no organization among smelters for some time until just previous to this strike. Then organizers came from various places and made unusual efforts to form unions. Violent speeches were made and men were almost forced to join. The officers of the smelters' combination knew something of the nature of this organization and feared to make concessions to it, lest it should become excessive in its demands in the future. It is possible to deal with the men in groups in a conciliatory manner without treating with their organizations. Thus 30 or 40 men have been at times sum-

moned into the office and the situation discussed freely, although the witness has found that the men were not inclined always to speak openly, especially those who belong to the union.

Mr. Grant admitted that the existence of the combination makes the employers better able to resist the demands of labor than before. Since the combination operates seven smelters in the State, it is natural that it should be inclined to shut down some of the smelters where difficulties with the men are especially serious, keeping up its production in the others, and especially in those outside of the State. Nevertheless, only about 300 or 400 tons out of the 3,500 tons formerly handled daily by the closed smelters have been diverted to other smelters. (199-211.)

Mr. COATES, of the Western Federation of Miners, believed that the smelters' strike was largely brought about by an attempt on the part of the American Smelting and Refining Company to deprive the men of the benefit of the 8-hour law. This law took effect June 16, and the strike began on that day. There was little difference as to wages. The whole question was as to the observance of the 8-hour law. The company had posted a notice which had a tendency to lead the men to believe that it intended to evade the law and its benefits by offering inducements to work longer than 8 hours. It was practically a refusal to comply with the law. Mr. Coates believed that the company was influenced by a desire to wait until the supreme court should pass upon the constitutionality of the act. If the law should be held unconstitutional, it would wish the men to return to the 10 or 12 hour basis. It did not wish to offer a better wage or to regulate conditions on the 8-hour basis, because it thought that would prevent the men from going back to the 10 or 12 hour basis if the law should be held unconstitutional. The strike did not affect the two independent companies which have smelters in Colorado. They obeyed the law. Mr. Coates did not think that there would have been any strike if the smelters' trust had not been formed. (247, 253, 254.)

Mr. WRIGHT, of the executive board of the Smeltermen's Union, stated that this organization was formed only about 7 weeks before the date of his testimony, July 15, 1899. When he testified it had a membership of 1,167. This included all but about 30 of the men employed in the two trust smelters at Denver. There had been earlier efforts to form a smeltermen's union, but they had not been successful. (306, 312, 317.)

Mr. Wright said further that the relations of the men to the smelting companies were very friendly up to the time of the strike or lockout. The majority of the men were contented with their situation, except as to the number of hours. The minority, who worked only 10 hours for smaller pay, were discontented with their wages. The cause of the strike was the insistence of the men upon an 8-hour day for all workmen, together with a larger increase in the wages per hour than the managers would grant. The occasion of the strike was the coming into effect of the Colorado 8-hour law. The witness believed that the men would have made the same demands if the law had not been passed, and that if the law should be declared unconstitutional the men would still insist upon an 8-hour day. The men had been entirely orderly during the strike. The witness did not think any man had been within 5 blocks of the smelter. (306, 309, 319, 320.)

Mr. Wright stated that the Grant smelter, which he works for, reduced the wages of its men about 10 per cent in 1893. The furnace men had received \$3 per day for 12 hours. They were cut to \$2.75. When the question of the 8-hour day came up in 1899 the company proposed to restore the old hourly rate of 25 cents, which would make \$2 for a day. The men demanded 30 cents an hour, \$2.40 for 8 hours. The common laborers, working 10 hours, had had \$1.50 at the Globe smelter and \$1.60 at the Grant. The managers wanted to reduce them to \$1.32, apparently, for an 8-hour day. The witness stated that at the time of his testimony other smelters in Denver, outside the trust, were paying \$1.60 for 8 hours to the common laborers. This was what the men demanded for them at the Grant smelter. Another class of laborers had been receiving \$2.25 for 10 hours, and the men demanded that they should receive \$2 for 8. The managers offered \$1.66½ cents. The witness does not believe that any smelter in Colorado is paying as low wages as the trust proposed to pay. The Guggenheim or Philadelphia smelter, at Pueblo, is paying \$2.30 for what the trust offers \$2 for, \$2.20 against the trust's offer of \$1.66½, and \$1.80 against the trust's offer of \$1.32.

The men based their demands partly upon the increased severity of the work and the increased output of the plants in proportion to the number of men, and partly upon the increased cost of living. Mr. Wright said no one believed that the judgment of the men was guided altogether by the rise and fall in prices of the necessities of life.

The monthly wages of the men were much less than their daily wages would seem

to indicate, because the unhealthful conditions made continuous work impossible. Working 12 hours a day, a man could not average more than 22 days a month. Even the 10-hour men could not work 26 days. (307-309, 319-321.)

Mr. Wright stated also that the American Smelting and Refining Company had refused to recognize the union. At the same time, the manager said that he would prefer to deal with four or five men rather than to try to deal with a thousand men individually. He would be willing to treat with organizations of the men if they did not take the form of unions. The manager had said he did not think it would be possible to work harmoniously with a labor union. (309, 317.)

Mr. ALLEN, a Utah mine manager, said that the smelter strike in Colorado had apparently increased the business of the Utah smelters. (579.)

Mr. TERHUNE, a former smelter operator, of Salt Lake City, said that some roasting ores were being brought into Utah from Colorado, but that this was not a result of the Colorado smelter strike. It was because of the scarcity of roasting ores in Utah. (601.)

Mr. BEAMAN, secretary of the Colorado Fuel and Iron Company, said that it seemed to be admitted by the more conservative labor leaders that strikes have been damaging to labor generally. That they are disastrous to the employer is not questioned. The real loss to the community as a whole can not be statistically shown. For instance, in the then existing smelter strike, the smallest of all the losses was that to the smelter employees. The cessation of work had extended to miners, cutters and haulers of timber, coal, ore, etc., railroad employees, and in fact to almost every workman in the State, and also to the owners of the various industries affected. The loss to the owners of railroads and other industries might be to some extent made up through the mining and hauling of coal and ore hereafter, but the time lost by all of the employees was a dead, irrecoverable loss. If the smelter employees should get 10 or 12 hours' pay for 8 hours' work during 10 years to come, their extra pay would probably not equal the total pecuniary losses resulting directly and indirectly from 2 months of strike. Mr. Beaman said that he did not undertake to decide who was to blame for the strike, but only to state its economic results. (275, 288.)

C. Other evidence as to relations of employers and employees.—

1. *Coal mines, Utah.*—Mr. CALLIS, county attorney of Summit County, and formerly a coal miner, says that the relations between the mine operators and their men have been very agreeable, so far as his experience has gone. The employers consult with the men whenever any question arises, and satisfactory agreements have always been made. (632.)

Mr. SHARP states that while the men of the Pleasant Valley Coal Company are not organized, it is the custom of the company to receive representatives of the men and confer with them and reach agreements with them by conciliatory means. (641.)

2. *Colorado Fuel and Iron Company.*—Mr. BEAMAN, secretary of the Colorado Fuel and Iron Company, states that the employees are not taken into consultation in regard to wages unless a complaint is made. The company fixes the price, and the miners can work for what is offered or not, as they choose. The company would not punish a man for complaining about wages or other conditions, and miners do not hesitate to make complaints. They do not make any complaint, or at least no complaint has come to the office. The company has had no serious wage strikes; none apparently, except two, which were confined to the drivers. (270, 271, 293.)

3. *Blacklisting.*—Mr. CLARK, of the Western Federation of Miners, believes that the system of blacklisting is generally practiced throughout the mines of Colorado. He knows of men who can not get work in the State unless they have friends to give them work. He knows it would be dangerous to him and his family to mention the cases by name. (328.)

Mr. COATES, of the Federation of Labor of Colorado, says that there is a law against blacklisting in Colorado, but that it has no effect. Wage earners are blacklisted from one end of the State to the other. In the existing smelters' strike, men have been threatened with discharge, even by persons who have but a remote interest in the matter, because of their position in regard to organized labor. (248.)

Mr. SULLIVAN, a metal miner of Colorado, states that after a labor dispute at Aspen, which he was familiar with, those who had been active on the side of the men were unable to get work. The manager of one of the mines was afterwards arrested for keeping a blacklist. The most of the men in question have been obliged to leave the region. The witness thinks that blacklisting should be made a felony. (349, 356.)

Mr. HAMMOND, secretary of state of Utah, says that that State has a constitutional provision against blacklisting. There was probably some blacklisting in the State during the railroad troubles in the nineties, but it was not very extensive. (622.)

Mr. BEAMAN, secretary of the Colorado Fuel and Iron Company, declares that he knows of no blacklists among employers in Colorado. (293.)

4. *Association of employers.*—Mr. COATES has no objection to associations of employers parallel with the associations of laborers. Organized labor would prefer to settle the entire conditions in a trade in one negotiation with an organized body. Organized action brings about the same conditions and it removes friction. (257.)

D. Amount and regularity of employment.—1. *Employment in Colorado.*—According to Mr. SMITH, although there has been a large absolute increase in the number of men employed in Colorado during the past 20 years, the proportion of those employed to the total number is much less. The witness thinks that probably, on the average, 25 per cent of the workmen are out of employment at all times. The chief cause of irregularity of employment, he thinks, is that the wages which workmen receive do not enable them to buy back more than a small portion of their total product. (219, 220.)

Mr. LEE, mine inspector, believes that the unemployed in Colorado are mostly confined to the larger towns. There are few in the mining camps. A good deal of mining labor is done by men who own their claims, some of whom work only on account of their assessments. In 1898, and up to the time of the strikes caused by the 8-hour law in 1899, there were more men employed than ever before. The witness admits that some men fail to find employment, but attributes it to their own lack of real desire to work. In applying for work men often speak in an indifferent manner. This may, to be sure, be occasionally due to ignorance of the proper method of addressing an employer, but often men apply for work merely to make a showing. (234, 235.)

Mr. SULLIVAN, a metal miner of Colorado, says that improved machinery and the concentration of industries are the causes of irregular employment. His remedies are competition by the Government in manufacture and distribution and the shortening of hours. The Government should build a railroad, for instance, parallel with every privately owned road.

Mr. Sullivan states that he worked about 250 days during 1898, and that this is probably a larger average than the most of the miners in his line have been able to make during the last 5 or 6 years. (354.)

Mr. COATES considers that the tendency to combination and the closing of plants for economy in production and the employment of children are among the causes of the irregularity of employment. (253.)

2. *Employment in Utah.*—Mr. CHAMBERS, a metal mine manager, states that the number of men employed in the metal mines of Utah has not greatly varied during the last 10 years. Machinery has diminished the number of men in particular mines, but new mines have been opened which have taken them in. There was a lack of employment for several years before the present, but there is now a better demand for miners than has existed for 5 or 6 years past. (580, 581.)

Mr. THOMAS, coal-mine inspector of Utah, says that the number engaged in coal mining in that State has steadily increased. (623.)

Mr. ALLEN states that the Centennial-Eureka Mine, near Salt Lake City, has men who have worked in it steadily for 10 years, and one man who has worked there for 12 years. (577.)

3. *Employment in Idaho.*—Mr. BURBIDGE says that the Idaho mine owners wish to keep their mines in continuous operation. The organization of a large mining force is difficult and expensive, and it is better to operate for a time at a loss than to permit the crew to become disorganized. (440, 441.)

E. Rates of wages. Earnings.—1. *Wages in Colorado generally.*—Mr. SMITH, deputy labor commissioner, testifies that the wages in the precious-metal mines of Colorado are usually from \$2.50 to \$3 per day, although occasionally as much as \$3.50 is paid, especially where the mines are wet and unhealthy. Coal miners usually work by the ton. Recently they have often not been able to work more than 5 or 6 days in the month, so that their wages have been as low as \$20 per month, but when working steadily they often make as much as \$80 or \$90. The witness believes that wages generally throughout Colorado are higher than in other States, though they have fallen as compared with the early days when the country was new. Wages are somewhat higher in the mountain regions than in the valleys. The wages of miners greatly affect those of all other occupations. Thus farm labor commands higher wages in the vicinity of mines, especially of the mountain mines. The workmen have become more intelligent during the past 20 years and spend their wages more judiciously than before. (216, 219, 223.)

2. *Wages in metal mining, Colorado.*—Mr. SULLIVAN, a metal miner of Colorado, states that in the 20 years of his employment he has received as much as \$7 per day and

as little as \$3; not for the same class of work. Men in metal mines work by the day, and their wages vary in different districts from \$1.50 to \$4 per day. The variation depends chiefly on the organization of labor. Wages have rather decreased during the last 20 years. Measured by purchasing power, wages are not much lower than 20 years ago, but possibly a little lower. The witness does not believe that workingmen dress better or have more luxuries than 20 years ago. He adds that the wages of the coal miners have greatly decreased. (347, 353, 362.)

Mr. LEE, mine inspector, says the average pay for trammers and lower-grade laborers in the precious-metal mines of Colorado is \$2.50, while in most of the large mines the regular miners get \$3 per day, although there are some differences in different places. In 1880 wages were more, usually \$3 per day besides board, board not being included in present wages. At the same time the purchasing power of money is much greater than in 1880. (233, 234.)

Mr. COATES, a miner, says that in the isolated mining camps of Colorado wages are better than in cities. This is largely due to the higher cost of living, where men are separated from the benefits of large communities. Rents are higher, food is higher, transportation is higher, and wages must be higher. (252.)

Mr. Coates says that there has been very little change in wages in Colorado during the last 10 or 20 years. Organization has been fairly thorough in mining, the chief industry of the State, and that has had a tendency to keep wages from falling. (252.)

3. *Wages in coal mining, Colorado.*—Mr. CLARK, of the Western Federation of Miners, states that he kept the weights for a year, about 1897, at the best mine in his district of Colorado. In that year the average earnings of the men for the days that they worked were \$2.30 per day, and their average working days were 11½ per month. This would give a gross income of some \$27 per month. From this must be deducted at least \$5 per month for necessary expenses. These expenses include powder, 1 keg, \$2.50; tax for doctor, \$1; oil, 60 cents; payment to check weighman, 50 to 60 cents; blacksmithing, 50 cents. (336.)

Mr. Clark states that in his part of northern Colorado the price per ton for mining coal with a pick, on the basis of screened coal, has been reduced from 92½ cents to 80 cents per ton since 1888. At the same time changes have been made in the screens, which he considers to have reduced the miners' earnings by from 3 to 5 per cent. Besides, the veins that were worked 10 years ago were distinctly better, as regards thickness of coal and natural opportunities for working it, than those that are mined now. The methods of mining by pick work are about the same now as then. (331-333.)

Mr. BEAMAN, of the Colorado Fuel and Iron Company, testifies that nearly all coal miners are paid by the ton. A few, in mines where the coal has to lie for some time, are paid by the cubic yard. The price paid varies at different mines, according to the character of the vein and the ease with which it is mined. The tonnage rates were fixed many years ago and there has been no general change within the witness's knowledge. No doubt miners' wages must have been fixed with some reference to what could be earned in other occupations. There was no change in 1893 or 1894 by reason of the panic. (261, 262, 264.)

Mr. Beaman says there is no general demand for higher wages among the miners. Wages are the same that they have been for years, and industrious and skillful miners earn from \$4 to \$5.50 per day. Hundreds of the Colorado Fuel and Iron Company's miners earn over \$100 per month net—that is, after all deductions for powder, oil, and the like. The Colorado Fuel and Iron Company pays \$2.60 to its day laborers about the outside of the mines, while in Kansas the same class of labor gets \$2. The lowest wage paid to day workers in the mines is \$1.50 and the highest \$3.25. At the steel works wages run from \$1.40 to \$5.28. (285, 293.)

Irregularity of work.—Mr. BEAMAN testifies that his company mines so many qualities of coal that one mine may have a rushing demand and another may be out of orders, and the idle mine can not fill the orders that are on hand because it has not the right kind of coal. No artificial causes, such as the 8-hour law or any labor legislation, have recently closed any of his company's mines. The smelters' strike has diminished the demand for coal. The Colorado Fuel and Iron Company supplies the trust smelters with a considerable amount of coal and coke, and probably furnishes most of the coal used in the Denver mines. The mining business, on the whole, is fairly prosperous; as prosperous as at any time since the panic. (267, 268.)

4. *Wages in metal mining, Utah.*—Mr. ALLEN, manager of the Centennial-Eureka mine, Salt Lake City, states that the prevailing rate for mining in Utah was formerly \$3 per day and is now \$2.50. Some mines still pay \$3 and others \$2.75. Shaft work and special work cost more. In wet mines the wages may often be higher, but \$2.50 may be considered the scale of wages of the State. Mr. Allen believes that the condition of the laborers is at least as good as in any former time, if not better. (568, 569.)

Mr. Allen suggests, in explanation of the fact that wages for underground work are generally \$3 in Butte, Mont., \$3.50 in Idaho, and \$2.50 in Utah, that both clothing and living are cheaper in many cases for the Utah miner. The Utah mines are generally dry, and the avoidance of the use of rubber clothing saves a considerable expense. Another cause is that many of the miners have small farms in the valley, and their families live there and work the farms; or the farms are rented and added in that way to the owners' incomes. Mr. Allen thinks that the men could save as much at Eureka on \$2.50 per day as in Leadville or Cripple Creek at \$3 per day. (570, 576, 577.)

Mr. HANAUER, smelter operator, thinks that metal miners in Utah get from \$2 to \$3.50 per day, according to the kind of work they are upon. He thinks there has been no great change since 10 or 12 years ago, though there may have been some decrease. Expenses of living have decreased within that time, and a man can save more money now than he could have saved a dozen years ago. At Bingham wages as low as \$2 are paid. Mr. Hanauer does not think they run lower than \$2.50 at any other camp. The low wages at Bingham are caused by the low quality of the ore; the mines could not run at higher wages. In Custer County, Idaho, according to Mr. Hanauer's experience, miners and outside laborers get \$3 and men working on the drills \$3.50. Mechanics get from \$4 to \$4.50 a day. The expense of living there is estimated by the witness at 33 per cent greater than that in Utah. Rubber suits are not needed, however, except by men who are sinking shafts. (607, 608.)

Mr. CHAMBERS, mine operator, states that the wages of miners for the 8-hour day in Utah are \$2.50 in some districts, in others \$2.75 and \$3. In his own mine there are miners getting all these rates of pay, according to their skill and the character of their work. Mr. Chambers pays men engaged in sinking shafts \$3.50 a day; it is wet ground and more dangerous, and it is really harder work. "It takes a good lusty man to make any motion in a shaft." He thinks the system of paying men according to their value is every way better than the system of a uniform scale. It is an incentive to the men to make themselves efficient. (584.)

Mr. Chambers thinks that a man can save as much on \$2.50 per day at his mine, Park City, Utah, as on \$3 or \$3.50 per day in Montana or Cripple Creek or Leadville. Living is much cheaper. Farm products are cheaper. A very important difference is that in Butte, for instance, the mines are wet and the men have to wear gum boots, coats, and hats. The miners always contended that the gum suit costs 50 cents a day, though Mr. Chambers thinks this is rather overestimated. (585, 586.)

Mr. Chambers says also that some differences in wages, particularly the uniform scales for surface mining and underground mining in Montana and the Coeur d'Alene, result from the operations of the unions. (584.)

This witness says further that even in mines close together there may be great differences in the ability of the operators to pay high wages. One mine may work at a profit at wages which would compel its neighbor to close down. (586, 587.)

Sliding scale.—Mr. CHAMBERS states that when silver went down to about 60 cents per ounce, and many mines were compelled to close down, some mines in Colorado cut the wages and continued to work, promising that when silver went to such and such a price the wages should be advanced. He knows of no nearer approach to the sliding scale system in the mines. He regards the idea of a sliding scale as just and desirable, saving the owner from the need of stopping his work, and giving the laborer employment. (581, 582.)

Mr. ALLEN says that the sliding-wage scale is not resorted to in Utah, so far as he knows. When the general reduction of wages from \$3 to \$2.50 took place, some mines promised that if the value of silver was restored wages should be restored. He has not seen any closer application of the sliding-scale principle. (570.)

5. *Wages in coal mining, Utah.*—Mr. THOMAS, State coal mine inspector of Utah, says that miners in that State get 35 to 45 cents a ton for run-of-mine coal, and 60 to 80 cents a ton for screened coal. When coal is screened about one-third of it goes into the slack. The average wages for 1898 were \$2.65 for 8 hours' work, after deducting powder and other expenses. The average number of days worked is not given. Drivers get \$2.50 per day; the same for the 8-hour day which they used to get for 10 hours. The outside men get 20 cents an hour. They used to get 20 cents an hour when they worked 10 hours per day; so that their daily wages are diminished. (624, 626, 628, 629.)

Mr. SHARP, of the Pleasant Valley Coal Company, says that the average earnings of its miners are about \$2.50 per day. An exact statement of the earnings for February, 1899, shows an average of \$2.65 for 8 hours' work, after making the deductions for powder, oil, fuse, blacksmithing, and doctor. Thirteen miners average \$3.25; the next highest 20, \$3.08; the next highest 30, \$2.94; the next highest 45, \$2.62; the next highest 45, \$2.59. Drivers receive \$2.50 per day, and outside men 20 cents an

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hour. Twenty cents an hour is rather more than ordinary wages for common labor throughout Utah. (639.)

Mr. Sharp says also that the miners average 24 or 25 days per month for 8 or 9 months in the year. During the summer the consumption falls off so that, though many of them, perhaps 25 or 30 per cent, work upon the farms, the remainder can put in only 3 or 4 days per week. (638, 639, 643.)

Mr. CALLIS, county attorney of Summit County, Utah, and formerly a coal miner, says that wages are not so large as they were 20 years ago or 10 years ago, because of the fierce competition. A greater tonnage can be made, because of improved tools, etc., but the rate paid per ton is not so great. The cost of living also has decreased, but not as much as wages. (630, 636, 637.)

Mr. Callis thinks that the condition of the coal miners in Utah is better than in the Eastern States, but perhaps not so good as in Wyoming. (630, 633, 637.)

Mr. SHARP thinks that the wages of miners have perhaps fallen 10 or 12 per cent in 15 years, and that the cost of living has fallen quite as much. (643.)

Mr. THOMAS, State coal mine inspector of Utah, says that the wages of miners there are perhaps a little lower than 10 years ago. The necessaries of life are also cheaper, and Mr. Thomas thinks that as great a saving could be made from the miners' wages now as then. (623.)

6. *Wages of smelters* (see also as to strike of 1899, p. LVIII).—Mr. NEWHOUSE, manager of the Philadelphia Smelting and Refining Company, Pueblo, Colo., states that men who formerly received \$2.25 per day for 12 hours are now receiving \$2 per day for 8 hours; men who received \$2 per day for 12 hours, now receive \$1.80 for 8 hours. The change was made on June 15, 1899, when the Colorado 8-hour law went into effect. (301, 302.)

Mr. Newhouse states also that the wages paid under him are now higher than ever before. This statement apparently refers to wages per hour, the working-day being now shorter than formerly. The witness does not believe that the average employee could buy more with a dollar now than he could buy in 1890, and he can not buy as much now as he could buy 2 years ago. (296.)

Mr. HILL, of the Argo smelter, Denver, states that before the 8-hour law went into effect that smelter had no men who got less than \$1.75 per day, and that the wages in different departments ran up as high as \$4.50. Not many men got so much as that, but there were a great many who got over \$3 per day. When the 8-hour law went into effect that company made a temporary arrangement with the men, pending the decision of the constitutionality of the law, to run with 8-hour shifts at substantially the same rate per hour which had previously been paid. In a few cases the rate per hour was slightly increased. (371, 372, 381.)

Mr. Hill states that when he first built a smelting plant at Blackhawk, Colo., more than 20 years ago, wages were fully double what they are now in Denver. This was largely due to the situation of the plant up in the mountains, and to the lack of railroads, which made it necessary to haul supplies in wagons from the Missouri River. The cost of living was necessarily very high. Wages gradually went down with the coming of railroads. When the witness's plant at Argo was built 21 years ago a scale of wages was adopted which is practically the same as that which prevailed up to the passage of the 8-hour law in 1899. Common labor is even now more expensive in the mountain towns than in the valleys, for instance in Denver. (370, 378, 379.)

Mr. TERHUNE, recently manager of the Hanauer smelter, Salt Lake City, says that wages in the smelting industry were greater 20 years ago than now. Expenses of living were also higher. At the Hanauer smelter wages were reduced 10 per cent on January 1, 1894, and there was a further reduction of wages per day when the 8-hour law took effect on June 1, 1896. The men are able to work so much more steadily under the 8-hour system, however, that the monthly earnings are nearly as much as before the change of hours. Mr. Terhune submits the following table of wages at his works: (590, 591.)

Rates of wages, Hanauer Smelting Works, Utah.

Occupation.	Before 10 per cent reduction of Jan. 1, 1894.	After 10 per cent reduction of Jan. 1, 1894.	Under 8-hour law, June 1, 1896.
Crushermen	\$3 per 12 hours....	\$2.70 per 12 hours.	\$2.40 per 8 hours.
Roast firemen	\$2.50 per 12 hours.	\$2.25 per 12 hours.	\$1.66 per 8 hours.
Roast helpers	\$2.25 per 12 hours.	\$2.25 per 12 hours.	\$1.50 per 8 hours.
Blast furnace feeders.....	\$3 per 12 hours....	\$2.70 per 12 hours.	\$2 per 8 hours.
Furnacemen	\$3 per 12 hours....	\$2.70 per 12 hours.	\$2 per 8 hours.
Furnace helpers.....	\$2.25 per 12 hours.	\$2.25 per 12 hours.	\$1.50 per 8 hours.
Laborers.....	\$1.75 per 10 hours.	\$1.575 per 10 hours	\$1.40 per 8 hours.
Suppliers.....	\$2.25 per 12 hours.	\$2.025 per 12 hours	\$1.50 per 8 hours.
Teamsters	\$2.25 per 10 hours.	\$2.25 per 10 hours.	\$2.25 per 10 hours.
Night foreman	\$4.50 per 12 hours.	\$4.05 per 12 hours.	\$3.25 per 8 hours.
Day foreman	\$160 per month....	\$144 per month....	\$144 per month.
Blacksmith.....	\$4.25 per 10 hours.	\$4 per 10 hours....	\$4 per 10 hours.
Blacksmith helper.....	\$2.25 per 10 hours.	\$2.25 per 10 hours.	\$1.75 per 10 hours.
Dump foreman.....	\$2.50 per 10 hours.	\$2.25 per 10 hours.	\$2.25 per 10 hours.

F. Payment of wages. Screening of coal, etc.—1. *Intervals of wage payment.*—In the precious-metal mines of Colorado, according to Mr. LEE, mine inspector, the more common time of payment is by the month. In some places the mines are practically carried on for 25 days on the capital of the employees. The witness believes in cash payment. (232.)

Mr. ALLEN, mine operator, states that the custom in Utah is to pay once a month. He has never heard any complaint from the men on this ground. (569, 570.)

Mr. SHARP states that the Pleasant Valley Mining Company (Utah) pays wages monthly; for each month about the 20th of the following month. (643.)

Mr. TERHUNE, metallurgist, says that wages are ordinarily paid once in 30 days in the Utah smelters. He does not think it necessary to pay oftener, especially where men who need them can get advance orders for goods before pay day. (594.)

Mr. BURBIDGE, mine operator, says that the usual method of payment in the Coeur d'Alene district is by the month, the wages of the preceding month being paid from the 10th to the 20th of each month. It takes some time to make up a pay roll, which accounts for this delay in payment. (460.)

Mr. COATES, of the Federation of Labor of Colorado, considers that a month is too long an interval between payments of wages. Where monthly payments are used, it is usually 5 or 6 weeks before the employee actually gets the pay for his work. This puts him at the mercy not only of the company store but also of individual merchants, who charge an increased price for their goods for fear of loss, and also for the length of credit. (250, 251.)

Mr. SMITH, deputy commissioner of labor, Colorado, thinks that frequent payment of wages is very advantageous to workingmen in enabling them to buy for cash, which is more economical. (216.)

Mr. SULLIVAN, a metal miner of Colorado, thinks that the oftener men are paid the better off they are. Wages should be paid once a week. (352.)

Mr. CLARK, of the Western Federation of Miners, holds that wages ought to be paid either weekly or semimonthly. (330.)

Mr. CALLIS, county attorney of Summit County, Utah, and formerly a coal miner, thinks that the position of the coal miners would be improved if wages were paid twice a month instead of once a month. The long interval between the payments compels the men to buy on credit; and a man can never do so well on credit as with cash. The change would perhaps cause some little embarrassment to the employers, but could be so arranged as to be no great hardship. (633.)

Mr. BEAMAN, secretary of the Colorado Fuel and Iron Company, believes that weekly and bimonthly payment laws will affect nearly every industry injuriously. Almost all of the business of the country is done on 30 days' time as equivalent to cash. The employers generally pay their laborers every 30 days, and in turn sell the products at 30 days, and so the round of business goes on. To break one link of the system by shortening the time of payment would be a hardship to one party and would be a doubtful benefit, to say the least, to the other. The doubling of the actual work of making out the pay rolls and of preparing checks would involve a large increase of expense to the employer. The coal mines shut down to pay the men. Pay day means 1 or 2 or 3 days of idleness and often of dissipation. To double these pay days means to double the idleness and dissipation, double the money wasted at the saloon, double the loss of time to the mine or other industry from enforced idleness, double the loss of time to the sober miner, who can not work because the mine

stands idle. The chief objection to the semimonthly pay day in Colorado is the increased capital required to run the business. Many employers who find much difficulty in meeting monthly pay rolls would be utterly unable to meet them semimonthly. (275, 276, 289.)

2. *Weighing and screening of coal, Colorado.*—Mr. CLARK, of the Western Federation of Miners, states that from 1888 to 1893 in the Louisville and Lafayette districts of northern Colorado coal was screened on a screen 12 feet long, 4½ feet wide, with flat bars an inch and a quarter apart. The screen is now 14 feet long, 5½ feet wide, and has a diamond bar. He thinks that the change of the screen reduces the miners' wages by from 3 to 5 per cent.

Mr. Clark states that in his part of Colorado the proportion of coal which goes through the screens is estimated from 33½ to 40 per cent. In reply to a question as to a statement before the Commission that in other parts of the State some 50 per cent passed through the screen, the witness says that may be so, as he believes that screens with a 3-inch mesh are used, at least in some places in the southern part of the State, while in his region the mesh is 1½ inches. The price of mining on the run-of-mine basis is proportioned to that of mining on the basis of screened coal, according to the amount of coal which passes through the screens. For instance, where screened coal is paid for at 80 cents per ton, and 33½ per cent runs through the screen, wages on the run-of-mine basis are 53½ cents per ton. In spite of this Mr. Clark insists that the miner who is paid on the basis of screened coal does not get pay for mining the nut and slack. His idea is that the companies make three grades of coal—lump, nut and pea, and slack—but that they base the miners' tonnage on only two grades—the lump and the slack. (330, 331.)

Mr. Clark states further that an antiscreen law was passed 2 years ago by the Colorado house of representatives, and had been read twice in the senate, when it was stolen, as Mr. Clark believes, at the instigation of the corporations. (334.)

Mr. BEAMAN, of the Colorado Fuel and Iron Company, does not know the size of the screens which his company uses nor the size of the bars nor the space between the bars. About 40 or 50 per cent of the whole product passes through the screens. He does not think the men's wages would depend altogether upon the amount paid for screened coal. His company screens the coal from some mines and not from others. He does not call to mind any instance where screened and unscreened coal are sold from the same mine, though this is sometimes done. For this reason, and because the company mines so many different qualities of coal, it is impossible to make a comparison between the price of screened coal and that of unscreened. The price of all the company's different qualities of coal varies between \$1 and \$1.50 per ton. The screenings are used for making coke. The wages of the men are doubtless adjusted so that they can make about the same whether the coal they mine is screened or not. (264, 292, 293.)

Mr. Beaman states further that at the mines where domestic coal is produced each pit car as it comes from the mine is dumped over a screen chute, through which the slack, dirt, etc., falls, while the lump coal passes on to the railroad car at the foot of the chute. The weight of this lump coal is then taken by track scales, and on it the miner's pay is based. In all mines producing domestic coal the object is to get as large a percentage of lump coal as possible. There is no market for slack. At many mines the slack is made into coke, but at some it is absolute waste. An unskillful or careless miner will make double the amount of fine or slack coal that a skillful and careful one will. This is an injury to the operator and to the country also, since it destroys a valuable asset. The system of payment according to the amount of lump coal delivered places a premium on skill and care. The idea that the miner ought to be paid on the basis of all the coal he mines has only a sentimental validity. He is paid for all the coal he mines whatever the basis of payment may be. If he is paid for lump coal only, the rate per ton is necessarily made high enough to enable him to earn as much per day as is earned in other mines where the payment is based on the whole weight brought out. Where coal is sold by the "run of mine"—that is, just as it comes from the mine—the miner is paid in the same way. But it makes no difference what method is used. To insist upon payment on the basis of all coal mined, including slack, is much like insisting that a cabinetmaker working by the piece should be paid in proportion to the amount of the material he uses, or to the sum of his finished work and the chips he makes. Coal miners do not hesitate to demand any change of method which the majority of them desire. No application has ever been made for a change to the system of "weighing on top" or weighing all coal mined as a basis of payment. "A great majority of miners are not only content with the present method of weighing, but opposed to any other as unfair to the skilled workman."

There are other reasons for opposing the change. It is usually difficult to pass the

coal into railroad cars as fast as it is delivered from the mine. Where the coal is weighed on the railroad cars no time is lost, as the weight is taken while the pit car is being run back and another run forward. If the pit car had to be stopped and weighed before being dumped, the capacity of the mine would be diminished quite 25 per cent. Every additional expense imposed on Colorado coal production restricts the boundaries in which it can be sold and so decreases the demand. The Wyoming legislature passed a "top-weighing law" a few years ago, but by the general petition of the miners it was finally disregarded and remained a dead letter. In Illinois the legislature undertook to compel the mine operators to weigh their coal on track scales, on the system which it is now proposed to forbid in Colorado.¹ This indicates the folly of the whole agitation. The Illinois law was pronounced unconstitutional when a man who used no scales was indicted under it. (283-285.)

3. *Screening of coal, Utah.*—Mr. THOMAS, State coal mine inspector of Utah, states that Utah has no law regulating the screening of coal. The most of the coal mined in Utah is screened. About one-third of the coal goes through the screens as slack. Where the coal is sold "run of mine," the miners are paid on the same basis and receive from 35 to 45 cents per ton. Where it is sold screened, the miners receive from 60 to 80 cents a ton for screened coal. (624, 628, 629.)

Mr. HAMMOND states that there is no law regulating screens in coal mines in Utah. (620.)

Mr. CALLIS, county attorney of Summit County, Utah, and formerly a coal miner, states that he succeeded two years before, when a member of the legislature, in getting a law passed for the compulsory weighing of coal. Many mines in Utah had weighed their coal voluntarily; but he believes the law has given great satisfaction. (632.)

Mr. SHARP, of the Pleasant Valley Coal Company, states that his company made a test some years ago and learned the average amount taken out by the screen. It now weighs its coal before screening and deducts the ascertained average percentage. (641.)

4. *Fines, docking of wages.*—In Colorado, according to Mr. SMITH, deputy labor commissioner, coal miners are frequently fined by deduction from their wages for loading coal containing rock and waste material. The deductions are considered excessive. Differences have also arisen between employers and employees as to whether coal should be handled with shovels, or forked. (218.)

Mr. COATES, of the Federation of Labor of Colorado, says that there is very little fining of workmen in Colorado, or imposing penalties upon them, for imperfect work or for destroying an article while making it, though there may be some such instances. (252.)

Mr. BEAMAN thinks that the Colorado Fuel and Iron Company has no system of docking miners for impurities in their coal. The coal of Colorado is perhaps a little cleaner than that in some of the Eastern States and there is less trouble from impurities. (263.)

Mr. THOMAS, State coal mine inspector of Utah, says that each coal mining company has rules regarding cleanness of coal, but these rules do not usually involve a system of fines. A man is notified the first time he sends up coal with slate in it, and the second time he is discharged. (624.)

5. *Time and piece wages.*—Mr. ALLEN, mine operator, states that the general custom in the metal mines of Utah is to pay the men by the day. In prospecting, the work is often done by contract, but he knows of no mine that is being run, after mineral is discovered, by contract. (570.)

In making drifts and slopes, says Mr. LEE, mine inspector, Colorado, payment is largely by the foot or fathom. In some of the mines the ore is paid for by measurement, but day wages are more common. Overtime is usually paid for at 1½ rates. (232.)

Mr. SMITH says that the more common method of fixing wages in the metalliferous mines of Colorado is by the day, although the driving of tunnels and drifts is frequently done by the foot. Coal miners are paid usually by the ton. (217.)

6. *Failure to pay wages.*—Mr. SULLIVAN, a metal miner of Colorado, states that he earned \$96 in a mine operated by a receiver, in 1896, and has received only about half the amount. It does not seem to be possible to collect the amount by law. The mine is paying dividends at the present time. The witness thinks that men who work in mines and fail to get their pay should have the right to take and hold the property. It appears that in the case in question the receiver held only a lessee's interest, and that the lease has since expired. (352, 356, 360.)

¹ For different testimony as to the nature of the Illinois law, see *Screens*, under *Coal mining in the Eastern and Central States*, p. CXX.

G. Company stores, tenements, boarding houses, and hospitals.—

1. *Company stores, store orders, etc., Colorado.*—Mr. COATES, of the Federation of Labor of Colorado, says that a good deal of scrip is used in Colorado—store orders and the like—especially by the Colorado Fuel and Iron Company. This company uses the store system at nearly all of its Colorado mines. A few independent companies had used it up to the passage of the recent law against it, but Mr. Coates thinks that the independent companies are now dispensing with it. The only instance that he knows of where the company store is used, except in connection with mines, is at the steel works of the Colorado Fuel and Iron Company at Pueblo. The system compels the wage earner to trade at the company store, and he is charged the highest kind of a price. The companies try to make the men believe that they use their own volition, but everyone knows of his own experience that this is not true. The company store is detrimental to the workers and also to general business interests. It tends to make competing employers reduce wages, because they do not get the advantage of the profits that the companies which own stores get. (250, 251.)

Mr. CLARK, of the Western Federation of Miners, states that there are company stores owned by the coal-mining companies in his part of Colorado, and that he does not approve of them. One company proposed to establish a store at Louisville; the men notified the company that they would not deal at such a store, and the plan was abandoned. Where such stores exist, however, the men are not compelled to trade there. (332, 333.)

Mr. Clark says further that the coal companies charge the miners \$2.50 per keg for powder which costs them about \$1.25 or \$1.30. In some places the miner must buy the powder of the company, and in other places he can buy it where he likes. He has known of instances where men insisted on the right to buy it where they pleased, and were not punished for it. He does not think a company would venture to punish a man for this, because the man would be backed by the union. At one time the witness's union itself bought powder and sold it to the men. This has been given up. (336, 337.)

Mr. Clark states that though there is a law in Colorado forbidding truck stores, it is not enforced. There are company stores at some of the metal mines, but the men object to patronizing them or to "being held up by them." The witness has worked at mines where the companies kept stores, but has never worked where store orders were used in payment of wages. (348, 352, 353.)

Mr. SMITH, deputy labor commissioner, implies that company stores in Colorado are chiefly found in connection with the coal mines. He believes that they compel the employees to pay much more for the necessities of life than would otherwise be the case. Although usually there is no absolute order that men must deal at the company store, those who do not are discriminated against in various ways. Company stores also sometimes give those who own them an advantage in competition with other producers. (217, 218.)

Mr. GRANT says that there are practically no company stores in connection with the precious metal mines in Colorado, although the last State legislature passed a law regarding them. The Colorado Fuel and Iron Company has some stores in connection with its coal mines. (193.)

Mr. BEAMAN, secretary of the Colorado Fuel and Iron Company, declares that this company has never paid its employees their wages or any part thereof in scrip. The Colorado Supply Company, a subsidiary organization, operates stores at some of its mines, and at other mines arrangements are made with responsible merchants, who receive the company's orders and pay the company a commission of 5 per cent upon them. The system formerly was that the miner who desired any advance on his wages applied at the mine office and received an order on the company store for such sum as he desired. At the store he bought such goods as he needed and received the balance of the order in scrip, which was available for further purchases. In consequence of the company-store law the company no longer issues orders, but the miner draws his own order, which the law does not prohibit. All bookkeeping is dispensed with, and all chance of dissatisfaction over accounts. The system is satisfactory to all concerned, except to those who have some ulterior purpose to subserve, "and to a few jealous merchants who do not happen to keep the stores, and saloon keepers who would like to have more frequent opportunities to get some of the miners' wages. It benefits the miner and his family as much as it does the employer. It is to his advantage to be able to thus obtain advances on his pay for his needs before pay day arrives. No employee is ever required to take them."

At mines where there are no company stores garnishment of wages by merchants and saloon keepers with whom the miners have traded on credit are numerous, and a source of much unnecessary expense to the miner.

The demand for the company-store law has come chiefly from some merchants of Trinidad, who, "not being satisfied with the trade they naturally get, desire legislative assistance in forcing trade their way and out of its natural channels." These merchants, and other employers generally, undoubtedly expect their employees to buy from them such goods which they deal in as the employees need. The law has no doubt been violated every day since its passage by nearly every farmer, business man, and merchant in the State, and will be as long as it disgraces the statute book. The laborer can not be expected to respect a law which forbids his employer to furnish him with any necessary of life unless he pays for it in cash, no matter how much may be coming to him as wages. The use and abuse of scrip and company stores in Colorado have never been investigated in any court or by any legislative committee. The charges have been reiterated by the pretended friends of labor till the legislature and many uninformed people have assumed, contrary to the facts, that scrip and company stores are means of oppression. One of the grievances of the rival merchants is that country people trade with company stores because of the variety of the stock. The goods are sold to them at the same prices as to the miners. The company stores are able to pay the company a 5 per cent commission and still sell as low as others, because the whole system of stores, 10 or 12, buy goods in very large quantities in the great centers. Several of the company stores sell at wholesale to neighboring merchants in the same town. At one mine, at Crested Butte, the miners claimed that they were often charged excessive prices by the merchants, and at their request the company started a store. There has never been any demand from any considerable number of men for a cessation of the system, though a few individuals have objected to it.

No coercion is exercised upon the employees. Indeed, there is a prohibition against coercion. Mr. Beaman believes that the company stores have very little effect in keeping individual enterprises out of any community. In all the company's mining towns of any consequence there are strong rival stores. The company does not try to keep them out; it sells them lots if they want them. Whatever amount of the men's pay in any month has not been covered by store orders is paid in cash on the pay day of the next calendar month. Mr. Beaman does not believe that his company has ever discharged a man because he refused to deal with the store. He has never known preference to be given to a man of large family as against a single man or a man of small family. He has never heard that a company has employed more men than it needed, giving them work only a part of the time, in order to increase the trade of the company store. One of his company's policies is to try to satisfy the miners. (262, 263, 276-278, 290.)

Mr. Newhouse, manager of the Philadelphia Smelting and Refining Company, states that there is no store in which that company or its members have any interest. There are one store and one boarding house which the company protects by deducting from the wages of the men the amount of their bills so far as they O. K. them. The company receives no profit or commission for this service. A small amount, \$20 or \$25 per month, is paid to the clerk for doing the work. There would be no objection to protecting other concerns in the same way, aside from the time and trouble required to keep the books. The payment to the clerk does not probably equal 1 per cent of the bills. The witness would consider 5 per cent an excessive charge for the bookkeeping involved. The witness never heard of any complaint from the workmen on account of the existing system.

As to the probability of increased charges to the workmen under this plan, the witness suggests that the storekeeper, knowing that he is sure of his money, can afford to sell cheaper than if he took chances. Mr. Newhouse does not know of any store in Colorado that sells its goods for cash without some credit. A comparison between the system used in connection with his company and a system of strictly cash payments by the men would be misleading. The cash system would not exist. He has investigated the subject and has found that the store in Bessemer sells goods to the men at the same price which would have to be paid at any store in Pueblo, and apparently of similar quality. (296, 302, 303.)

2. *Company stores in Utah.*—Mr. THOMAS, State coal-mine inspector of Utah, referred to a case in which orders are issued by a mining company upon a store owned by a separate corporation, and are not available at any other store. They are in the form of a book, containing coupons of 5 cents, 20 cents, 25 cents, etc. Though this is an exclusive arrangement with one store, Mr. Thomas does not think that the store pays the mining company any commission. The prices at the store are reasonable. He has never heard any complaint about the system. The men have the privilege of trading where they like, and Mr. Thomas does not think that a man who should take all his earnings in cash would be put at any disadvantage by his employers. Some of the miners do their trading in Salt Lake City. (625, 629.)

Mr. SHARP states that at the mines of the Pleasant Valley Coal Company there are stores, owned by a separate corporation, on which the coal company issues orders to the miners. The miners can buy as cheaply at the company store as elsewhere. They are not required to buy there. Some of them have cash for their purchases, and they spend their cash more freely at the company store than elsewhere, though there is no discrimination against men who go to other places. (641.)

Mr. ALLEN, a Utah mine operator, says that his company has no store system, and that he does not know of any mine which has. The usual custom is to pay in time checks, which are generally cashed at some store. In the case of his own company, while the time checks are cashed at a store, the men receive their pay in money if they demand it, and there is no pressure put upon them to trade at the store in question. Orders in favor of other stores are often given, and are honored by the store which does the paying. The store doubtless gets its compensation in the custom which it gets through the bringing of the men to its place of business. (570, 578.)

Mr. TERBUNE, recent manager of the Hanauer smelter, states that his company had no store, nor any interest in one. It issued store orders to men who wanted them, but the orders were not directed to any particular store and could be used wherever the men pleased. He does not believe in the company-store system. (595.)

Mr. HANAUER states that the store-order system is not used to any extent in metal mines in Utah. (608.)

Mr. CHAMBERS, mine operator, says that company stores are not usual in connection with the metal mines of Utah, although there are some. (585.)

Mr. CALLIS, county attorney of Summit County, Utah, and formerly a coal miner, says that he believes there is no law in Utah against company stores, but he never worked for a company which had stores. (632.)

3. *Company stores in Idaho.*—Mr. BURBIDGE says there are probably no company stores in the strict sense in the Cœur d'Alene district, though there are stores in which some of the mine owners are interested. He has heard of no coercion to deal at such stores and of no complaints. The Bunker Hill Company has no store, but the miners frequently give to various stores orders upon their wages in payment for goods. The stores collectively send an agent to the company on pay day to settle the accounts. (460, 461.)

Mr. CREEDON, a miner, denies the claim that the Bunker Hill and Sullivan Company did not force its employees to deal at stores. He says that he questioned a business man of Wardner regarding this statement after it was made by Mr. Burbidge, and that he told him it was not true. (525.)

4. *Company tenements.*—Mr. COATES, of the Federation of Labor of Colorado, says that in connection with the Colorado mines there are many company houses—not houses, but usually cabins, separate from each other, that the men are required to live in. In some parts of the State they can not live in anything else, because of the advantage the companies have by the rent and because the companies will not sell land for houses. The system gives the companies a great advantage over the men. If they wish to get rid of a man, they need only to refuse to rent him a house. In case of strikes, those who are living in the company houses and trading in company stores are compelled in a short time to go back to work or leave the community. Rents of company houses can not generally be compared with neighboring rents, because there are generally no other houses in the place. In the city of Pueblo, where the employees of the company are not compelled to live in company houses, the rents are fair as compared with the others. In other Colorado camps Mr. Coates thinks that in comparison with the wages the men get the rents are unreasonable. The employers say that it is a matter of convenience to provide houses for their men where otherwise there would be no habitable places. Mr. Coates thinks that if the companies did not build houses and establish stores, other men would set up stores, and the miners themselves, or others for them, would build houses. He does not think that the companies would suffer from a shortage of labor. (252.)

Mr. BRAMAN, secretary of the Colorado Fuel and Iron Company, describes the company tenements as good frame houses, usually painted and plastered, and having from 3 to 5 rooms. They are rented to such employees as desire them at a reasonable rent, based on the cost. Many others buy lots and build their own houses. Others prefer to save rent or the cost of building good houses and erect poor "shacks." This latter class as a rule have more money saved up than the others.

The company has built reservoirs and pipe lines at several of its mining towns, conveying the water to hydrants in the streets, where it is furnished free to the residents. Trees have also been planted along the streets and watered from this supply. (265, 278.)

Mr. SMITH, deputy commissioner of labor, says that the coal-mining companies in Colorado to a considerable extent furnish tenements for their employees. These are

mere cabins, and they rent at from \$4 to \$6 per month. The system gives employers a great advantage in time of strike. (218.)

Mr. CLARK, miner, states that there are no company houses in the neighborhood of his working place. (333.)

Mr. WRIGHT states that the American Smelting and Refining Company furnishes no dwellings for its men at Denver. (307.)

5. *Company boarding houses.*—Mr. SULLIVAN, a metal miner of Colorado, states that some of the mining companies run boarding houses, and that the men are generally compelled to board there. The rates for board run from \$5 to \$7 per week and the men are obliged to furnish their beds. Board and lodging can generally be obtained in private houses for about the same price that the companies charge for board alone. The witness refers to one instance in which a strike took place on account of the poor food furnished by the company boarding houses. The company boarding house is sometimes managed by an employee of the company, sometimes by a person who pays the company a per cent of the receipts, and sometimes by one who pays a fixed rent. (350, 353.)

Mr. THOMAS, State coal-mine inspector of Utah, says that it is the general custom of the Utah coal-mining companies to run company boarding houses. It is not customary to compel the men to board there, nor to give a preference to those who do board there. (625.)

Mr. TERHUNE, recent manager of the Hanauer smelter, states that it formerly seemed necessary for mines and smelters to run company boarding houses, but recent experience has proved that it is not necessary now. His company formerly had a company boarding house where single men were required to board. The men objected to the system, and the compulsion was finally removed. When this was done, the men went away and took board at the neighboring farm houses, where they could get more social and home life. The company had to reduce the rent of the boarding house from \$80 to \$20, and in some cases let it go entirely. Around the mining camps there are none of these little farms that offer the attractions which the Hanauer smelter men found; but Mr. Terhune does not consider that the fact that the men live in a company boarding house under compulsion without protest would prove that they were satisfied with the conditions. He does not believe that such a system is consonant with the rights of American citizens. (594, 595, 603, 604.)

Mr. CALLIS, formerly a Utah miner, says that there are no company boarding houses in his district. He believes that where there are company boarding houses in Utah the men take it as a matter of course that they are expected to board at the company house. (631-633.)

Mr. ALLEN, a Utah mine operator, states that his mining company owns a boarding house, where the unmarried men are required to board, unless a man is excused for some particular reason, such as his desire to live with a mother whom he supports. The charge is now 80 cents a day. Formerly, when wages were \$3 per day, the price of board was \$1 per day. The boarding house has not been run for profit, but to give good board without regard to cost. Mr. Allen has never heard any complaint from the men. It is the general custom in Utah to have company boarding houses. There was a strike in the Tintic district several years ago on account of the requirement to board at the company boarding house. The present tendency among mine owners is to get rid of the company boarding house. (569, 570.)

Mr. SHARP says that the Pleasant Valley Coal Company has a boarding house at one mine and charges 75 cents per day for board. This is about the same rate which is charged by other boarding houses at the same place, and the fare is as good. The men are not required to board at the company house. (641, 642.)

Mr. HANAUER, of Utah, states that there has not been any company boarding house at which men have been compelled to live at his smelter or his mines. His company had a house at which the men were provided with sleeping apartments, "and they paid \$1 per month each for taking care of the rooms." (608, 609.)

6. *Compulsory hospital and physicians' fees.*—Mr. WRIGHT, of the executive board of the Smeltermen's Union, says that at the Denver smelters of the American Smelting and Refining Company each man is required to pay \$1 a month as hospital fees. The money, amounting to \$1,100 or \$1,200 a month, goes to a physician selected by the company. If any of the men need a physician's care they are taken to the hospital and the company physician treats them and pays all expenses. The witness has seen 10 or 12 men in the hospital at one time. At other times there may be no one there for a month. There is an average of one or two the year round. The payments mentioned do not cover any medical services to the men's families. If medical treatment is needed for them the company physician is generally employed, because the men are acquainted with him. The witness is satisfied with the existing system. There is, however, a good deal of dissatisfaction with it among the men.

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It is expected that the Smelters' Union will protest against it and that it will be abandoned. Mr. Grant, the trust's manager in Denver, is willing to abandon it, saying that the present antiscrup law forbids taking the dollar from the workmen's wages, and that he would rather have nothing to do with it. (307, 317, 318.)

Mr. CHAMBERS, mine operator, states that it is usual in the metal mines of Utah to deduct \$1 a month from the wages of the men for medical service. If they are sick or injured they are taken to the hospital and receive the best medical treatment. (585.)

Mr. ALLEN, mine operator, Utah, says that at his mine \$1 a month is deducted from the wages of the men and paid to a company doctor, who gives them necessary advice and prescriptions and pays their expenses at the hospital if they are sick or hurt. He does not know whether the miners are required to pay the \$1 a month, nor whether the payment covers the necessary treatment of the men's families. (578.)

Mr. SHARP says that the Pleasant Valley Coal Company requires the married men to pay \$1 per month and single men 50 cents per month for medical and hospital service. The men could not get the services of a doctor and medicine and hospital treatment so cheaply in any other way. The company doctor treats the families of the married men and furnishes medicine. The men formerly demanded a voice in the selection of the doctor, and their choice was generally unsatisfactory both to the company and to themselves. They are not now consulted in the matter, and the choice of the company has caused no complaint during the past six or eight years. (641.)

Mr. CALLIS, county attorney of Summit County, Utah, says that the men in Coalville pay \$1 per month for doctor dues, but do not object to the practice, and think it is for their benefit. There is no hospital in Coalville. (632.)

Mr. TERHUNE, recently manager of the Hanauer smelter, Salt Lake City, says that it was the custom of that company to deduct \$1 per month from the wages of the men for medical and hospital service, but the men were not restricted to one physician or one hospital. There were two physicians and three hospitals which they could choose from. (595.)

H. Hours of labor.—1. *The Colorado eight-hour law—opinions of workmen.*—In Colorado, according to Mr. SMITH, deputy labor commissioner, the usual hours of labor hitherto have been 10 in the mines and 10 or 12 in the smelters. The 8-hour law enacted in 1899, applying to mines and smelters, went into effect June 15. The witness thought (in July, 1899) it had been generally complied with. He believed that the 8-hour day was advantageous in giving workmen more time for recreation, study, and rest, and was especially desirable in mines on account of the injurious gases. The use of machinery makes it possible to produce more wealth with a given amount of labor than formerly, and this justifies a gradual reduction in the hours of labor. The effect of such a reduction is to increase wages. (220, 226.)

Mr. COATES, president of the Federation of Labor of Colorado, says that the new Colorado 8-hour law applies only to mining and to smelters and institutions for the refining and reduction of ores and metals. He knows of no instance where it is not observed, except by the American Smelting and Refining Company. Many of the organized laborers had been working 10 hours a day in mines and mills, but he believes there was no other instance in which a satisfactory arrangement for complying with the law was not effected. He has, however, very little faith in the efficacy of such laws, except where there is an organization to enforce them. He believes that organizations without laws can obtain the same results, and usually better. (247.)

Mr. CLARK, of the Western Federation of Miners, states that the working day of coal miners was formerly 9½ hours at Louisville, Colo. When the 8-hour law went into effect the mines complied with it. The production per man per day was very little decreased. Under the old system the men would get tired and quit loading at 4 o'clock. The actual working day seems scarcely to have been shortened by the law. (333, 334.)

Mr. Clark thinks that the shortened workday improves the social condition of the workmen, and he believes it will improve his economic condition, though he regards this as a thing still to be proved. (332.)

Mr. SULLIVAN, a Colorado metal miner, states that the hours of work have heretofore varied from 8 to 12 in the metal mines in different districts. The variation is caused chiefly by the varying efficiency of labor organization. (347.)

Mr. Sullivan says that the 8-hour law shortened the hours of miners in some places, but is not likely, in his judgment, to have any considerable effect. The agitation of the question and the consequent enlightenment of the public will doubtless have effected something. Wherever an 8-hour day has once been secured the workmen are not likely to submit to a backward step. Whatever gain has been made is

to be credited to organized labor. The law itself and the agitation which led to it are the work of the labor organizations. (354, 359.)

Mr. Sullivan believes that the shorter workday tends to elevate the men—to lead them to read more and think more. His miners' union has been agitating the 8-hour day for years, and has succeeded in getting it by law in Utah. The labor organizations could secure the 8-hour day by the strike, but they do not like to strike. He does not think it possible to get it without a strike. If a man is fair he will do in 8 hours all that a man is able to do in a day. A mine can produce more with 8-hour shifts than with 10-hour shifts. Only two 10-hour shifts can work in a day; three 8-hour shifts can work. (354.)

Mr. WRIGHT, of the executive board of the Smeltermen's Union, says that 12 hours a day is an unreasonable time to work in a smelter, because of the injury to the health from the lead, the heat, the dust, and the furnace fumes. It is impossible for men working such long hours to work over 22 days in a month. At the smelter where he works the men have tried at least two or three times to get the 12-hour shifts changed to 8-hour shifts. The management absolutely refused, except in the case of about 60 men, some 2 per cent of the whole number of employees. The men refused to accept this small concession. The question of the 8-hour day had been discussed more and more earnestly for a year before Mr. Wright's testimony. The demand was actually made when the Colorado 8-hour law came into force. The witness thinks it would have been made, however, if the law had not been enacted. The law furnished a favorable occasion, and the men were able to stand upon the platform of a refusal to violate the law.

The smelter trust was willing to grant the 8-hour day to the furnace men, the feed men, and the roasters, who were working in 12-hour shifts, provided they would accept a certain rate of wages. It would not grant the 8-hour day on any condition to the common laborers, who were working 10 hours. The claim was that two shifts would have to be put on in some places, where one set of 10-hour men could do the work. For instance, the company claimed that it could not crush enough ore in 8 hours to last 24, while they could crush enough in 10. (306, 308, 318-321.)

2. *The Colorado 8-hour law—statements of employers.*—Mr. BEAMAN, secretary of the Colorado Fuel and Iron Company, says that the Colorado 8-hour law, as originally introduced, had no relation to questions of health. It was not pretended to have any other purpose than that of increasing wages and shortening the hours of labor. The Utah law was finally substituted because it had been declared constitutional in Utah, and it was hoped that the Colorado court might be induced to overrule its former decision, and permit at least a start toward the universal 8-hour day. Such legislation is peculiarly inapplicable to coal mining, since the coal miner is the healthiest of all workmen. The even temperature of his working place gives him a great advantage over outside workmen. He is not exposed to the dripping of water, as men often are in metalliferous mines. He is not affected by gases, because these, whenever they exist, must be dispelled by powerful air currents from steam fans in order to prevent explosions. These fans give the coal miner a constant supply of pure air. The Colorado act makes no distinction between mines well or ill ventilated, wet or dry, or between those workmen in the smelters, for instance, who are exposed to the furnace heat and fumes and those who are not. It makes no effort to help those who are most in need of the shortening of their hours of labor, namely, the women.

If the shorter workday were accompanied by advanced ideas and means of spending the leisure time, it might be advantageous to the workmen. The way in which the men now spend their leisure indicates that the gain from more physical rest would often be more than offset by the physical injury received and the money spent in dissipation.

The 8-hour day is economically impracticable for coal mining, because of the conditions of the mining of bituminous coal. Disintegration and the cost of handling forbid its being stored at the mines to await orders. During the winter, when the demand is great, the miner puts in 10 or 12 hours per day, and, since he works by the ton, earns correspondingly more. If he worked only 8 hours, it would be necessary to employ 25 or 30 per cent more men. In the summer, when the demand is light and most mines run on half time or less, these additional men would have to have their share of work, and the earnings of all would be correspondingly reduced. Even if the miners themselves were permitted to work over 8 hours, it would be necessary to have extra men to work the 2 or 4 hours over the 8-hour shifts of regular drivers, etc., in order to draw out the coal and keep the timbering along with the excavations. This would be impracticable. The consequence is that the Colorado Fuel and Iron Company's outside men, "seeing the inequality and injustice of the law, are voluntarily working 10 hours."

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The 8-hour day will increase the cost of production both in wages, if it raises rates as it is meant to, and by requiring increased equipment for the same capacity, as experience has shown in Illinois. If accompanied with 10 hours' pay it will close many low-grade metalliferous mines, compelling their employees to seek employment elsewhere, and injuring or ruining their owners. The 8-hour day has been in operation for years in some parts of Colorado where rich mines and other conditions enable the employer to bear it. If it ought to come it will come in other places by natural conditions and in such a way as not to disturb the relations of employer and employee. The legislative 8-hour day, if enforced, would be particularly injurious to the steel workers of Colorado, which have to compete for their heaviest business with the cheaper labor and iron ore of the Eastern States. (279-281, 290, 291.)

Mr. Beaman states further that his company sent one of its officers to Hawaii, China, and Japan in January, 1899, to solicit orders and establish agencies. "The disturbance and uncertainty caused by the passage of the 8-hour law, in connection with a temporary rush of local business," made it necessary to recall him. The company can not hope to meet existing competition if its cost of production is to be increased to the extent that is expected if the 8-hour law stands. All Colorado industries having a market through or at the Pacific coast will be entirely excluded therefrom or greatly handicapped if 8 hours' work for 10 hours' pay is to be the rule. (283.)

Mr. GRANT, of the smelters' combination, which was at the time engaged in opposing a strike for the payment of the previous rate of wages despite the reduction of hours to 8, testified that he thought that it would indicate a prosperous condition if men could earn enough in eight hours to satisfy their needs. No man works except from necessity, and shorter hours are clearly advantageous in themselves. But the witness does not think that as much can be done in 8 hours as in 10 or 12, especially in view of the uniform capacity and speed of machines. The question is therefore whether employers can afford to reduce hours and still pay the same wages, or whether men will be willing to accept lower wages. If they are not willing to work for less pay and if employers can not give more per hour, the men should be allowed to work longer hours. The witness admits, however, that the tendency of improved machinery is to displace labor and create a surplus, which would apparently, in some cases, justify reduction of hours. (209, 210.)

Mr. NEWHOUSE, manager of the Philadelphia Smelting and Refining Company, states that before the 8-hour law went into effect, June 15, 1899, the men worked from 9 to 12 hours per day. The smelter is so situated that if a man works 12 hours per day in it, he is practically 14 hours away from home. The witness considers that too long, and is glad to change 12-hour shifts to 8-hour shifts. The work of tending a furnace is not severe or continuous. Six hours of labor would cover the full amount of actual work on a 12-hour shift. Either 8 or 12 hours must be worked on those furnaces which have to be continuously in operation. In other situations the witness thinks 10 hours is a proper length for a working day, and that the men would prefer to work 10 hours and get correspondingly larger pay. The witness indicates, however, that when the question was presented to the men of working 8 or 10 hours they generally expressed a preference for the 8-hour day, with some moderate increase in the rate per hour. The witness suggests that the men were moved by a desire not to break the law.

The cost of smelting will necessarily be somewhat increased. The company had meant to raise the wages 10 per cent in any case, but wages per hour have in fact been raised 30 or 35 per cent. Mr. Newhouse does not think the product per man per hour is increased by the shorter work day. The 8-hour day had been tried only 1 month at the time of his testimony. He was not sure whether the business could be carried on at a profit under the changed conditions. If treatment charges were increased on low-grade ore, production would be shut off. Consequently he did not believe that charges on such ore would be increased by any smelter. He is not prepared to say that the 8-hour law affects the smelting industry unfavorably. If it is found possible to run the business at a profit on the present basis, his company will continue with the 8-hour day, whether the 8-hour law is held constitutional or not. (295, 299-302, 305.)

Mr. HILL, of the Argo smelter, considers the 8-hour law as involving a positive loss, an annihilation of value, in so far as it compels men who are perfectly able and willing to work 10 or 12 hours a day to stop work at the end of 8 hours. The extra time, and the products that might be obtained in it, can not in any way be made up. It is possible that a man may accomplish a little more proportionately in 8 hours than in 12, but the difference, in the case of such work as that about the Argo smelter, is exceedingly slight. (377, 378.)

The witness states further that it is necessary that the furnace men, roasters, and

feeders work either 12-hour shifts or 8-hour shifts, because the works must be in operation throughout the 24 hours. If the same wages were to be paid for 8 hours which have been paid for 12, either the works would have to close down or the charges for treating ore would have to be increased. An increased charge for treatment would stop the mining of large quantities of low-grade ore. To reduce the wages of the men who have been working 12 hours proportionately to a reduction of working time to 8 hours, would reduce their standard of living to a very injurious extent. Mr. Hill believes that the time is gradually approaching when we shall have the 8-hour system, but he does not think the proper time for it has yet come. He regards the existence of a large number of unemployed men as a valid argument for the 8-hour day on the ground that it would be advantageous to distribute the work that is done among all the people who want to work. He denies that in the Argo smelter the 12-hour men leave their work exhausted or that their health is impaired by it. He asserts that they work year after year with practically no loss of time on account of sickness. The 10-hour men are generally anxious to get promoted to 12-hour shifts on account of the greater pay that is made there. (371, 381.)

Mr. Hill states that when the 8-hour law went into effect, the Argo smelter submitted the question to its employees whether they would prefer to keep the works running and be paid proportionately to the hours they worked, while the question of the validity of the law was pending before the courts, or whether they would prefer to have the works closed. They preferred to go on with the proportionate reduction of wages. This was regarded as a temporary arrangement. (370, 371.)

Mr. LEE, mine inspector of Colorado, does not think that legislation should attempt to fix the hours of labor. Conditions differ, so that it may be better for men to work 10 hours in one place and only 6 in another. Employers in Colorado mines often work their men only 6 hours and sometimes only 4 where the sanitary conditions are bad. While the mining industry was prosperous when the 8-hour law was passed in 1899, and while some mines could afford to raise wages, many others were working so close that it would be impossible to pay 10-hours' wages for 8 hours' work. The witness thinks that when mines are developed and worked on a large scale they can afford the 8-hour system, and are usually inclined to adopt it without legislation. (235, 242.)

3. *The Utah 8-hour law.*—Mr. HAMMOND, secretary of state of Utah, says that the constitution of that State provides that 8 hours shall be a day's work on all public works of the State or any of its divisions, and that the legislature shall provide by general laws for the safety and health of employees in factories, mines, and smelters. The act of the legislature restricting the working day to 8 hours in underground mining and in smelters has been upheld under this clause by the supreme court of the State and by the Supreme Court of the United States in the case of *Holden v. The State of Utah*. Mr. Hammond considers the law very beneficial to the working people and not injurious to the employers, and he believes it is generally satisfactory. (618.)

Mr. TERHUNE, recently manager of the Hanauer smelter, Salt Lake City, states that since the reduction of hours from 12 to 8 by the Utah 8-hour law, January 1, 1896, the men are better off as regards health and efficiency, and he thinks morally better off also. The change of hours made it necessary to employ about 30 per cent more men. The net increase of cost of labor was about 10 per cent, but the men work so much more efficiently that the smelting company is no worse off. Though the shortening of hours was accompanied with a considerable decrease of daily wages, the change was generally desired by the men, and the men are able to work so many more days per month that their monthly earnings are hardly lessened. He thinks that the men did not formerly work more than 24 days per month, and that with the 8-hour day they work nearly 30. The operation of the law on the whole is distinctly beneficial. (591, 592, 596.)

Mr. Terhune says further that it is the belief of mine owners generally, so far as he knows from conversation with them, that they get practically as much work under the 8-hour system as under the 10. The shorter hours give satisfaction to the men, give them increased opportunity for recreation, and make them feel that their rights are recognized. Moreover, their intelligence is quickened with increased opportunities for study and recreation. The more intelligent laborer is everywhere more effective. (592.)

Mr. CHAMBERS, mine operator, says that the 8-hour law of Utah applies only to mining. As so applied he considers it entirely satisfactory. An attempt was made in the last legislature to apply the 8-hour system to men working upon the surface. It failed, because surface work was not considered so dangerous to life or limb or so unhealthful. (584.)

This witness says further that the miners generally advocated the 8-hour law, and

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the mine owners as a rule concluded that it might be better to try it and see how it would operate; and by not opposing it in the legislature they let it become a law. They thought it might be the means of keeping down unions and strikes. A clause in the State constitution gave the legislature power to enact such a law. (589.)

Mr. Chambers says that if mines are properly managed they can get about as much product from men who work 8 hours as from men who work 10. In the case of his own mine the 8 hours are reckoned continuously, say from 3 o'clock to 11. The men are at the working place when the period begins and do not leave until the period ends. They are allowed about 20 minutes for lunch, without deduction of pay. Mr. Chambers regards the system as satisfactory. The men seem to be more ambitious to do an honest day's work than they used to be when they worked 10 hours. The foreman does not find them asleep nor "smoking the pipe a bit." Moreover, the foreman is probably more stringent in his demands than he was under the 10-hour day. (584, 587, 588.)

Mr. SHARP, superintendent of the Pleasant Valley Coal Company, says that its miners receive the same rate per ton under the 8-hour law as formerly when they worked 10 hours, and that they produce about as much in 8 hours as formerly in 10. When the 8-hour law was adopted in Utah the company at first paid the same rate per hour to day laborers which had been paid for 10-hour days. It has found it necessary to pay the same daily wage for 8 hours as formerly for 10, in order to get men enough. This is of course a disadvantage to the company, and there is a further disadvantage in that the plant is used only 8 hours instead of 10 during the 24. To keep up with the more rapid work of the miners it is necessary to employ more drivers and other day laborers, timber men, etc. (639.)

Mr. HANAUER, recently owner of the Hanauer smelter, Salt Lake City, states that wages at that smelter were reduced 10 per cent at the time of the panic of 1893, and that when the Utah 8-hour law took effect the old rate of wages per hour was restored with an 8-hour day. He does not think that the reduction of hours materially increases the efficiency of the men in a smelter, because a furnace takes a given amount of material and no more. In mining the men probably do as much in 8 hours as in 10. He does not think this is true of common labor. Some of the mines worked three 8-hour shifts before the 8-hour law went into effect. The 8-hour law is generally satisfactory to both employer and employee in Utah. (610.)

Mr. ALLEN, mine operator, states that underground men in Utah mines generally worked 10 hours per day before the passage of the 8-hour law in 1896. That law has been generally observed. In Mr. Allen's mine the shift goes on at 8, works until 12, goes off for dinner, goes back at 1, and works until 5. The men are lowered before the hour and are at their working places when the hour for work begins. They leave their working places in time to be at the bottom of the shaft when the quitting time comes. Under the 10-hour system, in cases where the men took their lunches in the mine and ate it there, the lunch period came out of the company's time. (571.)

This witness believes, from the expense account of his mine and the amount of work that is done, that the men accomplish as much in 8 hours as they accomplished in 10. The general effect of shorter hours upon the men can not but be good. (571, 572.)

Mr. THOMAS, State coal mine inspector of Utah, says that the effect of the 8-hour day has been very favorable upon the social and intellectual conditions of the Utah coal miners. The mine operators are perhaps a little worse off, in that their plant lies idle a greater portion of the time. The men produce very nearly as much in 8 hours as in 12. It would be a good thing if the 8-hour law were adopted generally for manufacturing and other vocations. (626-628.)

Mr. CALLIS, formerly a miner, thinks that the 8-hour law of Utah has been of great benefit to miners, has resulted in marked improvement of their social and intellectual condition, and has had no noticeable effect upon the employers. (631, 636.)

4. *Sunday work.*—Mr. HAMMOND, secretary of State, says that the law of Utah forbids unnecessary work on Sunday, and that it is generally observed, though work in smelters and other work of the kind continues on Sunday. (620.)

Mr. TERRUNE, recently manager of the Hanauer smelter, Salt Lake City, states that he regards it as highly advantageous to give men 1 day of rest in 7. Smelters must run continuously, but under his management men were able to get 1 weekly rest day if they desired. The mines that he is familiar with run on Sunday. For this there is no industrial or technical reason. There may be a moral reason, in that the miners in some camps would not know what to do with themselves if they did not work, and might spend their time at saloons, particularly where there are no churches. (596, 603.)

Mr. HANAUER, a former smelter owner, Utah, says that smelters necessarily run on Sundays, though it is usual to have relief men, so that it is not necessary for a par-

ticular man to work continuously. Indeed, during the summer months the men habitually take vacations, and do not work more than 20 days per month. Sunday work is regularly practiced in many mines. It would be better if the men had Sunday off, provided they would actually rest. The most of them, instead of resting, would carouse and spend their money foolishly. They are better off working steadily. (610, 611.)

Mr. CHAMBERS states that in his mine, at Park City, Utah, the men are generally laid off on Sunday, except so many as are necessary to keep the mills running. A mill can not be shut down any more than a smelter; it costs nearly 2 days' work to shut it down and start it up again. It would be better if Sunday labor could be avoided, provided the saloons, dance halls, and gambling houses are closed and the miners can go to church or get recreation that will not injure them physically. (588.)

Mr. NEWHOUSE, manager of the Philadelphia Smelting and Refining Company, Pueblo, Colo., states that all work that can be stopped on Sunday is stopped, such as construction work and the smelting of bullion; but a portion of the furnaces have to be run continuously. The roasting men work 7 days per week until they fail; then they take a rest for a week or two and come back again. (297.)

Mr. THOMAS, State coal mine inspector of Utah, says that the men generally work 6 days in the week in Utah coal mines. (625, 626.)

Mr. SHARP, of the Pleasant Valley Coal Company, Utah, says that its miners do not work on Sundays except when the mine is crowded with orders. (639.)

Mr. ALLEN, mine operator, has given careful attention to the results of Sunday work, and is convinced that the men lose as many days in a year, or more, if they try to work 7 days in the week than if they rest on Sunday. He believes it would be better for the men and for the company if no Sunday work were done, unless on account of some absolute necessity, such as pumping a wet mine. The general practice in Utah is to work on Sundays. (571, 578.)

I. Safety and sanitation of mines and smelters.—1. *Inspection of mines. Colorado.*—Mr. LEE, commissioner of mines of Colorado, testifies that there are two inspectors in connection with his office, but that the force is entirely inadequate. The inspectors have never been able to get around to all of the mines. They are continually making inspections, but most of them are on the basis of complaints, and the inspectors are compelled to go from one side of the State to the other on this account. No attention is paid to complaints not signed in good faith. Many complaints are made in spite of discharged men, but there are also many valid complaints. The employers often ask for advice from the inspectors and are always willing to have them enter the mines. Mr. Lee thinks four more inspectors would be needed to do the work satisfactorily. (234, 236.)

Mr. CLARK, of the Western Federation of Miners, states that the Colorado laws regarding the safety and sanitary condition of mines are entirely worthless, because they are not enforced. The law requires that mines be examined once a month; he does not think they are examined oftener than once in 6 months. There is only 1 inspector with 1 deputy, and he does not believe they could make examinations oftener. Even when the inspector directs changes to be made these directions can not be enforced for lack of penalties. He contrasts the condition in Colorado with the condition in England, where, he says, the inspector's department is one of the institutions of the State, and mine owners have to attend to the ventilation and sanitary condition of their mines. (327, 338.)

Mr. SULLIVAN, a Colorado metal miner, says that there have been mine inspectors in that State for about 10 years. He has been mining in the State during the most of that time, and he has seen a deputy inspector just once. The inspector went through a mine where there were about 200 men in about 20 minutes. The mines ought to be inspected at least once in 3 months. The companies think that men are cheaper than timber, and leave the mines insufficiently supported. The timbering and the machinery, as well as the ventilation, ought to be carefully looked after by the State. (358.)

Mr. DOYLE, a director of the Portland Gold Mining Company, says that the mine-inspection laws of Colorado amount to nothing. The force of inspectors is not sufficient to enforce them. The mines should be inspected every 30 days. In practice no mine is inspected except after a man has been killed. Mr. Doyle thinks that the sanitary and personal-safety mining laws of Colorado are sufficient if they were enforced; but they are not enforced. (369.)

Mr. BEAMAN, of the Colorado Fuel and Iron Company, says that the laws relating to mine escapes, ventilation, and other appliances, and inspections, have been of no disadvantage to the coal mining industry. Just such things were used before the law was passed. The companies generally go even beyond what the law requires. (266.)

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2. *Inspection laws, Utah and Idaho.*—Mr. HAMMOND, secretary of state of Utah, states that there is a law in Utah for the inspection of coal mines, but none for the inspection of metal mines. He does not know why the metal mines are not included. There has been no agitation of the question, and he supposes that the laws are regarded as sufficient. (618, 619, 622.)

Mr. THOMAS, State coal mine inspector of Utah, says that though there is no inspection law for the metal mines of the State, one is as much needed for them as for coal mines. Several efforts have been made in the legislature to get such a law, but they have been defeated through the opposition of the mine owners. (628, 630.)

Mr. Thomas states that it is his duty to inspect the coal mines of Utah, both when called upon and of his own motion. He has no assistants. The coal mines of Utah are in good condition. (622, 629.)

Mr. CHAMBERS, mine operator, states that while there is a law for the inspection of coal mines, it does not apply to metal mines. There are no regulations as to the ventilation or timbering or safety appliances of metal mines. (585.)

Mr. CALLIS, county attorney of Summit County, and formerly a coal miner, says that the absence of a mine inspection law for the metal mines of Utah is due to the opposition of the owners. When he was in the legislature a bill was introduced to regulate the metal mines, but the preponderance of feeling seemed to be against it, and it was defeated. Mr. Callis voted against it, believing that the measure was not suited to correct the evils it was aimed at, though the silver miners need protection, and the silver mines are just as much in need of proper means of ventilation as the coal mines. The larger mines are very well ventilated. The air which is pumped in to work the pneumatic drills is a considerable aid in ventilation. The worst lack of ventilation appears in the small mines worked by prospectors, and in this fact lies one great difficulty in the application of a law. (636, 637.)

Mr. Callis thinks that the Utah laws regarding ventilation should be a little more strictly enforced. The ventilation of coal mines has recently been much improved, but in some of the most active mines there is still need of improvement. (633, 634.)

Mr. BURBIDGE thinks that the mining inspection system in Idaho is a rather perfunctory affair, and that the mine owners themselves are inclined to keep their mines in a safe condition and well ventilated without any legal regulations. (459.)

3. *Sanitation and safety of metal mines.*—Mr. ALLEN, mine operator, states that the best metal mines of Utah are kept in good condition and well ventilated. The man who is up to his business knows that he is the loser if he does not have proper ventilation. If the mine is not cleared of smoke the men can not work properly. Moreover, the good miners see that this matter is attended to. (576.)

Mr. SULLIVAN states that a good many lives would be saved every year by the use of a cage inclosed at the sides so that men could not fall or be knocked from it. Many cages have safety catches, but not all. Accidents do not often happen for lack of them. There should be a limit to the depth that can be worked with one bucket. When a certain depth is reached the company should be required to set a hoist at a station down in the mine. The use of excessively long single lifts, running from 300 to 900 feet, greatly increases the danger. (357.)

Mr. Sullivan regards electricity as an unsafe motive power for mines. He has known of the killing of a number of men in the Cripple Creek district by electric hoists, through the accidental charging of the hoisting apparatus. The operation of the electric hoist is also uncertain. (356, 357.)

Mr. Sullivan states that the ventilation of the metal mines is generally very poor. There is no regular system of ventilation. Occasionally, in particularly bad places, a fan is put in which blows air through a pipe into a certain drift or sometimes into 3 or 4. It is not usually attempted to ventilate the whole mine. One man was recently killed in the Cripple Creek district on account of bad air, and another is in the hospital on account of injuries received through being overcome by bad air. It is a common occurrence for a man to become senseless from this cause. He is generally carried out and lies somewhere until he gets over it, and then goes to work again. (357, 358.)

The witness states further that the smoke of the blasting powder is one of the causes of bad air in the mines. The men are expected to shooft the blasts at the ends of their shifts. If one shift does not follow another immediately, as it need not if they work 10 hours, the smoke may have time to get out before the next shift comes on. There is no opportunity for it to escape if one shift follows another immediately; and this is especially likely to happen with 8-hour shifts. When men work 8-hour shifts they usually take about 20 minutes for lunch. If they would set off the blasts just before going out to lunch, the 20 minutes would give the air a chance to become nearly clear of smoke. (358, 359.)

4. *Sanitary conditions, smelting, precious metals.*—Mr. TERHUNE, recently manager of

the Hanauer Smelter, Salt Lake City, states that the health of the men in that smelter is injured by the fumes of arsenic, sulphur, and lead. There have been great improvements in recent years in apparatus for disposing of these fumes, but they can not be altogether got rid of. The health of the men necessarily suffers, and it is especially desirable in this work that the hours of daily labor should be short. (592-594.)

Mr. WRIGHT, of the Smeltermen's Union, states that in most plants which he has worked in there are systems for taking away the smoke and cinders, but that no such appliances have been put in at the Grant smelter at Denver. The managers have promised to do it, but "always gave some cause or other for not doing it." Mr. Wright believes that the general sanitary laws of the State and the laws for the ventilation of mines are well enforced, and that in the mines there is no disposition to ignore the laws or the health or safety of the laborer. A man of some education is likely to protect himself better against any sort of danger than the more ignorant workmen. (315.)

Mr. HILL, of the Argo smelter, Denver, says that there is no healthier occupation than working in that smelter. Lead is not used there. The fumes in the lead smelters were formerly very injurious to the health of the men, but it is his impression that improvements have been introduced which have nearly or entirely done away with the injurious effects.

The Argo smelter uses copper instead of lead for concentrating the gold and silver. There are no injurious fumes in copper works. Even those men who work 12 hours do not leave the work exhausted. They do not actually labor over 6 hours, and they are always fresh. Practically no time is lost on account of sickness. (371, 376, 377.)

Mr. NEWHOUSE, manager of the Philadelphia Smelting and Refining Company, Pueblo, states that the sanitary condition of that company's works is very good. It has built hoods over the furnaces, and has exhaust fans to take out all noxious gases. The health of the men has improved wonderfully in the last few years, so that they generally continue at work a great deal longer than before. (301.)

5. *Compulsory accident insurance. Colorado.*—Mr. DOYLE, a director of the Portland Gold Mining Company, states that the most of the mines in the Cripple Creek district have blanket insurance policies, exempting them from liability for accident; \$1 per month is deducted from the wages of each man to cover the premiums. When a man is killed the insurance company settles with the widow, usually after a suit in court. The men have no discretion about the payment of the \$1 a month. (368, 369.)

Mr. LEE, mine inspector, says that in a good many Colorado mines the employers insure their men against accident, apparently deducting the cost from their wages. Men also frequently insure themselves. (233.)

Mr. NEWHOUSE, manager of the Philadelphia Smelting and Refining Company, Pueblo, states that that company makes insurance a condition of employment. This has always been done, and the men have never complained. There is a notice posted about the works that such and such deduction will be made for hospital dues and insurance dues, and the men enter into a contract to this effect before they are employed. The company is saved from liability; the Employers' Liability Association takes the risk of any action for damages about the works. The witness believes that the deduction for insurance is 65 cents or \$1 per month; the hospital dues are 65 cents per month. This money pays the company doctor, whose duty it is to attend the men and their families. (298, 303.)

Mr. WRIGHT states that the American Smelting and Refining Company does not impose any restrictions as to insurance upon its men at its Denver smelters. (307.)

Utah.—Mr. HANAUER, who is interested in smelters and metal mines in Utah, states that it is the custom in his establishments for the men to contribute \$1 per month either toward hospital service or toward accident insurance. They take their choice between the two, and they are not obliged to take either. A man who should refuse would not be prejudiced in respect to his employment. It seems to be the universal practice to take one or the other. Mr. Hanauer estimates that 90 per cent of the men take accident insurance and not over 10 per cent the hospital service. His company has an insurance which relieves it from responsibility in case of accident; it is not clear whether or not this is paid for by the contributions of the men. (608, 609.)

Mr. TERBUNE, recently manager of the Hanauer smelter, Salt Lake City, says that that company had a system of involuntary insurance at one time, but it became obnoxious and was given up. Under a purely voluntary system, with low premiums and good indemnities, 90 per cent of the men went in again. (595.)

Mr. CHAMBERS, mine operator, states that it is not customary in Utah, so far as he knows, to compel the men to pay for accident insurance. The companies sometimes contract for insurance without expense to the men. Some accident companies also do a considerable business with the miners individually. (585.)

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Mr. ALLEN states that there is no system of insurance under his company, and he does not know whether there is one at any mine in Utah. (572.)

Idaho.—Mr. BURBIDGE says that most of the mining companies in Idaho insure their men against accident. This does not relieve the company from liability for damage suits. (459.)

6. *Employers' liability.*—Mr. SMITH thinks that a rigid employers' liability law is especially desirable in Colorado. The existing law does not protect employees against injury by the negligence of fellow-servants. So long as this is true the workingman ought to be allowed to have some influence in selecting those with whom he is compelled to work, and this influence he does not secure. (226, 227.)

J. Miscellaneous testimony as to condition of labor in mountain States.—1. *Immigration. Foreign-born labor.*—Mr. SMITH, deputy labor commissioner of Colorado, believes that the tendency of immigration is to produce an excess of labor and depreciate wages. He believes it would be advisable to restrict immigration to those who possess a small amount of wealth and who are able to read and write English. There are comparatively few foreign-born persons in Colorado who can not speak English. There are a good many Swedes and some Italians. The latter are very clannish and are not a desirable class of citizens. (221, 222.)

Mr. THOMAS, State coal-mine inspector of Utah, says that the coal miners are mostly foreigners. Italians, Finlanders, and French predominate. There are also Welsh, English, and some Americans. (626.)

Mr. HANAUER, of Utah, says that the Finlander makes the best miner of all. There are many Scandinavians, some Irishmen, Cornishmen, and Italians, in his employment. (611.)

Mr. CHAMBERS states that in his mine at Park City, Utah, the miners are a mixture of nationalities, in which the Irish-Americans probably predominate and Scandinavians are next in number. Mr. Chambers prefers American miners, if he could get enough of them. (588.)

Mr. ALLEN states that the majority of the men at his mine near Salt Lake City are English speaking—Americans, English, Scotch, and Irish. There are also Scandinavians and Finns. It is the general purpose not to have any one nationality predominate, unless it is the Americans. (572.)

Foreign labor in smelting.—Mr. HILL, of the Argo smelter, Denver, states that that company employs very largely foreigners, probably more Swedes than any others. It has always been the policy of his company not to employ too many of any one class, in order to avoid clannishness. He has found American workmen preferable to foreign for the more skilled parts of the work. (377.)

Mr. NEWHOUSE, manager of the Philadelphia Smelting and Refining Company, says that the blast furnacemen are generally American born. Around the roasting department they are Austrians, Italians, and a very few Americans. The foreigners seem better adapted to that class of work. The witness has not found colored labor very satisfactory, on account of a lack of ability for continuous work. (296.)

Mr. TERHUNE, recently manager of the Hanauer smelter, Salt Lake City, states that in that smelter the Scandinavians probably predominated. There were Germans, Irishmen, Englishmen, Welshmen, and native Americans. (595.)

Mr. WRIGHT, of the smelters' union, says that he thinks about one-third of the men in the Colorado smelters are foreigners. They are largely Swedes, Austrians, and Scandinavians. The foreigners need some restraint when there is any trouble, but in times of peace they are as fine workmen as are to be had. They are improving and learning to be good citizens. The Swedes especially are anxious to become citizens and educate themselves. (313.)

2. *Importation of labor. Contract labor.*—Mr. COATES, of the Federation of Labor of Colorado, says that the Colorado Fuel and Iron Company has imported a large number of negroes from the Southern States, under contract, into their works in the city of Pueblo. There was also a large importation from Missouri under contract during the Leadville trouble in 1896. Attempts were made to the same end in the Northern coal strikes in 1898. He does not think there is any State law prohibiting importation of labor. He regards such importation as detrimental to the State, and especially to the men who are displaced, who may have been employed many years and may have built homes which they have supposed to be permanent. The laborers imported are usually of a low and ignorant class, and Mr. Coates's own county is to-day under great expense in the way of criminal prosecutions and public charity as a result of the importation of laborers. Such importations have a tendency to reduce wages, and the employers nearly always make provision for the displacing of organized labor. He believes that the companies find their best method of importing laborers to be by sending personal representatives to the districts where men can be found. The laborers are induced to come by various misrepresentations, and especially by

assurances of permanent employment, which are disregarded when the interests of the company demand it. As a rule, such laborers are not English speaking. Few English-speaking people will make a contract to take someone else's job. In consequence of the agitation against foreign importation large companies now go to the Southern States and get negroes. A law ought to be passed to prevent companies from importing men to take the place of strikers. Mr. Coates would not, however, favor a law to prevent anyone from voluntarily coming into the State. (248, 249, 257.)

Mr. CLARK, of the Western Federation of Miners, states that he has known of only one case in which men have been brought under contract from other States to the coal mines of Colorado to break a strike. In that case the strikers sent men to Denver and stationed some at the station there, and had others visit the boarding houses and lodging houses to persuade men not to go to the mines where the strike was. In some cases men who came to the mines and were persuaded to return were sent home at the expense of the union. Mr. Clark thinks there ought to be a law forbidding any company to bring laborers from another State to take the place of men out on a strike. (328, 329.)

Mr. GRANT says that the importation of miners from other States is a somewhat frequent method of meeting strikes in the precious-metal mines. Men have been imported from Missouri at times for this purpose. (197.)

Mr. SMITH, deputy commissioner of labor, refers to the importation of labor from Missouri and other States in connection with the strikes at Leadville. He says that the men imported were "the worst lot of all-around thugs" that ever came in a body to Colorado, and yet a militia company was organized for the purpose of protecting them from interference. He thinks laws prohibiting such practices desirable. Mr. Smith also says that recently a considerable number of colored laborers have been imported to work in the Colorado Iron Works at Pueblo. (215, 222.)

Mr. SULLIVAN, a metal miner of Colorado, says that numbers of people have been brought into that State under contract, when there were a large number of unemployed in the State looking for work. He thinks that it should be forbidden to carry labor under contract from one State to another, or from one part of the State to another. (351, 356.)

Mr. WRIGHT, of the Smeltersmen's Union, does not know that the Colorado smelters have ever brought in any labor under contract. There have been temporary scarcities of labor, lasting only through the hot season, and at such times the smelters have sometimes made contracts with local employment agencies. (313.)

Mr. NEWHOUSE, manager of the Philadelphia Smelting and Refining Company, states that his company has never introduced labor into its Pueblo plant from other States. It did take Italian labor from New York to its Mexican plants at one time, but has ceased to do so. It has found the Mexican labor preferable. (297, 304.)

Mr. HAMMOND, secretary of state of Utah, says that that State has no law prohibiting the bringing of foreign labor under contract from other States, but that nothing of the kind has occurred, to his knowledge. (620.)

Mr. ALLEN, mine operator, has never known of the bringing of any labor into Utah under contract, either from abroad or from other States. (569.)

3. *Colored labor.*—Mr. BEAMAN, secretary of the Colorado Fuel and Iron Company, states that of its 7,500 employees probably 500 are colored. They were brought from the South. They are employed both at the steel works and at the mines. They are less given to strikes than white laborers and not so subject to agitation, and are fully equal to white labor in endurance and steadiness of work. For the most part they are common laborers. In some places the work is hot, and colored men probably stand the heat better than white.

Japanese are now being employed in Idaho. The witness has found non-English-speaking men less desirable than those who speak English, being less intelligent, more vicious and clannish, and more easily led into violence. (270-272, 281.)

Mr. WRIGHT, of the executive board of the Smeltersmen's Union, does not know that any colored labor has ever been brought to the Colorado smelters under contract. He has known of only one trial of colored labor at a smelter. The Globe Smelter put in 60 colored men one morning, and at night only 4, Mr. Wright believes, were left. At the end of the week the colored men had all quit. They said they could not stand the heat. Mr. Wright's opinion is that the labor is too continuous for them. There is no prejudice against colored men at the smelters, and if they were employed there they would be received into the union. (313, 318.)

Mr. NEWHOUSE, manager of the Philadelphia Smelting and Refining Company, Pueblo, states that that company has not tried colored labor very much, and has not liked what it has tried because of a lack of ability for continuous work. (296.)

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Mr. HILL states that the Argo smelter, Denver, does not employ any colored labor. (377.)

Mr. HANAUER, of Utah, says that he has not employed any colored labor in his mines or smelters. (611.)

Mr. ALLEN states that there is no colored labor at his mine near Salt Lake City. (572.)

4. *Employment of children.*—Mr. COATES, of the Colorado Federation of Labor, says that the legislature of Colorado in 1899 passed a law forbidding children to go to work before reaching the age of 14, but industrial conditions are such that public sentiment allows the law to be evaded. Many people—widows—are dependent upon their children for support. Public sentiment sustains the allowing of such children to go to work because parents and children would otherwise become the subjects of charity. Mr. Coates thinks it is the business of the school directors to enforce the law, but says that in his own school district the directors know of many instances where the law is violated, and he thinks they pay little attention to it. He knows of no instance where the law has been enforced except through the efforts of organized labor; and even organized labor has almost been obliged to desist because of hostile public sentiment. (258.)

Mr. SMITH, deputy commissioner of labor, says that there is a law in Colorado compelling the attendance of children upon schools at least 14 weeks in each year. He does not think that further legislation is especially necessary. The employment of children generally is injurious to adult labor. In many cases a boy of 12 or 14 can run a machine as well as a grown man, thus depriving the latter of employment. (220, 226.)

Mr. SULLIVAN, a metal miner of Colorado, states that the social and intellectual condition of the workers is improved by the law which prevents the employment of children in mines and factories. He would raise the age of employment to 18 years. He would not make any exception even in the case of a widow with a family of small children and a boy or two of the age of 15, 16, or 17. The State should look after people in such circumstances. (353.)

Mr. CLARK, of the Western Federation of Miners, states that some children are employed in the mines as trap boys, and some boys go in and work with their fathers, he thinks, as young as 13 years. He considers that the effects of employing boys of that age are bad. (333.)

Mr. ALLEN states that no children are employed in the metal mines of Utah. He does not know as to the coal mines. (571.)

5. *Machinery.—Precious metal mines.*—Mr. GRANT says that constant improvements are being made in mining machinery. The only machine that would tend to displace labor is the drilling machine, but the witness thinks that as a matter of fact few laborers have been displaced. (198.)

Mr. CHAMBERS, a mine manager, says that the introduction of machinery has diminished the number of men in particular metal mines, but does not, he thinks, diminish the number of men employed upon the whole. Mines are worked and employ labor which could not be worked at all without machinery. (580.)

Mr. HILL believes that improved machinery benefits the laboring class in the long run. He has not seen any detrimental effect on the laborer from improved machinery in mining or smelting. (375.)

Coal mines.—Mr. BEAMAN states that the Colorado Fuel and Iron Company does not employ machinery in its mines. It tried some machines, but did not find them satisfactory. (265, 266.)

Mr. CLARK, of the Western Federation of Miners, states that the introduction of mining machines in northern Colorado, by making it possible to produce a great deal of coal in a short time, has cut down the average number of working days in the year. He estimates that the machines have thrown out of work one-third of the men formerly employed there. That number of men, he thinks, have left the region, or at least the mines. (332; 333.)

Mr. Clark states also that a man mining coal with a pick will not make so much slack by 20 per cent as a mining machine. (332.)

Smelters.—Mr. WRIGHT, of the executive board of the Smeltermen's Union, says that no considerable amount of new machinery has been introduced into the smelters in recent years except in the way of enlarging the capacity. The use of electricity has been increased. The output has been largely increased in proportion to the number of men employed. "There used to be 30 men on 10 furnaces, and now we are treating more ore in the same department with 18 men." Formerly the men had to go in and tap the furnaces about every fifteen minutes; now they have to go in every three or four minutes. The severity of the work has therefore been very much increased, and the men are more constantly exposed to the furnace fumes. (314, 319.)

6. *Social condition of labor.*—*Colorado.*—Mr. COATES, of the Colorado Federation of Labor, says that the social condition of workmen in Colorado is bettering as they organize. There is a continual improvement where the men are brought together. The trade unions generally have public meetings, say once a month, for educational purposes. They also have libraries and reading rooms, which they support; and generally their social condition and intelligence are improving. (252.)

Mr. SULLIVAN, a metal miner of Colorado, thinks that the social condition of his associates is better than it was 20 years ago, largely through the influence of the labor organizations. The men do more reading and a little more thinking. The school facilities have improved. (353.)

Mr. WRIGHT, of the executive board of the Smeltersmen's Union, thinks that the social condition of the smelter men and the miners of Colorado is improving. He thinks they are more inclined to save money than they were 15 years ago, and that they read more and educate themselves and their families more. He has seen no great change in respect of drinking. Not many of the smelter men are hard drinkers; their health will not permit them to drink much. (312.)

Mr. CLARK, of the Western Federation of Miners, states that the standard of living of the coal miners of northern Colorado is much worse than it was 10 years ago. The reason is a decrease in the number of days in the year that they are able to get work, and this is caused largely by the introduction of machinery. (332.)

Mr. HILL, mine and smelter operator, believes that the miners of Colorado generally are as well off as they have ever been. They used to receive very much higher wages, but the cost of everything that they had to consume was very much higher. Mr. Hill implies that this higher cost would scarcely cover the difference in wages, saying that the very high wages led to certain kinds of extravagances that have gradually disappeared. In a recent visit to his old town of Blackhawk he has observed an air of thrift and a number of well-kept homes, which seem to indicate better social conditions among the miners than existed 20 years ago. (380.)

In Colorado, according to Mr. LEE, mine inspector, the men working in the mines 20 years ago were of a higher average intelligence than at present. Many of them were college men trying to make a fortune. At present a large proportion of the employees show little ambition to rise above ordinary wages. Nevertheless, there are much better social opportunities and opportunity for personal improvement now than formerly. (233.)

7. *Social condition of miners and smelters.*—*Utah.*—Mr. TERHUNE says that the intellectual, social, and moral conditions of the miners and smelter men of Utah are improving. He attributes the improvement to the entrance of their children into the public schools; to the cheaper price of literature, and to their increased leisure for intellectual pursuits. (592.)

Mr. CHAMBERS, mine operator, thinks that the moral and social condition of miners in Utah has improved very much in 15 years. This is largely due to the fact that the mining districts of the State are now settled by a more substantial and moral class of men than most new districts. It is also due in part to the establishment of the common-school system and churches. (585.)

Mr. ALLEN, mine operator, thinks that the social and intellectual condition of the miners in Utah is improving. The population of the mining camps was of a less thrifty class in the early history of the State, but there has been no marked change in the last 10 years. (576.)

Mr. CALLIS, county attorney of Summit County and formerly a coal miner, thinks that the social and intellectual condition of the coal-mine workers is much better than it was 10 or 15 years ago. He attributes this especially to the 8-hour law, which has given the miners more time to study and inform themselves. Literature is also more abundant and more newspapers are taken. The miners whom he has worked with are sober, steady, industrious, and economical. They have an increasing tendency to settle down and have homes of their own. (631.)

Mr. THOMAS, State coal-mine inspector of Utah, says that the social and intellectual condition of coal miners is better, in his judgment, than 20 years ago. He attributes the improvement largely to the greater leisure for mental improvement, due to the shortening of hours of labor. (626.)

Mr. SHARP states that the social and intellectual condition of the miners of the Pleasant Valley Coal Company is about the same as it was 10 years ago. There is some inclination among the men to read and try to improve their intellectual status. The Knights of Pythias have a lodge and a library at one of the company's mines. (640.)

8. *Farmers as miners.*—Mr. SHARP, superintendent of the Pleasant Valley Coal Company, says that perhaps 25 or 30 per cent of its men work on farms, generally their own, during three or four months in the summer. They are generally more

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expert at mining than at farming, yet Mr. Sharp believes that many of them would go away during the summer, even if the mine were working. The number of men of this class is perhaps greater in Utah than in Colorado or Wyoming. (642, 643.)

Mr. ALLEN states that though many of the men in the Centennial Eureka mine own little pieces of ground down in the settlement, they are not themselves farmers. There may be men in other Utah mines who work a while upon their farms, then a while in the mines; but he has none. Such men would not be skilled miners. (577.)

Mr. CHAMBERS states that in his mine at Park City, Utah, men frequently work for a time and then work for a time on farms that they own. Such men are not fully skilled, and get lower wages than skilled miners. (586.)

Mr. THOMAS, State coal-mine inspector of Utah, says that a considerable number of farmers come to the mines to work during the winter. He believes this tends to maintain the harmonious relations between miners and mine owners. (627.)

9. *Ownership of homes. Rents. Expenses.*—Mr. Thomas, State coal-mine inspector of Utah, says that about one-third of the Utah coal miners own their homes. He considers the effect of home owning to be valuable in making better citizens and in discouraging intoxication and extravagance. (626.)

Mr. TERHUNE, recently manager of the Hanauer smelter, Salt Lake City, states that there was an increased tendency among the employees of that company to own their homes, and it was a tendency which he believed to be very desirable. (595.)

Mr. WRIGHT states that the workmen in the Denver smelters pay from \$4 to \$12 a month for dwellings. He would consider \$8 the average. Rents have recently risen so that houses which could have been got 6 months earlier for \$4 or \$5 per month cost \$6 to \$8. Ten dollars is paid for a little 5-room cottage. (308, 310.)

Mr. Wright states that the majority of the men in the Denver smelters are men of families, and he estimates that their families would average about five. He thinks their grocery bills would average \$18 to \$20 per month. They have to buy the cheapest clothes they can. Mr. Wright has to buy about a suit every month, which costs from \$2.50 to \$3. The cost of living has recently been increased by reason of the general rise of prices. Clothing bills, medical bills, and incidental expenses, including rent, will consume about three-fourths of the income of the smelter workmen. Mr. Wright has never known any of the smelter men to save anything, although they are very economical. They necessarily use somewhat expensive food, because of the effects of the furnace fumes upon their health and the need of humoring their stomachs. They have to have much meat, and some variety of food. (308-310, 319.)

10. *Character of workmen. Savings.*—Mr. BEAMAN, secretary of the Colorado Fuel and Iron Company, states that the miners employed by that company are an average class of men, some thrifty and some not. Their habits do not differ much from those of the population as a whole. They include Italians, Austrians, Hungarians, colored men, and white Americans. At the steel works the men are mostly Americans, white and colored. (270-272, 289.)

Mr. NEWHOUSE, manager of the Philadelphia Smelting and Refining Company, states that the workmen are not generally inclined to save their money and build homes. A large proportion of the men are unmarried and live in boarding houses. The Americans spend their money on their families or spend it in the saloons. The foreign element are more likely to save money and send a part of it to the old country. (295, 296.)

11. *Marital condition.*—Mr. THOMAS, State coal-mine inspector of Utah, says that about two-thirds of the Utah coal miners have families. (626.)

Mr. CHAMBERS, mine operator, Utah, states that the majority of the miners that he has to do with have families. Most of them try to get permanent homes outside of a mining camp, preferably in the valleys. (585.)

Mr. TERHUNE, recently manager of the Hanauer smelter, Utah, states that 90 per cent of the men employed by that smelter are married men. He believes that the men who have families and homes are more interested in their work than others. The company gave preference to married men. (595.)

12. *Unskilled labor.*—Mr. COATES says that unskilled laborers compose the great mass of the unorganized, but that organized labor has in many instances effected great improvements in their condition. Very few statutes in favor of the laboring man have been passed in Colorado, except through the efforts of organized labor. Instances are the 8-hour law and the \$2 pay for common labor. Few of the unskilled laborers in Colorado are English speaking; the great mass are Austrians, Swedes, and Italians. As they become skilled and familiar with our language and customs they incline more toward organization. A number of unions have recently been formed, of whose members perhaps 90 per cent are of foreign speech. (246.)

III. THE CŒUR D'ALENE STRIKE AND RIOT OF 1899.

(Testimony taken in Idaho in July, 1899.)

A. General statements as to conditions in Cœur d'Alene district.—

Mr. BURBIDGE, assistant manager of the Bunker Hill and Sullivan Mining and Concentrating Company, testifies that the company is incorporated under the laws of Oregon with a capital of \$3,000,000. The stock of the company is not watered. The officers of the Standard Oil Company are not interested in the mining company. The company has been in operation about 13 years, and during that time has paid dividends of a little over \$600,000, being less than 2 per cent per annum on the capital stock. Meantime perhaps an equal sum, taken from earnings, has been spent in improvements. The mine is a large one, having a long life before it, and it was necessary to make comprehensive plans. The reduction in the cost of handling ore has increased the profitability of the mine during recent years. (438, 439.)

Mr. FINCH, of the Standard mine, says that the Standard Oil Company has no interest in that mine, nor, so far as he is aware, in the Bunker Hill or any other mine in the Cœur d'Alene region. He has been told this especially by the president of the Bunker Hill Company. (500, 505.)

Mr. GILL, master mechanic of the Tiger and Poorman mine, believes that the Standard Oil Company has no considerable interest in the Bunker Hill and Sullivan mine, although it may own a little stock. The mine is owned chiefly by D. O. Mills and Crocker, of San Francisco, and McCormick, of Chicago. (524.)

Mr. SOVEREIGN, editor of the Idaho State Tribune, says that it had been the general report among business men and miners alike that the Bunker Hill mine was practically the property of the Standard Oil Company, although the witness has no authentic information to prove that fact. However, the interest of the Standard Oil Company did not raise any particular animosity against the mine. The witness does not doubt the truth of the statement of other witnesses that the Standard Oil Company has now no interest in the Bunker Hill property, but points out that mining stocks are changing hands rapidly all the time. (406.)

B. Causes of strike at Bunker Hill and Sullivan mine.—The findings of the coroner's jury in the inquisition upon the bodies of the men killed on April 29, 1899, describe the events leading up to the strike against the Bunker Hill and Sullivan Company and the consequent riot. Descriptions of these events, tallying with these findings practically in every particular, are also given by Mr. Burbidge assistant manager of the Bunker Hill mine, and by Dr. France, coroner, and physician of the Bunker Hill Company. The description given by the coroner's jury is chiefly followed below. (441, 442, 462, 465, 466.)

In 1894 the wages in the Wardner mines, including the Bunker Hill mine and the Last Chance, were fixed at \$3 per day for underground laborers and \$3.50 for miners. Union and nonunion men were employed without discrimination. In November, 1894, the miners' union of Wardner demanded that laborers, including muckers and carmen, should also be paid \$3.50 per day. The company refused, and the mine was shut down until June, 1895. At that time many of the miners, especially nonunion men, and business men of Wardner petitioned for opening the mine. The market conditions being unfavorable, the company agreed to start with the understanding that \$2.50 per day should be paid to laborers and \$3 to miners, and that whenever the price of lead and silver should be such that 100 pounds of lead and 2½ ounces of silver should together have a market value of \$6, the old rate of wages should be restored—a condition never yet reached. On account of the opposition of the unions and the impossibility of continuing to work union and nonunion men together, the company decided to employ only nonunion men. Mr. Burbidge adds that the union tried to keep men from taking employment, but after a time a full crew was secured.

Mr. Doun, county tax assessor, says that during the year 1893 there was some difficulty between the Bunker Hill and Sullivan Company and its employees. The company made a proposition to the Knights of Labor, the only union then existing at Wardner, to pay wages at a certain scale, subject to increase if the combined market price of lead and silver should rise, or, as an alternative, to pay the existing rate of \$3 for laborers and \$3.50 for miners, but with no understanding that those rates could be continued for any length of time. Both these propositions were rejected by the Knights of Labor, and another was then submitted to the effect that the company would pay \$3 and \$3.50, respectively; that it would give preference to the members of the organization in employment, and would not compel them to board at the company boarding house. This proposition was accepted, and everything seemed harmonious until the fall of 1894, when it was learned by the Knights of Labor that

the Bunker Hill Company was importing miners from Michigan, and even Italians from Castle Garden. The miners appointed a committee to request the company to stop this practice, but the company, after some discussion, declared that it proposed to run its mine with the same policy in the future as in the past. The men thereupon voted to quit employment until the company should recognize the agreement which had been made with regard to the organization. The mine accordingly remained shut down until June, 1895. At that time the company, so the witness declares, circulated a petition for the opening of the mine, on the understanding that when the price of 100 pounds of lead and 2½ ounces of silver should reach \$6, wages would be raised to \$3 and \$3.50, the rates meantime to be \$2.50 and \$3 per day. This petition was signed chiefly by store men and outsiders; the miners were not consulted at all. The witness is satisfied that the price of lead and silver afterwards reached the figure mentioned, but that there was no increase in wages.

Mr. Doud declares further that just before the riot of April 29 he went in company with Mr. Young, the sheriff, to consult with Mr. Burbidge, manager of the Bunker Hill and Sullivan mine. The witness urged Mr. Burbidge to meet the men and settle the difficulty peaceably, but he declared that there was nothing to settle. Mr. Burbidge admitted he had discharged many men simply because they belonged to the union; and on having his attention called to the law of 1893 prohibiting the discharge of men on that ground he declared that he had taken legal advice concerning his action. (540-543.)

Mr. SOVEREIGN, editor of the Idaho State Tribune, declares that the value of ore had risen above the figure agreed upon as the basis for higher wages in the arrangement of 1895, and that the company positively refused to increase the wages and repudiated its contract. He says that the men then began to organize, but were discharged as rapidly as their membership in the union was ascertained. The governor, Mr. SOVEREIGN has been informed, asked the company to arbitrate the difference, but it refused to do so. After the situation had become much strained, an increase in wages was granted (in April, 1899), but not quite up to the union rate. (393.)

Dr. MARCHETT blames the Bunker Hill company for the strike and the difficulties. The company would not recognize the union, would not hire the doctor the men wanted, and wanted the men to trade at certain stores. The company has not run a store of its own for some time, but has a boarding house of its own. The witness thinks it is the cheapest mine to work in in the whole region. As soon as men would join the union they were discharged, and ill feeling has been steadily growing. The witness does not think that the unions are lawless organizations, although there are some bad men in them. The membership as a whole, he thinks, deprecated the commission of any crime. (436-438.)

Mr. BURBIDGE admits that after 1895 the Bunker Hill mine refused to employ union men, although a few union men, who made no difficulty, were perhaps employed. It was not required that the workers sign any paper further than that required by the law of Idaho, which provides that mines may employ only American citizens or those who have declared their intention of becoming such. In support of this statement the witness submitted a copy of the form of application for employment used. (441, 453.)

Mr. SOVEREIGN and Mr. GILLEN (a miner of the Gem mine) both refer to the fact that the Bunker Hill mine required those seeking employment to sign a statement that they did not belong to unions and would not join them. (425.)

Dr. FRANCE testifies that since May, 1892, he has been physician and surgeon of the Bunker Hill Mining Company. He is paid by the men under an agreement by which \$1 per month is deducted from the wages of each. He maintains a private hospital in connection with this work. (462.)

Mr. BURBIDGE says that the doctor who cares for the employees of the Bunker Hill mine is selected by the men and paid by them through an assessment of \$1 per month. It is necessary that there should be a considerable number paying one doctor in order to justify him in maintaining a hospital. But there is no objection when the men desire another doctor to treat them individually, and they can direct their dollar to be paid to any doctor. (460, 461.)

Reason for lower wages at Bunker Hill mine.—Mr. BURBIDGE insists that differences in conditions justified lower wages at Wardner than in the mines of Canyon Creek. In fact the wages at the other mine at Wardner, the Last Chance, which employs only union labor, have always been the same as at the Bunker Hill mine, the miners' unions making concessions and not demanding that the same wages be paid as in other mines. The Wardner mines are operated through tunnels and have good drainage and ventilation, while those on Canyon Creek are shaft mines, and are wet and badly ventilated. Board at Wardner is \$6 per week, and on Canyon Creek \$7 per week. The Wardner mines are less profitable, also. The ore is not rich even in

lead, and the proportion of silver is much less. The cost of getting out a ton of ore is higher in the Bunker Hill mine than on Canyon Creek. About one-third of the material broken is waste, aside from the fact that the ore occurs in separate bodies or chutes, making long drifts through unproductive material necessary. On account of the thickness of the vein in the Wardner mines, heavy timbering and filling are necessary.

The cost of removing water from the Canyon Creek mines is, the witness admits, greater, but the Bunker Hill mine has to expend large sums in running tunnels, much more than the other mines spend on shafts. It costs less to deliver the ore to the mill on Canyon Creek than at the Bunker Hill mine, where the concentrator is about 2 miles from the mine.

As a matter of fact the employees of the Bunker Hill have been generally satisfied with their condition. There was no complaint among them, so far as Mr. Burbidge knows up to April 23, 1899. The witness thinks that the origin of the difficulty was with the miners on Canyon Creek, who affected to believe that the companies there would be influenced to reduce wages to the same scale as at the Bunker Hill mine. A mine with a lower grade of products can not, as a general thing, pay quite as high wages as mines with higher grades of ore, but nevertheless the miners at the Bunker Hill mine are, on the whole, better off than any others in the district. The question of wages at the mine could not be arbitrated. (440, 450, 455.)

Mr. MACDONALD, manager of the Helena-Frisco mine, also declares that it is easier to work in the Bunker Hill mine than in those on Canyon Creek. The Canyon mines are wet and the men have to pay about \$15 every month for rubber clothes, which are not necessary at the Bunker Hill mine. The cheaper board at the Bunker Hill mine also justifies lower wages. Moreover, the cost of producing ore in the latter mine is considerably greater than in the Helena-Frisco mine. (482.)

C. The riot of April 29, 1899.—1. *Events immediately preceding riot.*—The report of the coroner's jury continues that early in April, 1899, the presence of agitators at Wardner and the attempt to unionize the men in the Bunker Hill mine forced the Bunker Hill company to investigate its rolls and have a number of union men summarily dismissed. This precipitated the later troubles. On April 23 a meeting of the Wardner union was held and committees were appointed to wait on the Bunker Hill and Last Chance mines, and to demand \$3.50 for all underground workers and recognition of the Union. Mr. Burbidge adds that only about 5 out of the 20 men composing the committee which waited on him were employees of the Bunker Hill mine. The report continues that the assistant manager promised to communicate this proposal to the company, although he declared that he would not recognize the union. A second meeting of the Wardner union was held on the same day, and a strike was declared in both mines, and the entire body of the union was ordered to march to the Bunker Hill mine, where a demonstration was made and the nonunion men were solicited to join the union. Mr. Burch, superintendent of the Bunker Hill mine, then announced that wages would be raised to \$3 and \$3.50, but that men joining the union would be discharged.

On the following day and again on Wednesday, April 26, the Wardner union marched in force to the mine, some of the members armed, and again demanded that the nonunion men should join the union. Force and intimidation were used, and a number of Bunker Hill men did join the union. Some of these afterwards returned to the mine, and as a matter of fact the strike had effectually failed. Work was resumed until April 29. (466.)

Mr. BURBIDGE, assistant manager of the Bunker Hill mine, states substantially the same facts as those presented by the coroner's jury. In addition he says that on April 26, as the employees of the Bunker Hill mine were on their way to work in the morning, they were stopped by an armed mob of 150 men and given 4 minutes in which to get back; they accordingly retreated. At the same time the union mob captured the tramway of the mine and tied it up, although it was left uninjured. Warnings were constantly being received that the union intended to destroy the company's property. Nevertheless part, at least, of the nonunion men continued to work in the mines and at the mill up to the day of the riot, April 29. (441, 442.)

Dr. FRANCE, coroner, testifies that on the morning of April 26 he saw a large body of men, probably 200, enter the Last Chance mill at Wardner. They were intending to stop the nonunion men from going to work at the Bunker Hill and Sullivan mine. The witness saw a half a dozen union men rush into the mine boarding house and come out dragging nonunion men by the collar and kicking them. Dr. France, as a county officer, threatened to arrest one of these union men, but the man struck at him and ordered him to go away. The nonunion men did not go to work that morning, but did so in the evening. (463.)

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2. *Action of miners' unions.*—The findings of the coroner's jury declare that the Burke miners' union had passed a resolution, before April 29, that it would, as a union, render assistance to the Wardner union in the pending strike. On the morning of April 29 orders were issued that the members of the union should proceed in a body to Wardner. The miners took the Northern Pacific train, and when they arrived at Gem they broke open the powder house of the Helena and Frisco mine and seized 80 boxes of dynamite, each containing 50 pounds. On the night of April 28 masked men demanded that the president of the Gem union call a meeting in the morning. At that meeting, the hall being darkened, a large number of guns were produced from the rostrum of the union hall, masks were put on, and the union marched in a body to the train. At a meeting of the Mullan union, held on the morning of April 29, a resolution was adopted to proceed to Wardner and give moral support to the Wardner union, but it was decided not to mask. On the march to Wallace a large number of rifles were taken by the Mullan men from a field where they had been cached. The Wardner union issued orders on the night of April 28 that all members should go to meet the train at the Kellogg station. (467, 468.)

Mr. SINCLAIR, State auditor of Idaho, insists that the miners' unions of the Cœur d'Alene district have shown themselves to be criminal organizations. Whatever may be the terms of their constitutions or the declarations of some of their members, the actions of these bodies show conclusively their character. The witness refers especially to the proof concerning these actions in regard to the riot of April 29, brought out in the testimony of the Corcoran murder trial. (547.) It was shown in that case that resolutions were passed by the unions to meet together and go together on their lawless mission. The men received their arms and masks in the union hall. This appears from testimony of the members of the unions themselves. Although not all of the 1,000 or 1,200 men who were present at the destruction of the property knew of the intention, Mr. Sinclair believes that between 300 and 400 ought to be convicted of murder in one degree or another, or of arson, and, perhaps, 700 of conspiracy.

Mr. Sinclair says also that so far as he knows not one member of the miners' unions has condemned the outrage, but, on the contrary, hundreds have expressed to the witness their approval of it.

This witness does not believe that the Western Federation of Miners, with which the miners' unions of the Cœur d'Alene district are affiliated, approved of the action of the local unions or knew anything of it in advance. He is not willing to characterize the Western Federation as a criminal organization. (547, 554, 562.)

Dr. FRANCE admits that there are probably a good many members of the miners' unions who did not and do not now approve of the riot of April 29, and that the unions were probably not organized with criminal intent. But they were, at the time of the riot, controlled by criminals, and it is known from sworn evidence of members of the unions that criminal action was taken in the miners' meetings themselves, as shown by the report of the coroner's jury. These actions were taken in the halls of the unions. It was the understanding of those who drew up the governor's proclamation concerning unions that these unions were responsible for the crimes of April 29. (477, 478.)

Mr. FINCH, a mine operator, thinks that comparatively few of the men who were on the train going to Wardner knew what was the purpose of the leaders. He believes the majority of them disapproved the act, and would have remained away if they had known what was going to be the result. They were, however, ordered to go and dared not refuse. No public disapproval has yet been expressed by the unions against the riot, although the witness thinks that the unions' paper, the *Tribune*, has repeatedly denounced it. (493-498.)

Mr. SOVEREIGN, editor of the Idaho State *Tribune*, specifically denies that any evidence can be produced to show that the unions of the Cœur d'Alene district officially authorized or counseled the acts of violence on April 29, or even discussed them. The witness was present at the Gem union on April 28, and the ordinary business only was carried on, except that the witness himself made a short talk as to the possibility of unionizing men at the Bunker Hill mine. Mr. Sovereign says, further, that the records of the Burke union have been confiscated by the troops, and if there were anything in them showing a criminal intention it certainly would have been made public. (402, 403.)

Mr. GILLEN, a member of the Gem union, also says that there was no action looking toward lawlessness taken while he was present at the union during the two or three meetings previous to this trouble. He was not, however, present throughout the entire meeting in either case, but he understands that the only action taken was to declare that the union would give its moral and financial support to the strike at Wardner. (421.)

Mr. GANN, a carpenter and miner, declares that no coercion was brought to bear to compel the men to go to Wardner on April 29. The witness thinks there was no plan of action formed until the crowd actually got together. A large proportion of the men took no part in the violence. Many now consider the crimes very reprehensible, although the witness is not sure how the majority would stand on that matter. (487, 488.)

Mr. GILL, master mechanic of the Tiger-Poorman mine, believes that the riot of April 29 was not approved by the unions as such. Some hot-headed miners had recently come into the district, largely from Butte, and these controlled the movement. The witness was informed by members of the Burke union that no meeting of the union was held before the riot and no action taken regarding it. The witness is not a member of the union, but he has heard many members denounce the action of April 29. (521.)

Mr. YOUNG, ex-sheriff of Shoshone County, does not believe that the miners' unions countenanced or directed the riot of April 29. He has been told by many members of the unions that they did not know of the plan until the morning of that day and that no previous action had been taken by the unions. (536.)

3. *Seizure of train and trip to Wardner.*—Mr. MACDONALD, manager of the Helena-Frisco mine, testifies that he was at the office of the mine early on the morning of April 29. The mine superintendent told him that all but two men had gone to the miners' union hall. The superintendent went to the hall and reported that guns were being distributed. Mr. Culbertson, manager of another mine, was told by Paul Corcoran, secretary of the Burke union, that the men would simply go to Wardner and come back and return to work. Soon after, the Northern Pacific train came down from Burke crowded with men. The witness thinks there were at least 600 of them. Some were masked and many carried guns. They broke open the powder magazine of the Frisco mine and took out some giant powder. They shook their fists and their guns at the witness and his companions as they passed by on the train. Out of 240 men employed in the Helena-Frisco mine only 2 worked that day. On their return from the riot the men made no secret about what they had done. The witness denies positively that he had any connivance in the taking of the powder. (480, 481.)

Mr. HURTON, the engineer of the train which brought the rioters from Burke to Wardner on April 29, testifies that about 200 or 250 men got on the train at Burke. Two masked men came into the cab of the engine and declared that they wanted the train to go right away. On the way down the engineer was poked in the back with a Winchester rifle and threatened with a pistol. He was compelled to stop at the Frisco powder house. The witness thinks that about the same number of men got on the train at Gem as at Burke, and about 200 or 250 also got on at the Y just above Wallace, having walked down from Mullan. The witness thinks that there were about 1,000 men on the train by the time it arrived at Wardner, of whom 175 or 200 were armed and masked. The witness recognized none of the masked men. Mr. Hutton was threatened with a pistol and compelled to run the train from Wallace to Wardner over the tracks of the O. R. and N. The regular run of the train was only from Burke to Wallace, and the great weight of the engine made danger that it would go through the bridges of the O. R. and N., while there was also danger of collision.

The witness declares that he was forced by threat of death to run the train as he did. If he had not obeyed the orders of the gang he believes that he would have been killed. The officers of the railroad have declared that they did not blame him for what he did. Nevertheless the witness was arrested and charged with conspiracy, although he was afterwards set at liberty without trial. (564-567.)

Mr. SOVEREIGN says that he was at Wallace at the time the train load of miners came down from Gem and Burke. He understands that the miners had loaded on about 80 boxes of dynamite at the Helena-Frisco magazine. It has been rumored that officers of other mining companies may be implicated in the matter, especially in permitting the use of this dynamite, but the witness knows nothing about it. The witness at first stated that there were probably 800 men on the train, but afterwards said that there may not have been more than 400. Some of them were masked and armed. The witness does not believe that more than one-third or one-fourth of the men knew anything about what was planned, and insists that no more than one-fourth of them participated in any act of violence. Most of them stayed on the train while the crimes were committed half a mile distant down the track. Mr. Sovereign went to Wardner on the next train, about 4 hours later, arriving there after the explosion. Many men were then standing on flat cars and box cars, and the shooting of guns was so incessant that the witness had to get back on the train again. Mr. Sovereign further believes that between 100 and 200 of the Bunker

Hill employees were armed, but that the assault was such a surprise that they retreated hastily. There had been no intimation at Wallace that anything unusual was going on until the train arrived from Burke. (393, 395, 398, 402.)

Mr. BARNARD, former mayor of Wallace, who saw the train on its way to Wardner from some distance away, states that he supposed there were probably 450 or 500 men on the train. All those whom he saw were armed and also masked. On the return of the train to Wallace a good many men got off there and walked through the streets, but the witness did not see any who were masked. There was no shooting or other violence around Wallace, and the police officer of the city took no action at that time. (412, 413.)

4. *Events at the Bunker Hill mill* (see also statement of sheriff, p. cvi).—The report of the coroner's jury states that the members of the various unions arriving by train or on foot from Wardner came together at Kellogg. After leaving the train the men were formed and marched to the Bunker Hill mine. A scouting party was sent around the foothills to command a view of the Bunker Hill mill. When the larger party came to the mill office they apparently mistook the scouting party for the employees of the Bunker Hill Company, and fired numerous volleys at the hill, killing a man named John Smith. Masked men then took the dynamite from the train and exploded it in the mill. The office and the boarding house were burned down. Before the explosion several employees of the Bunker Hill mine had been seized. The mob captured a number of the company's employees, abused and cursed them, and then told them to run. While they were running about 50 shots were fired at them. One, a stenographer, was slightly wounded, and another, James Cheyne, was wounded so that he died 3 days later. (467.)

After the explosion they were told to run, and numerous shots were fired at them. One of these shots hit James Cheyne, who afterwards died from its effects. One shot also grazed the lips of R. R. Rogers. (467.)

Mr. BURBIDGE says that early on April 29 an unsigned telegram was received by him to the effect that all the mines of Canyon Creek were closed, and that the men were coming in a body to Wardner. At first instructions were given to keep the Bunker Hill men at work, but soon after, on advice that the mob was armed and masked, the Bunker Hill employees were taken out of the mine. The witness then, fearing for his own safety, went away, and did not personally see the events which followed. He has understood that from 1,000 to 1,200 men were in the mob, of whom 150 or 200 were masked and armed. They doubtless expected resistance from the employees of the Bunker Hill mine, but they encountered none, and the witness declares that his employees had no arms. The mill was destroyed by dynamite and also all the other buildings except one. The loss was from \$200,000 to \$250,000. (442.)

Mr. BURBIDGE says that John Smith was a union man, and his death was either accidental or, as many thought, was intended because he was considered a traitor; this the witness thinks the probable reason. The mob next proposed to "clean out Wardner," but, changing their plans, they took the train on which they had come down and went away. (443.)

Dr. FRANCE says that, although he was not at the immediate scene of the riot, he was in Wardner, and was notified that his services were needed at the Bunker Hill mill for 2 men who had been shot. The train was just pulling out from the mill with the returning crowd. The witness examined the wound of James Cheyne, who died two or three days later. (463.)

Dr. MACHETTE, of Wardner, testifies that he went down to the railway junction at Kellogg with a deputy sheriff while the mob was at the Bunker Hill mill. A man with a mask told him that some one was shot, and he and the deputy started toward the Bunker Hill mill, but returned on being told that the man was dead. The witness believes that there were about 500 men in the mob, perhaps 100 or 150 being masked, and most of these armed. The witness is satisfied that most of the men went through curiosity, not knowing what was proposed. They all returned home promptly after the mill was blown up. (433.)

5. *Action of coroner's jury*.—Dr. FRANCE, coroner, says that soon after the murders of April 29 he was requested to go to Burke, whither the body of John Smith had been taken, and hold an inquest. Instead, Dr. France ordered that the body be brought back to Wardner, and on May 4 the inquest concerning the death of the two men was begun. Four hundred and eighty witnesses were examined and many persons connected with the murder were identified, some of whom were in custody at the time the witness testified and others not. (463, 464.)

Dr. FRANCE says further that the jury was composed of two or three miners and of the principal business men of Wardner. No one advised the witness in selecting any of these jurors. Although feeling was doubtless strong against the perpetrators of the crime, the witness thinks the jury was a fair and impartial one. (471.)

The chief conclusions of the coroner's jury are as follows:

"From the foregoing facts the following conclusions are irresistible:

"First. The killing of Schmidt and Cheyne was accomplished by an organized force, embracing the members of the 4 miners' unions hereinbefore named, acting as conspirators, engaged in the performance of unlawful acts, and each and every one of the members of said unions participating in, aiding, or abetting any of the unlawful acts of the 29th of April are legally and morally responsible for the unlawful killing of said Cheyne and Schmidt.

"It is beyond doubt true that the details of these crimes were skillfully planned and executed under and by authority of the central executive committee, or union, composed of delegates from each of the participating unions, and under the sanction of the Western Federation of Miners.

"The reign of terror which has existed in the Cœur d'Alenes for a great many years is due exclusively to the preaching and practice of such doctrines. So far as the immediate cause of this inquest—the murders of Schmidt and Cheyne—is concerned, we find that the said miners' unions, although seeming to have been organized for the laudable purpose of defending the rights of labor, have acted as unions in the violation of the law of their country, and in perpetrating crime against the laws of the State.

"We charge the murders of said Schmidt and Cheyne to have been perpetrated by the said miners' unions and their respective members who were present and participated in any of the deeds of that day. Said miners' unions and their members aforesaid were aided, abetted, and assisted by the said Sheriff Young and Moses S. Simmons, William Boyle, and W. R. Stimson, county commissioners." (467-471.)

6. *Prosecution of criminals.*—Dr. FRANCE refers to the fact that Paul Corcoran had just been convicted of murder in the second degree in connection with the riot at Wardner. This man was secretary of the Burke union and had taken the body of John Smith to Burke after the riot. The witness refers to the charge that undue influence was exercised upon miners to compel them to testify in the suit against Corcoran. He says that there has been no proof of such undue influence. The witnesses were of course brought to the trial under guard, since they themselves were persons suspected of crime. In many cases, if not in all, they were instructed by the State's attorney that they need not give evidence which would incriminate them. Dr. France made no promises of immunity and knows of none being made.

The witness says further that, up to the time of the testimony, about 40 indictments had been found against the rioters. Most of these were in the Federal court, on the ground that the United States mail train had been stolen to carry the dynamite and men. Eight men had been indicted for murder and conspiracy in Judge Stewart's State court. (471, 472, 476.)

Mr. HURRON, engineer, says he was promised by the coroner, Dr. France, that if he would identify the men on the train he would be given his liberty. As a matter of fact the witness had not recognized any of the masked men at the time of the riot. (565.)

Mr. SINCLAIR denies emphatically that he has ever intimated to any prisoner that he would be discharged or otherwise benefited by giving testimony against other men. No improper question has been put to the prisoners and they have not been permitted to incriminate themselves. (552, 553, 563.)

D. Declaration of martial law and its justification (see also *County Officers*, p. cv).—Mr. SINCLAIR, State auditor of Idaho, testifies that he was given power by the governor, immediately after the riot of April 29, to proceed to Shoshone County and take whatever measures he deemed necessary to convict the parties who had been engaged in the crime. He arrived about May 1 and at his request the governor declared martial law in force in the district on May 3 or 4. The witness justifies this action on the ground that the entire district was in a state of insurrection and unrest. The county was in control of a set of incompetent and corrupt officials. No arrests had been made, and no attempt at arrests had been made. The sheriff had not deputized a large posse, but had still declared to the governor that he had the situation well in hand. The witness felt that unless men were arrested immediately a large number of the criminals would leave the State. The importation of the soldiers made it possible to arrest them. (544, 562.)

Mr. Sinclair says further that the summoning of Federal troops was made necessary by the absence of the State militia in the Philippines at the time of the difficulties. There was not a single company of militia left. To secure volunteer troops was out of the question. Moreover, the governor had no power under the law to appoint deputies to make arrests and enforce the law. It was the duty of the sheriff to appoint deputies, but he had entirely failed to do so. Federal troops were near at hand, at Spokane, and it was natural and proper to call them. If State troops had

been employed, they would have been under the command of the State adjutant-general, but he had no authority to command Federal troops. General Merriam, at the head of the Federal soldiers, simply carried out the orders of the State officers, especially of Mr. Sinclair, as representative of the governor. In no case did those orders go beyond the limit of the instructions given to General Merriam by the Secretary of War.

Mr. Sinclair believed that the retention of the Federal troops was still necessary at the time of his testimony, July 28, 1899, in order to protect personal and property rights. It is true that there had been no actual violence since the arrival of the troops. When the troops first came there was a rumor that the miners were coming down to recapture a prisoner, of whose arrest they had heard, but nothing came of this rumor. (551, 552, 554, 562.)

Mr. FINCH, a mine operator, thinks that it was undoubtedly necessary that martial law should be established. If the men had been arrested immediately after the riot, the calling of the soldiers might have been avoided, but when this was neglected it would have been impossible to arrest them later. There were 800 or 900 men on the train, and as many as possible had to be arrested, at least temporarily. (499.)

Mr. SOVEREIGN, editor of the Idaho State Tribune, says that the first arrival of United States troops was welcomed by all classes, but they have since cooperated with the civil authorities of the State to overthrow the county government and to restrict the constitutional rights of citizens. The intervention of the troops was probably not necessary in order to secure the punishment of those concerned in the crimes of April 29, and the troops have enabled the civil authorities to perpetrate acts which they could not have done otherwise. The action of the troops also has been cruel and heartless, especially in the case of the colored troops. Since the colored troops have been withdrawn the witness knows of no particularly odious acts. (393-395, 398, 399, 401.)

Mr. BARNARD, ex-mayor of Wallace, thinks that the intervention of martial law was, on the whole, justified by the weakness and hesitation of the sheriff and county officers, but that a very limited amount of military aid would have enabled the civil authorities to apprehend the criminals and preserve order. Perhaps half of the people of the community are inclined to justify the placing of the district under martial law. This witness also refers to complaints of cruelty against the colored soldiers. There was no necessity, in the opinion of the witness, for the continued presence of the military at the time his testimony was taken, 3 months after the riot. (414, 415, 418-420.)

Mr. GANN, a carpenter and miner, thinks that the presence of the soldiers was uncalled for. The men who were guilty of the crimes would soon have come out boldly, some of them being proud of their act, and could easily have been arrested. (488.)

Mr. GILL, master mechanic of the Tiger and Poorman mine, thinks that it was unnecessary to call on the military authorities to assist in bringing offenders to justice. He believes that there were plenty of men ready to assist the civil authorities in carrying out their duties, and that no further crime was being contemplated. (524.)

Pump men compelled to work by soldiers.—Mr. SOVEREIGN says that the pump men of the Tiger-Poorman mine, who had stopped work in sympathy with the locked-out members of the union, were compelled to return to work by the soldiers under the command of Lieutenant Lyons. (392, 396.) Mr. BARNARD refers to this fact and adds that Lieutenant Lyons acted in this case, he thinks, without any civil authority back of him. (418.)

Mr. CLEARY, a miner of Burke, testifies that on May 25, 1900, he, as acting president of the Burke Miners' Union, was asked by Lieutenant Lyons to summon the union men to a meeting. Mr. Lyons addressed the meeting, stating that the pump men of the Tiger-Poorman mine had quit. He demanded to know whether they had been ordered to quit by the miners' union. The witness, as chairman of the meeting, told Lieutenant Lyons that he did not know. The lieutenant thereupon declared that he would give the pump men of the mine 5 minutes in which to return to work. Mr. Culbertson, manager of the mine, said that he hoped the pump men would go back to work because they were the only men who understood what was needed. Mr. Cleary and Mr. Lyons then left the room and a consultation was held by the union men. When Lieutenant Lyons returned he declared that he would force the pump men to work at the point of the bayonet if necessary, and the men went back to work rather than to submit to force. The witness does not think that the pump men really desired to go back to work or that their previous refusal to do so was simply due to the compulsion of the union. (529, 530.)

Mr. GILL, master mechanic of the Tiger-Poorman mine, says that he, as master

mechanic, reported to Mr. Culbertson, the manager of the mine, that the pump men had decided to quit work and that the mine was filling up with water. Mr. Culbertson asked Lieutenant Lyons, who was present, to see what he could do to prevent this disaster. The witness was afterwards on the same day told by three pump men that they had been ordered by Lieutenant Lyons to go back to work within five minutes. They had decided to do so since otherwise they expected that negro soldiers would force them to work at the point of the bayonet. Their action was entirely due to intimidation. (520.)

Mr. SINCLAIR, State auditor of Idaho, says that he has understood that the pump men at the Tiger-Poorman mine were ordered to leave work by the miners' union, and that Lieutenant Lyons simply told the members of the union at the meeting referred to that it was in violation of State law to prevent the pump men from working. The witness considers Lieutenant Lyons a very capable and discreet man. He has never heard that an order was made that the men should be forced to return to work at the point of the bayonet if necessary. (548.)

E. Arrests of miners.—1. *Complaint as to wholesale and unwarranted arrests.*—Mr. SOVEREIGN declares that after the establishment of martial law and the arrival of the United States troops men were arrested wholesale and held in confinement without any definite charge. Membership in the unions alone was made a sufficient ground for arrest, and about 500 persons were accordingly imprisoned, almost a clean sweep being made in the entire district. These arrests were made by soldiers under the orders of State authorities. Most of the persons arrested had no formal charge made against them and were never granted trial. Many persons who had never been members of the union were also arrested. (393, 395, 399.)

Mr. BARNARD also refers to these wholesale arrests. He thinks that usually the arrests were made at the instance of a deputy sheriff and in his presence, but by the force of the United States soldiers. The soldiers went up the canyon to Burke and then "took a drag net" down the canyon. Many men thus arrested have been held for months without trial. (413, 415, 418.)

Dr. MATCHETTE testifies that wholesale arrests were made by soldiers, and that miners' houses were searched, nominally to find arms. Many of those arrested had been held at the time of his testimony for about 3 months without definite charges and without trial. There is no justice or law in this action. Mr. Sinclair has told different men on letting them go, that there was nothing against them and never had been, but that the authorities simply wanted to give them a taste of what would be done if they ever committed such crimes. The witness knows of cases where the families of miners would have suffered owing to such arrests, except for assistance from other people. The witness also refers to threats with pistols and abusive language used by the deputy sheriff toward two men, named Shannon and Pressley. (434-436.)

Mr. GILLEN, a miner, also complains of the wholesale and unwarranted arrests. Men are being discharged from the "bull pen" from time to time, since nothing can be found against them. The State auditor, Mr. Sinclair, asks the prisoners questions, and if their answers are satisfactory lets them go. Meantime they have not been permitted to consult counsel. (426, 427.)

2. *Individual instances of alleged unwarranted arrests.*—Mr. MILLER, night watchman at the Tiger-Poorman mine, testifies that he was sick and in the hospital up to May 2, although he was allowed to go down into the street for an hour or so each day. He first learned of the riot in the afternoon. He condemns such violent action strongly. He was discharged from the hospital on May 2, but was still under treatment and unwell. On May 4 a crowd of soldiers and men came down the canyon, and the witness, thinking the matter more or less of a joke, called out asking them if he was wanted, and they said he was and arrested him. (429.)

Mr. Miller says further that everything was quiet in Burke and up to the time of his arrest. There was plenty of time for those with guilty consciences to get away. The witness was a member of the union, but never attended but one meeting. (430.)

Mr. BARNARD refers especially to one John Chiddester. He had been summoned three times before the coroner's jury, having to travel about 20 miles at his own expense. When he remonstrated against this he was arrested. The acting sheriff, Dr. France, told the witness that there was no charge against Mr. Chiddester, but that he would probably be a good witness. (413, 415, 418.)

Mr. GILLEN, a miner and member of the Gem Union, testifies that he was arrested on the ground of being a union man, although he had been asleep during the day of April 29 and had not heard of the riot until the afternoon. He was discharged after a few days, there being no charge against him. He was again arrested on June 23 on the charge of intimidating nonunion men. At the time he was talking with a friend

and he implies that it was supposed that he was intimidating this man. As a matter of fact, the witness says that he had intimidated no one. He had never told anyone to stay away from work, although he had, when asked, stated the facts concerning the strike. Mr. Gillen was again discharged after two days. (421.)

Mr. CREEDON, a miner, testifies that he was arrested and kept in jail nearly 9 weeks. It was only after many demands that he succeeded in learning that he was charged with having interfered with the United States mail on April 29. After about 6 weeks he was taken before the coroner's jury and asked about "every conceivable thing under the sun," most of which had nothing to do with the mails. He was then released on bond. (525, 527.)

Mr. GILL, master mechanic of the Tiger and Poorman mine, testifies that there were about 40 or 45 men under his direction on April 29, 1899. It is impossible for the engineers, pump men, electricians, etc., to leave work at all without danger to the mine, and none of these men accordingly left the mine on that day. The witness himself and many men were, nevertheless, arrested afterwards, but when the authorities were shown that the mine would suffer if they were held prisoners they were set free after a very short time. (519-521.)

Mr. GANN, a carpenter and miner, employed in the Tiger Mine, at Burke, testifies that he was arrested on May 4, 1899, along with perhaps 300 others. No charges were preferred against him, and he had not been at Wardner during the riot. He was finally released when witnesses had proved that he was in Burke during the time. (486-489.)

Mr. MURPHY, a bartender of Burke, testifies that he was not a member of any union and had no knowledge of what was planned on April 29. He tried to get on the train going to Wardner, but it was so crowded that he could not. He did go down to Wardner on a hand car about 4:30 in the afternoon. On May 4 he was arrested without any charge and put with about 300 others in a barn. He was kept there 2 or 3 days and complains of severe treatment. Affidavits having then been produced showing that he was in Burke during the riot, he was let out. The witness says that civil officers were present directing the arrest in his case. (431, 432.)

Mr. HUTTON, the engineer who ran the train from Burke to Wardner, testifies that he was arrested for the first time on May 30, Mr. Sinclair stating to him that he was charged with conspiracy. He was held without trial or formal charge for 2 weeks and then released. (565.)

Mr. STEVENSON, justice of the peace at Gem, testifies that on April 29 he met two acquaintances about 2 o'clock in the afternoon, who could not have been at the scene of the riot. Nevertheless they were both afterwards arrested. One of them was a stranger in the country who had been there only a short time.

Mr. Stevenson also submitted a series of affidavits made before him as justice of the peace by 12 persons, chiefly miners. Nearly all of these declared that the affiant had been arrested without warrant or complaint and kept in prison without trial for various periods. Two of these men declare that they were not in the State of Idaho on April 29, and are strangers in the Coeur d'Alene region. One of the affidavits states that the affiant was ordered out of the country by a captain of the soldiers at the point of a gun.

Mr. Stevenson himself was arrested at one time. As a justice of the peace he had ordered the arrest of a certain man who had been hanging around the residence of one Mr. Goldensmith. This man had refused to answer before the court, and the justice had been compelled to order the constable to remove his cap, which was done in an orderly manner. The witness was afterwards arrested and Mr. Sinclair told him that his arrest was due to his having allowed this person to be "pulled and kicked and cuffed around." There were no other charges against Mr. Stevenson, but he was kept in prison for 19 days and finally discharged without trial.

As a further illustration of the domination of the State authorities over the legally constituted authorities, Mr. Stevenson states that at another time he arrested a man for ill-treating a woman; but a deputy sheriff or deputy marshal told him, "If you cinch that man there will be four more arrests immediately," which the witness interpreted as a threat that he himself would be thrown into prison if he pushed the case. (509-518.)

Mr. SINCLAIR makes a somewhat different statement as to the arrest of Mr. Stevenson. He says that the man who was arrested by warrant of Mr. Stevenson was a nonunion man who had secured a permit and who was simply lounging about waiting for an opportunity to get work. Some lady made complaint against him as a vagrant. When he was brought before the justice his hat was knocked from his head and he was assaulted. One of the deputy sheriffs warned the justice at the time that a nonunion man was entitled to as much consideration as a union man. As a result of this action the justice was arrested but was released after examination.

The statements made by Mr. Stevenson concerning his retention and treatment are believed by Mr. Sinclair to be perverted. The arrest was justified on the ground that Mr. Stevenson had disregarded the law in imprisoning a man on such a frivolous charge. (548, 549.)

3. *Justification of numerous arrests and detentions.*—Mr. SINCLAIR, State auditor of Idaho, says that he discovered on arriving in the Coeur d'Alene district that almost the entire community had been engaged in the crime of April 29, and it seemed necessary to arrest practically all the men in the district. It was impossible to avoid arresting many who did not participate in the riot, but as soon as that fact could be ascertained they were immediately released, every possible means being taken to facilitate hearings. The witness supposes that probably more than 500 were arrested in the first instance and that from 200 to 250 were still imprisoned at the time of his testimony. (545.)

Mr. Sinclair says further, that he believes the great majority of those who were arrested were implicated to a greater or less extent in the crime of April 29. From 1,000 to 1,200 men were present at the destruction of the property, and although undoubtedly a large number of these were ignorant as to what the unions had resolved to do, yet the number of innocent men does not appear to be so great as Mr. Sinclair had first thought. It is necessary frequently in every State to arrest innocent men and hold them until they are proved innocent. A great many men who were arrested in the Coeur d'Alene district have been discharged for lack of sufficient evidence to convict them, although there is moral certainty that they were guilty to some degree.

The men arrested were not held any longer than was absolutely necessary. As soon as a grand jury could be formed investigations were made and the men were either indicted, held for further investigation, or discharged. Some men have complained that they were held without being charged with crime, whereas they were, in fact, already indicted, although for the sake of the best interest of justice they were for a time kept ignorant of the indictment. Altogether, between 300 and 400 indictments were issued from the Federal courts alone, and practically all of those in prison at the time of Mr. Sinclair's testimony were under indictment. Some of the indictments which have been found have not been made public lest the accused persons should attempt to escape. A few persons are held as military prisoners under martial law. (552, 553, 563.)

Mr. FINCH, a mine operator, regrets the necessity which the State authorities have felt for the arrest of so many miners. Nevertheless, there were 800 or 900 men on the train, and since these men would not tell who the ringleaders were it was necessary to arrest a great many pending the securing of evidence. Those arrested were afterwards liberated as rapidly as possible. (499, 500.)

4. *Alleged arrests by military authorities.*—Mr. GILL understands that Lieutenant Lyons and other military officers frequently made arrests without action by the civil authorities. (522.)

Mr. STEVENSON testifies that he saw 3 men arrested by 2 military officers without the presence of a deputy sheriff. One of the soldiers who took part in making the arrest expressed a desire, in very profane language, to kill some of the white men. (512.)

Mr. SINCLAIR says that State deputies were appointed in large numbers and that the arrests were made by these deputies with the assistance of the United States soldiers. (545.)

Dr. FRANCE testifies that the governor appointed a number of men, who, perhaps, acted as United States deputy marshals, though the witness does not know their precise official capacity. Dr. France, as acting sheriff, also appointed a few deputies. The witness has never heard of a case where the United States soldiers arrested a man without direction of these civil officers. (475.)

Dr. MATCHETTE thinks that civil officers were present at each arrest directing the soldiers. (436.)

Mr. GILLEN also says that all the arrests which he had witnessed were made by deputies accompanied by soldiers. (427.)

Mr. MURPHY thinks probably a deputy was present when he was arrested. (432.)

F. Alleged illtreatment of prisoners.—1. *Complaints of illtreatment.*—Mr. SOVEREIGN, editor of the Idaho State Tribune, asserts that the prisoners after their arrest were abused by their guards, especially so long as the colored troops remained in charge. (395.)

Mr. GILLEN, who was arrested a few days after the riot of April 29, complains of cruel treatment. In conveying the prisoners to the bull pen a negro prodded him with a bayonet so that he suffered from it for two or three days. There were 35 or 36 men in a car being taken to the prison, and they were kept for over 20 hours without water, and for 24 hours without food. While he was in the bull pen he saw

soldiers strike two different men severely over the head with guns. One man was slapped in the face, pipes and knives were taken away from others. The first night after his arrest, the witness and others were compelled to sleep in a barn with only a little straw, under which was a wet manure pile. Afterwards the men were compelled to build a guardhouse, and were ordered about with violent language. The cruelty was chiefly practiced by colored soldiers. The white officers were more disposed to be kind, and there was no special complaint after the colored troops were removed.

This witness estimates that there were about 800 men in the bull pen at one time, but says that these were discharged from time to time when nothing was found against them, so that there were only about 300 there when he was imprisoned the second time, in June. Among the prisoners were a good many foreigners, including many Swedes, who are not, the witness thinks, a vicious class of men. There were more foreigners than native Americans imprisoned. Mr. Gillen says that the prisoners were permitted to talk with their friends in the presence of guards. (421-427.)

Mr. GILL testifies that practically all miners in the town of Burke were arrested, and that those going out of the mine were taken with their wet clothes, as result of which many of them suffered severely. (521.)

Mr. GANN, a miner, declares that the miners arrested were taken just as they came out of the mines, with their wet clothing, and they suffered greatly from cold, especially on the night after their arrest, when they were kept in a barn. The men had no food for the first 24 hours. During their confinement in the barn there was great danger from fire. The men were compelled to work and were sometimes prodded with bayonets. The witness saw one man with a wound over one-half inch deep from a bayonet. Part of the food was fairly good, but at other times it was horrible. The witness was not personally maltreated although he was often cursed by the soldiers. (486, 487.)

Mr. STEVENSON, justice of the peace at Gem, Idaho, says that while he was in the bull pen he was forced to work in the kitchen and also outside, although he was 60 years old, and feeble. It was understood that an order had been issued that if the place took fire, of which there was very great danger, no man should be allowed to escape. In fact, the witness heard an officer tell the prisoners that in case of fire they might run toward the guardhouse, but would be shot if they ran in any other direction. The witness saw a soldier run his bayonet through one man's coat. He also refers to abusive and threatening language used by the soldiers in making arrests. (510-512.)

Several of the persons who submitted affidavits in connection with the testimony of Mr. Stevenson declare that they suffered abuse and hardships during their imprisonment in the bull pen. One states that he was kept in a box car for about 2 weeks, and that during that time he saw 2 men slapped in the face by colored soldiers and another threatened with an uplifted gun for conversing with a fellow prisoner. Another affiant declares that he was taken out of his bed and forced to dig in a ditch at the point of a bayonet, and also that prisoners were told that in case of fire they must not try to escape. Another witness says that he was kept in a box car for about 3 weeks with other men and that they were treated like cattle; he was at one time knocked down by a gun in the hands of a soldier. (515-519.)

Mr. CREEDON, a miner, says that after he was first arrested he was placed with others in a box car and that they were given no food or water for 26 hours. When he asked for water he was told to keep his mouth shut or his head would be shot off. He saw a great many men who were jabbed with bayonets at that time and afterwards. The men were frequently threatened with abusive language, and clubbed with guns.

For some time after leaving the box car the prisoners, when eating their meals, were compelled to sit down on the wet manure. It rained continually and the men suffered greatly with cold and wet. After they were moved to the new quarters in the "bull pen" they still suffered, since the buildings leaked greatly. The witness was sick and suffered severely as result of this illtreatment and he was still compelled to work, the doctor having declared that he was able to do so. (526, 527.)

Mr. MILLER, night watchman, says that the men with whom he was arrested were taken in a box car and conveyed to a barn where they were searched. The witness complains of the illtreatment received. The men were compelled to sleep on the floor, and he himself was pushed about with a bayonet and threatened with a pistol. Two days after about 20 of the men were called out and a few questions were asked by Lieutenant Holbrook, after which these men were let go. While in the prison the colored guards referred to the witness as a bad man and a dynamiter. Everything was damp and cold, while the soldiers declared that they had orders to shoot down the prisoners if a fire should break out. (429, 430.)

Mr. YOUNG, ex-sheriff of Shoshone County, says that the colored soldiers were very abusive, especially in their language, toward the prisoners in the bull pen. He has seen them make jabs with their bayonets at the men, but does not think that the men were actually hurt. (539).

Mr. Young was confined, along with Mr. Stimson and Mr. Boyle, county commissioners, in the guardhouse, a small building near the bull pen. The witness was put into one corner and told not to converse with the other prisoners, and was threatened when he attempted afterwards to do so. After a few days, however, conversation was permitted. The guardhouse was very open, and, as it rained nearly every day, the prisoners suffered greatly, Mr. Boyle especially contracting a very severe cold. (535).

Mr. HURTON testifies that while he was in the bull pen, for about two weeks after May 30, there was no particular suffering from hunger and thirst, or conspicuous ill-treatment by the soldiers. He was told by the prisoners, however, that they had been much worse treated earlier; that they had been slapped and struck and had suffered in other ways. At the time the witness was in the bull pen the men were merely furnished a little hay to sleep on and had to go without blankets, unless they furnished them themselves. (567).

2. *Ill-treatment denied.*—Mr. SINCLAIR, state auditor in charge at the Coeur d'Alene district, denies that there was any ill-treatment of prisoners at any time. He would have been in a position to know if anything of the sort had occurred, and there was no disposition on the part of the troops who guarded the prisoners to keep anything secret. Very many men had been arrested and many of these, not being used to restraint, considered anything in the nature of discipline as an indignity. The conduct of the soldiers can not be characterized as unduly harsh.

Mr. Sinclair specifically denies that men were arrested in their wet clothing, with no opportunity for proper protection from the weather. The orders were that the men should be given the privilege of getting their blankets. Some failed to bring blankets and the State had none at the time to give them. In fact the witness did not consider it proper for the State to get new blankets and clothing for the short time during which most of the men were to be held.

It is true that some men were confined for a considerable time in box cars, but they remained there by preference rather than to be placed in the barn which was used for some time as a prison. As to the barn itself it had been cleaned and properly arranged for the prisoners. The witness never heard any complaint of lack of food or water, either immediately after the arrests or later on. Those who declare that they had no food or water for from 25 to 36 hours after being arrested are "infamous liars." The provision of food and shelter has been better than in any other prison in Idaho, or indeed in the Northwest.

The witness declares that no men have been bayoneted or maltreated by the troops. He does not know concerning the claim that the prisoners in the guardhouse were forbidden to speak to one another during 5 days. (549-551, 555.)

Dr. FRANCE, coroner, testifies that when the prisoners were first arrested, no place having been provided for such an emergency, it was necessary to put them in a large barn. There they had hay and straw to lie on and many had their blankets. As rapidly as possible the State provided quarters for them. The so-called "bull pen" was built, consisting of four buildings, each 150 feet long, with a row of bunks on each side and a passageway down the middle. The largest number of men ever in this prison was 600 or 700, and in July about 190 or 195 remained. The witness has heard no complaints concerning ill treatment of the men; he knows that the food was nutritious and sufficient, and that the soldiers never practiced any cruelties upon the prisoners. As fast as it was possible to become satisfied that prisoners were not implicated in the crimes they were released. (473, 474.)

3. *Treatment of sick and dying prisoners.*—Dr. MATCHETTE, of Wardner, says that the men arrested were at first kept in an old barn where they had to lie on the floor. Some sick men had been arrested and others became sick in the prison. One man especially had a high fever. The witness visited these sick men several times, but Mr. Sinclair then excluded him and also refused to permit bonds to be given by which the men with the fever could be taken out. (434.)

Mr. SOVEREIGN says those sick and dying were denied the right to see their relatives and also denied religious consolation. Two or three or four have died in prison. The case of one Mike Devine is specially mentioned. (397.)

Mr. GANN refers to the sickness of Mike Devine, who was arrested just after he had come out from the hospital. He had a relapse, and, although Dr. Stratton said he would be all right in two or three days, he afterwards died. The witness does not know that he was refused spiritual consolation, but Mr. Gann was not permitted to care for Mr. Devine in the hospital as Mr. Devine requested. (486-487.)

XCVIII INDUSTRIAL COMMISSION:—THE MINING INDUSTRIES.

Mr. SINCLAIR asserts that the statement that men dying in the bull pen were refused religious consolation when requested is absolutely false. A Catholic priest had been requested to hold service whenever the prisoners cared for it and the witness saw him on the grounds perhaps a hundred times. This priest contradicted the report that he had ever been denied access to the prison, and as to the particular case of Mike Devine asserted that he was not even a member of the Catholic Church in good standing, and that he had never asked for a dispensation. The witness had also given strict orders, which were carried out to the letter, that Dr. France should be called to anyone who was sick and that every attention should be given. (559.)

Dr. FRANCE declares that there was no case where medical aid or the presence of a priest was refused to sick prisoners. The man Devine who died in the bull pen did not ask for a priest. Another man, however, who had been taken from the bull pen to Dr. France's private hospital, was visited by a priest. The nurse at first refused the priest permission to enter, but Dr. France himself told him to go in. The charge on this subject arises from misunderstanding. There were but two deaths from diseases in the bull pen—one from pneumonia and one from a form of typhoid fever. These were not due, the witness believes, and the unsanitary condition of the prison.

One person named Johnson was adjudged insane, and the witness, with the deputy sheriff, started to take him to a State institution. At the railway depot the man escaped and ran toward the river. The guard shot at him and, by direction of Dr. France, shot high. The man jumped into the river, owing to his insanity, as the witness believes, and was drowned. The charge that he was shot, and also that his insanity was due to his being forced to testify to a falsehood before the coroner's jury, was denied. (473-475.)

G. The permit system.—1. *Form of proclamation and of application for permits.*—After the governor of Idaho had proclaimed martial law in the Coeur d'Alene district a proclamation was issued, signed by Bartlett Sinclair, state auditor, "by order of the governor," and approved by Gen. H. C. Merriam, regarding the miners' organizations. (SOVEREIGN, 390.)

This proclamation declares that whereas "certain organizations or combinations existing in Shoshone County have shown themselves to be criminal in purpose," inciting to destruction of property and of life, the mine owners are notified that they must not employ men belonging to such criminal organizations. The persons applying for work in the mines must obtain a permit from Dr. Hugh France, must deny all participation in the riots, and renounce membership in any society which has incited violation of law.

The following is part of the form of application for such permit required from union men:

I am a ——— by occupation. I am a native of ———, and am a ——— citizen of the United States. I last worked at the ——— mine in ———. My shift boss was ———. Heretofore I have been a member of ——— Miners' Union. I did not participate, actively or otherwise, in the riots which took place at Wardner on the 29th of April, 1899. Believing that the crimes committed at Wardner on said date were actively incited, encouraged, and perpetrated through and by means of the influence and direction of the miners' unions of the Coeur d'Alenes, I hereby express my unqualified disapproval of said acts, and hereby renounce and forever abjure all allegiance to the said miners' union of which I was a former member, and I solemnly pledge myself to obey the law and not to again seek membership in any society which will encourage or tolerate any violation of law.

(390, 391.)

On attention being called to the fact that the permit apparently is somewhat more definite in its designation of the miners' organizations as criminal bodies than the proclamation, Dr. FRANCE declares that it was the understanding at the time the proclamation was issued that the miners' unions were responsible for the riot, and that it was intended to apply to these. Every other mine in the district except the Bunker Hill mine was employing union men, so that the presumption was necessarily that the riot was conducted by them. (471, 477.)

There is no inconsistency, Mr. Sinclair affirms, between the forms of application for permits and the terms of the proclamation. Both were devised by Mr. Sinclair and had the same purpose. Since Mr. Sinclair himself was the author of the proclamation and could readily secure the consent of the governor to any necessary changes or extensions, it could not be said that he was restricted by the terms of the proclamation. As a matter of fact the proclamation is broader rather than narrower than the requirements in the application. It refers to criminal organizations in general, whereas the application for permit refers specifically to only one criminal organization, the miners' union. If it be found later that other organizations are criminal, additional forms of application will be required. On some occasions, to satisfy the feelings of individual men whom the witness could trust, the terms of the application have been somewhat modified. The application for persons not members of the union does not require the application to denounce the union. The witness could, if he wished, permit men to work without signing any of the applications. (545.)

2. *Authorship of proclamation.*—Mr. SOVEREIGN declares that the United States troops, under the command of Gen. H. C. Merriam, exceeded their authority in connection with the strike at Wardner. The proclamation of the governor of Idaho concerning the miners' unions was approved by General Merriam. Secretary Alger afterwards directed him to have nothing whatever to do with enforcing rules for the government of mines or miners' unions. (393.)

Mr. BURBIDGE testifies that this proclamation was drawn up by Mr. Sinclair, Dr. France, then acting as sheriff, together with Judge Lindley, of San Francisco. He does not know what influences were brought to bear to secure its issue. Some of the other witnesses think that the officers of the Bunker Hill mine had something to do with drawing it up. Mr. Burbidge expresses his general approval of the proclamation. (453.)

Dr. FRANCE testifies that the proclamation concerning the permit and the form of permit were prepared by Judge Lindley, attorney for the Bunker Hill company, Mr. Sinclair, and General Merriam himself. (471.)

Mr. SINCLAIR, state auditor of Idaho, who was placed in charge of the Coeur d'Alene district as the representative of the governor, declares he himself was the originator of the permit system. Although Judge Lindley assisted in writing the proclamation concerning the permits, the terms of the proclamation and of the permit were devised by Mr. Sinclair. Judge Lindley, although he was attorney for the Bunker Hill and Sullivan Company, was acting in the place of the State attorney-general and by his protection. The entry upon the proclamation concerning the permit "examined and approved, H. C. Merriam," does not mean that General Merriam joined in the authorship of the proclamation, but simply that he undertook to protect the agents of the State against violence in enforcing the proclamation as a portion of the State law. (545, 555.)

3. *Purpose and justification of system.* (See also, as to character of miners' unions, p. CI).—Mr. SINCLAIR says that it is the purpose to examine men applying for permits carefully and to refuse them to any man who is shown to be criminal in character or to approve criminal methods. He believes that this device is necessary to drive out the criminal element rather than to rely upon criminal trials, because of the impossibility of getting conclusive evidence in many cases, especially under the conditions which exist in Shoshone County. The witness regrets the necessity of adopting the system, but knows of none more effective.

Mr. SINCLAIR asserts that the permit system is approved by all the mine owners in the region and by a great majority of the law-abiding citizens. Some of the union men, though probably not a great many, have signed the applications, especially foremen and other prominent employees. The system has so far worked to the entire satisfaction of those who devised it.

Careful consideration was given to the constitutional and legal rights of citizens in drawing up the terms of the permits, etc. It is acknowledged that the system would not be tolerated under civil law. It is clearly contrary to the existing statute of Idaho, which makes it a crime to exact from any person as a condition of employment a promise that he will not be a member of a union. But the system gets its validity from martial law, under which unusual and extreme measures are justified, such as, for example, the closing of saloons and the prohibition of public gatherings.

Mr. SINCLAIR asserts that the requirement of the permit was necessitated by the extraordinary conditions existing in the district. Great bodies of men had defied the civil law, had committed arson and murder, and yet had returned to work without punishment by the local authorities or by their employers. The entire district had been in a state of lawlessness for years, and the miners' unions were distinctly criminal organizations, which it was necessary to destroy.

The only purpose of the permit system, Mr. Sinclair concludes, is to establish law and order. To this end it is necessary that the State should have something to say as to the character of the men who may be employed in the mines of the Coeur d'Alene district. In any case men are put under no more restraint by the system than they were by the unions themselves when they excluded nonunion men from the mines. (545-547, 557-561.)

Mr. Sinclair denies especially that the State authorities have any opposition whatever to unions as such, or that they have any inclination on the side of the employers and mine owners as against the miners. There is no sympathy for one mining company, such as the Bunker Hill and Sullivan Company, rather than for another. The governor of Idaho was formerly a laboring man and a member of the Typographical Union, and the mine inspector (who apparently approves the methods employed), was a member of the miners' union. Mr. Sinclair himself believes that unions are necessary as a protection to the interests of labor. All of these officers desire to see unions established in the Coeur d'Alene district. But it is the purpose to drive

out the criminal element of the population, to teach the people to distinguish between unionism and crime. The State can not afford the expense nor the dangers of such riots and revolutions as have occurred in the Coeur d'Alene district every few years; and since the miners' unions, as hitherto constituted, have been largely responsible for these lawless conditions, they must be broken up. (547, 554, 556, 558, 562.)

Mr. Sinclair further asserts that it is not true that when men have been discharged from the prison from time to time they have been warned to leave the country. On the contrary, the witness says that he has frequently told the men that he did not want them to leave the State, and it has been publicly made known that there is no disposition on the part of the State to run out law-abiding men. (556.)

Mr. FINCH, an officer of certain mines on Canyon Creek, says that the mine owners at first felt that the State authorities were unduly severe in the conditions imposed regarding permits. But those authorities were thoroughly convinced that the miners' unions of the Coeur d'Alene district were criminal organizations and must be broken up. The witness has changed his opinion, and believes that the action was, on the whole, necessary. The conditions were such as to demand drastic measures. The State authorities believe it was necessary to drive out some of the union men and to bring in a lot of new men to leaven the public opinion of the district. A large proportion of the miners have refused to sign the permits and many are now wandering through the mine regions of the West looking for work. Some of the men, especially carpenters and pump men, engineers, etc., were inclined to take out permits, except for fear of the unions. (494-498.)

Dr. FRANCE and Mr. BURBRIDGE both defend the permit system as necessary to destroy the criminal organizations in the Coeur d'Alenes. (457, 477.)

4. *Objections to requirement of permits.*—Mr. SOVEREIGN denounces in the strongest terms the requirement of the permit as a condition of work. It interferes with the right of contract guaranteed by constitution and statute, both as regards the mine operators and the miners. In this connection the witness quotes the act of Idaho making it unlawful for employers to enter into agreements with their employees not to become or continue members of labor organizations. Dr. France, Mr. Sovereign continues, who has charge of issuing permits, was, at the time he became sheriff by virtue of the arrest of the elected sheriff, a beneficiary of the Bunker Hill company, receiving a salary of about \$400 per month through its hospital. The officers issuing permits, under his direction have exercised their own discretion as to granting them. The system has been strictly enforced. The Hunter mining company, for example, which was reopening its workings, employed about 27 men without permits, but the mine was closed on the order of the governor, aided by the military authorities. In fact, through the operation of this system the mining industry of the district is practically suspended. Had it not been for the proclamation most of the mining companies would have continued their operations, and their employees would not have been disturbed. One mine operator made a contract with his men to recognize them as soon as the permit system was abandoned, but the governor has boasted that he would keep the State under martial law for two years if he could not otherwise destroy the miners' unions in the district. Few of the miners have signed the agreement. They have felt that it was contrary to their constitutional liberties, and, moreover, that if they signed they would be barred from employment in any union camp in all the mining regions. (390-392, 396.)

Mr. BARNARD, ex-mayor of Wallace, also declares that the requirement of the permit has had a very demoralizing effect upon the miners and the miners' unions. It has driven many of the best men from the country, since they consider the requirement an insult to free Americans. All the union men with whom the witness has talked except one have declared absolutely that they would not work under those circumstances, and the witness does not think that the one referred to felt that the promise made was a permanently binding one. An officer of one of the mines has told at least one employee that if he signed the permit he could go back to the union after the permit system was abandoned. Very few indeed of the men have signed the permits. The witness thinks the arrangement is injurious to the mine owners and to the business men generally, as well as to the miners. (414, 415, 419.)

Mr. GILLEN, a miner, declares that all the miners consider the conditions imposed for obtaining these permits outrageous. Even those who are strongest in condemning the acts of April 29 are as persistent in opposing the permit system as those who were guilty. (424, 425.)

Mr. GILL, master mechanic of the Tiger-Poorman mine, says that although none of the 40 or 45 men who were employed in his department took part in the riot on April 29, they were nevertheless required to take out permits in order to continue employment. Most of them have refused to do so believing that the system is an unjust interference with their liberty. The requirement of the permit has even been

extended to heads of departments, and Mr. Gill himself has refused to comply with the demand. He considers the system entirely unjust, since he does not believe that the miners' unions are responsible for the crimes. He has heard some people say that the proclamation regarding permits was written by Judge Lindley, the attorney of the Bunker Hill and Sullivan Company. (515, 524.)

Mr. MILLER, night watchman of the Tiger-Poorman mine, declares that he would not sign a permit under any circumstances. The men who are signing them are the kind who are hurting the miners. The system is unjust and unAmerican. The witness knows that the majority of the union men are law-abiding and opposed to any such action as that of April 29. The witness himself had declared on that day, when he saw a man with a gun and a mask, that such methods were all wrong. (430, 431.)

Dr. MATCHETT testifies that the union men are not at all disposed to sign the applications for permits. The witness considers, as they do, that it would be signing away their liberty. He has heard Mr. Sinclair say that those who expressed an opinion against the permits would not be given any afterwards. The witness says further that a somewhat similar permit system has been in effect at the Bunker Hill mine for 4 or 5 years. (434, 435.)

Mr. DODD, county tax assessor, thinks that the permit system has been injurious in its effects in closing the mines in the Coeur d'Alene district for a considerable period, although most of them had resumed work at the time of his testimony. There had been no difficulties between the miners and mine owners, except at the Bunker Hill and Sullivan Mine, but all the mines were operating peaceably. The miners have been unwilling to sacrifice their independence and manhood by signing the applications for permits and the result has been greatly to interfere with the operation of the mines. (539, 540.)

5. *Reopening of mines since permit system.*—Mr. BURBIDGE testifies that since the riot the Bunker Hill company has been employing over 300 men, including mostly its former nonunion employees. A large part of these men were at work at the time of the testimony in rebuilding the company's mill. (455.)

Mr. MACDONALD, of the Helena-Frisco mine, says it has been operating since the strike with about 250 men, largely brought from other states. The company has not had time to arrange for permits for all of the men. About 700 men altogether are working in the various mines on Canyon Creek. (481, 482.)

Mr. BURBIDGE says that, apparently since the strike, about 25 per cent of the employees of the Bunker Hill mine are foreign born, including natives of Great Britain, Scandinavians, and perhaps 5 or 6 Italians. The Norwegians and Scandinavians, as a race, are considered to be law-abiding people. (452.)

Mr. MACDONALD, of the Helena-Frisco mine, says that of the employees of that mine before the strike about 10½ per cent were native born, the remainder being largely Italians and Scandinavians. Since the strike 80 per cent of the employees, who have been brought from various states, are native Americans. (484, 485.)

H. The miners' unions and their character.—(See also p. LXXXVIII.)

1. *Organization of unions.*—The findings of the coroner's jury on the bodies of John Smith and James Cheyne state that there were at the time of the riot of April 29, 1899, four miners' organizations in Shoshone county, at Wardner, Burke, Gem, and Mullan, respectively. These are practically continuations of the unions existing at the time of the riots of 1892, although their charters were issued in 1893 by the Western Federation of Miners. (465.)

Mr. SOVEREIGN testifies that the miners' unions in the Coeur d'Alene district are affiliated either with the Western Labor Union or the Western Federation of Miners. A closer relation has recently been established between these two organizations than before, and at the same time the employees outside of the mine and those inside have been brought more closely together. The membership has grown rapidly in the last few years. The constitutions of these unions are similar to those of trade unions generally. (389.)

2. *History of lawless acts in earlier years.*—Mr. MACDONALD, manager of the Helena-Frisco mine, testifies concerning earlier actions of the unions in the Coeur d'Alene district. After referring to the riot of July 1, 1892, he says that on June 20, 1894, a committee of the union notified him that 6 or 7 nonunion men must be discharged or they would be done away with. The witness accordingly discharged them. The Milwaukee Mining Company received a similar notice at that time but refused to discharge men, and on July 3 a masked mob came to Gem and killed John Kneebone. From that time on the unions repeatedly compelled mine owners to discharge men and drove them out of the canyon. The witness found it necessary to comply with their demands from time to time.

On December 23, 1897, a man named Whitney, superintendent of the Helena-Frisco mill was shot. In 1898 Dan Conners, shift boss of the Standard mine, was

given 3 days to get out of the country. About the same time the union men attempted to drive another man out of the Helena-Frisco mine, hitting him with a club. He turned about and shot one of his assailants.

In another case the Black Bear mine discharged a man who had been a member of the union. The union men went to the shift boss and told him that the man must be paid for all the time he was out of work or else the boss would be driven out of the district; and he was forced to yield. Men were also killed in Burke at different times. (479-484.)

Mr. FINCH, an officer of the Standard Mining Company and of the Hecla Mining Company, who has been in the Cœur d'Alene district since 1887, says that there was no trouble between mine operators and their men up to 1891. Regular miners were paid \$3.50 per day, car men and shovelers \$3 per day. In 1891 unions were formed at Gem and Burke, no objections being made by the mine operators. Soon after the men demanded that shovelers and car men also be paid \$3.50 per day. The operators protested that these men were not skilled, but the unions based their demand on the fact that they shared the same risks as the miners. The mine owners shut down their mines, and later on began to get men from Lake Superior and elsewhere to operate their mines. On July 10, 1892, a report was started that two union men had been killed at Gem by the scabs. The next morning a crowd of union men, about 400, attacked the Frisco mine, blew up its mill, killing 3 of the men who were in it, and shooting at those who escaped. The union men then attacked the mill at Gem, which was defended by a number of miners and mill men and some hired deputies. These were forced to surrender, the superintendent of the Gem mine agreeing to send the nonunion men out of the country. The mob then proceeded to Wardner to capture the Wardner mill. The superintendent of the Bunker Hill mine at that place had meantime surrendered and had sent at least 280 nonunion men out of the country. As the men from the Gem mine were waiting to take the steamer at the Mission on July 12, having no arms, they were attacked by 15 or 18 men armed with rifles. As many as were caught were robbed. Two men were shot but afterwards recovered. Six others were never accounted for, perhaps having got lost on the mountains or perhaps having finally escaped. The State authorities declared the district under martial law, and numerous arrests were made. About 16 men were sentenced to serve terms of from 4 to 8 months each. They were considered as martyrs to the common cause, and were not kept in prison very closely. The most of the mines at that time agreed to recognize the unions and to pay the union wages, \$3.50 per day, for all underground workers. (489, 490.)

Mr. SOVEREIGN says that the great strike in the Cœur d'Alene district in 1892 resulted from an attempt on the part of the employers to compel each employee to pay an assessment of \$1 per month for a hospital fund. The miners preferred securing their own medical service. The employers imported a large number of laborers at the time of this strike, and many of the old laborers had to abandon their homes. It has been the usual custom of mine operators in the district to barricade their works and employ armed men to protect their property, which has had the effect of exasperating the miners. The witness has never known of any strikes of importance in Idaho outside of the Cœur d'Alene district. (389, 407, 408.)

Dr. FRANCE testifies that on July 11, 1892, there was a pitched battle between the union and nonunion men, in which 3 union and 2 nonunion men were killed. The nonunion men were driven out of Canyon Creek. Dr. France at that time appeared as witness for the State in prosecuting the criminals, and has since been known as the scab doctor. (461, 462.)

Mr. FINCH describes the murder of John Kneebone in 1893. He says that the act was done by 20 or 30 men only poorly disguised; that they were seen by a great many people and must have been well known; but that in spite of a reward of \$10,000, no evidence was ever submitted against any of the men.

Mr. Neil, the superintendent of the Gem mine, and 3 other men were at this same time marched up the canyon. In the snow on the mountains they were made to kneel down and promise never to come back, but they were afterwards rescued by a party from the mines. One of the men, who was not strong, caught a cold which developed into consumption, as a result of this experience. (491-492.)

Mr. BURBIDGE submitted a number of extracts from newspapers published in the Cœur d'Alene district tending to show the criminal character of the miners' organizations. He declares that these extracts are fairly selected. Most of them are from the Cœur d'Alene Miner. According to these extracts, on April 24, 1894, a delegation pretending to act by the authority of the Gem miners' union submitted to the managers of the Gem and Frisco mines a list of 23 men whose discharge they demanded. It is declared that this committee acted without authority, the proposition having in fact been voted down by the union. Later it is stated that much indigna-

tion had been expressed because 15 or more employees of these mines had been notified by a committee from the miners' union to leave the country. On July 3, 1894, a body of about 40 masked and armed men came into Gem from the direction of Burke hunting for men who had been ordered to leave the country. John Kneebone was found and shot dead. The mob then captured the superintendent, Mr. Neil, and some other officers, and marched them to the Montana border, several miles, and ordered them to leave the country. The report of the grand jury on the murder of John Kneebone, which was submitted by the witness, states the facts of the murder, but declares that the perpetrators could not be discovered. The report goes on to say that it is supposed that many of the masked men must have been known to the residents of Gem and Burke, but that no one would testify against them. While the grand jury recognized the good of labor unions and does not charge this outrage to the concerted action of anyone, it declares "it is the pity or shame of too many labor organizations that outrages are committed in their names by a few men belonging to them, while either a false sentiment of loyalty or the fear of the consequence of revealing the authors of the crime too often prevents the punishment of the perpetrators * * *." The Silver Star, a paper in sympathy with the unions generally, declared at the time that no blame for this outrage could be laid at the doors of the unions, since the "scabs" had been duly requested to go away. The blame is due to overzealous men, "among whom no doubt the greater part may have belonged to the union, acting of their individual accord." (444-447.)

Mr. FINCH also describes the murder of Mr. Whitney on December 23, 1897. Whitney was a new superintendent at the Frisco mill. He had discharged two or three men and had been notified by the unions to leave the country. When he failed to do so he was seized by about 20 men and taken down through Gem and then shot in the back. No one appeared to claim the large reward offered. (491.)

This witness also describes the case of Dan Conners, shift boss of the Standard mine, who was driven out in 1898. Mr. Conners was eating lunch with about 50 of the miners at the Standard mine when 2 men entered the room with revolvers and ordered him outside, where 2 others joined them. He was given 3 days to leave the country, and he did so after selling his house and furniture for what he could get. He told the mine operators the names of the men whom he thought were his assailants, and the Standard mine discharged 2 who were in its employ. Any attempt at prosecution would have been futile, although many men knew the guilty parties. (491.) Mr. GANN thinks that this particular case was the result of a personal grudge against Mr. Conners, and that the union as a union had nothing to do with it. (492.)

Mr. SOVEREIGN refers to the case of Dan Conners as showing the law-abiding character of the unions of this district. Mr. Conners was himself a member of the union and declared to Mr. Sovereign at the time he was driven out that the action was purely a personal matter between himself and the 4 men who drove him out. He, however, refused to remain in the region, and became a prosecuting witness against these men. The Burke miners' union soon afterwards passed a series of resolutions declaring that it had no animosity toward Mr. Conners, who was a member of the union, and denouncing the outrage in the strongest terms. (403, 404.)

Mr. BURBIDGE submitted another item from the Miner of July 14, 1894, referring to the attempt to blow up the electric power house of the Bunker Hill mine. Mr. Burbidge knows this to have been a fact.

On November 22, 1894, the Wardner miners' union resolved to stop the work at the Morning mine and the Bunker Hill mines, until all men eligible to membership should join the union or be driven out. A committee notified the manager of the mines that only union men must be employed, and when the demand was refused a strike was ordered.

Another attempt was made to blow up the Bunker Hill concentrator on May 10, 1896. The flume furnishing water power for the mill was blown up and kindling saturated with coal oil was placed against the building and lighted, but was afterwards extinguished. Mr. Burbidge declares further that the miners regularly celebrate as a public holiday the anniversary of the blowing up of the Frisco mill on July 11, 1892, on which occasion 5 men were killed. (444-449.)

3. *General statements as to criminal character.*—Mr. FINCH says that, broadly speaking, no one in the Cœur d'Alene district during the past five years has dared to criticize any act of the unions, even mildly. All of the offenses above described, and others, were supposed to be acts on the part of union men, and they were not disavowed by the unions. The witness believes that the majority of the men belonging to the unions are law abiding; that they disapprove, for example, what was done at Wardner, but that they have been almost completely under the domination of hot-headed and unreliable leaders. Being more or less uneducated, they have been carried away by unfair representations and agitation. The various unions are largely

controlled by what is called the central union, composed of two delegates from each of the separate bodies. This small number of men practically controls the whole machinery. The members are afraid to disobey their orders. The fact is that the Western Federation of Miners, which extends through all the mining States, is itself largely under the control of extremists, and the miners fear to act contrary to the leaders because they could not get work anywhere.

Mr. Finch favors the organization of labor, generally speaking, and thinks most mine owners would rather have good unions established than to employ all non-union men. He thinks labor difficulties are largely due to misunderstandings, and that it would be better for representatives on each side to get together and discuss matters in a fair manner. The difficulty has arisen from arbitrary action on both sides. The employers have found it best, and are usually willing, to listen to complaints from the unions, especially when the unions think that any man has been unjustly discharged. (493-500.)

Mr. BURBIDGE thinks that the labor organizations at present existing in the Cœur d'Alene district are to be considered criminal in nature, and that it is just to punish them as organizations for the recent outrages.

He declares that nonunion men have often received notices signed by union officers ordering them to join the union or to leave the country. He admits that there are many law-abiding citizens among the unions, but declares that union men and officers were in the mob which destroyed the property on April 29. He believes that men have the right to combine for their own interests and to get as much money as possible for their work, and has no objections to unions so long as they are law abiding, but if 99 men in a mine are dissatisfied and one is satisfied, that one should have the right to continue work. The opposition of the mine owners to the unions arises when they try to run the business of the mine. The witness declares that in the Cœur d'Alene district foremen and superintendents of mines dare not discharge men for misconduct or neglect of duty for fear of their lives. (440-454, 457.)

Mr. BURBIDGE refers to an account of the riot of April 29 which appeared in the Idaho State Tribune, edited by J. R. Sovereign. The heading reads: "Bunker Hill destroyed. One thousand determined men wreak vengeance on the scab mine. * * * Martial law threatened for the entire district." Many references are made in the article to the alleged interest of the Standard Oil Company in the mine. (444.)

Mr. SINCLAIR asserts that it has been the principle of the miners' unions to compel those who sought work in the mines to join the union or to leave the country. The unions have given the newcomers time to earn enough money to pay dues, and have then insisted upon their becoming members. (561.)

Mr. McDONALD says that the unions have not even permitted nonunion men to join the organization, but have driven them out entirely. New men were permitted to work for a few days, and then, if unable to give the union grip, their records were investigated at the camps from which they came, and unless satisfactory they would be ordered down the canyon on the ground simply that they were not in sympathy with the union.

Mr. McDonald thinks that miners' unions are desirable if properly conducted. He has himself been a working miner and a member of the union. (484.)

4. *Denial of criminal character.*—Mr. SOVEREIGN, editor of the Idaho State Tribune, declares that labor organizations generally, and those in the Cœur d'Alene district as well, are entirely incapable of organizing criminal movements. They have too large a conservative element among their members, men who would testify in any court concerning crime committed by the organization. When crimes are committed in labor disputes they are usually by men who, while probably members of the unions, organize for their criminal purposes entirely outside.

Mr. Sovereign admits that people are inclined to attribute such acts as the riot of April 29 to organized labor, and thinks that the unions should do everything possible to free themselves from this unjust charge. He does not believe that the unions in the district have been able to hold regular meetings since the riot on account of the absence of a quorum, but all the union men with whom he has talked have deprecated that action. (394, 403, 407.)

Mr. GILL, master mechanic of the Tiger and Poorman mine, thinks that the miners' unions of the Cœur d'Alene district have always been orderly. When men have been driven out they have usually been objectionable characters, and the driving out was done not so much by the unions as by groups of miners. The witness thinks that the accumulation of a little property by the miners has a great influence in checking lawlessness. (521-523.)

Mr. CLEARY, acting president of the Burke Miners' Union, says that the only

pledge, so far as he knows, which is required of members of the union is that contained in the ritual of the Western Federation of Miners, as follows:

"I, _____, in the presence of Almighty God and the members here assembled, most solemnly and sincerely pledge and obligate myself to be a true and faithful member of _____ Union, No. _____, of the Western Federation of Miners." (530.)

Mr. CREEDON, a member of one of the unions, declares that those organizations are thoroughly law-abiding. He had not been a member of the union very long before the riot and had seldom attended the meetings, but he believes that the requirement of the constitution that members shall be of good moral character is carried out to the best of the ability of the unions. In times gone by they have offered rewards and passed resolutions condemning crimes committed in the vicinity. (528.)

Mr. Creedon declares that Mr. Jay, who has been foreman of the Frisco mine for several years, recently told him that there was no truth in the statement that the miners' unions had dictated who should be employed and discharged; he himself had never been obliged to hire men or to discharge them at the command of the union. Mr. Jay has lost his position as foreman because he would not take out a permit. (528.)

Mr. HUTTON, the engineer of the train which carried the rioters from Burke to Wardner, declares that he thinks the majority of the men living on Canyon Creek are good citizens, and that he does not consider the miners' unions criminal organizations. He thinks that practically only the men who were masked and armed on April 29 knew what the general plan was. (567, 568.)

As to violations of law in earlier years, Mr. YOUNG, the sheriff, thinks that none of them can be charged to the miners' unions. He has always heard that whenever propositions to take lawless action were raised they were distinctly rejected by the unions. In fact, the unions have passed resolutions condemning various acts of violence. The witness admits, however, that despite large rewards offered for those guilty of various murders, no one has been arrested. (536, 537.)

Mr. GILLEN, a miner, says that although no business has been transacted by the Gem Union since the riot, he has heard members of that union at its hall condemn the actions at Wardner. He has never known the organizations of miners to defend violent measures, and there is nothing in their constitution or general character to keep law-abiding citizens from becoming members. The records of the Gem Union were taken out of its hall in order to prevent them from being seized. (421, 423-426.)

I. Removal of county commissioners and sheriff.—1. *Charges against these officers.*—Mr. ERVIN, deputy clerk of the district court of Shoshone County, Idaho, submitted a copy of the decision of that court removing from office Messrs. Simmons, Boyle, and Stimson, members of the board of county commissioners, and James D. Young, sheriff of the county. The decision, after summarizing the numerous charges made against these officers and the replies of the defendants, reaches the following conclusions:

The proceedings were brought under a statute requiring the court to summon and examine any officer charged with having refused or neglected to perform his official duties. The county commissioners can exercise only powers granted by the statute, and are bound to carry out all the directions of the statutes. Ignorance of the law will not excuse any person. Neglect may arise either from corrupt motives or incompetency.

The fact that the board of county commissioners held its session at the town of Murray, notwithstanding the election transferring the county seat to Wallace, could scarcely be considered neglect of official duty sufficient to warrant removal from office. On the other hand, the county commissioners have approved the bonds of the sheriff, tax collector, and assessor, although the sureties signing the bonds had not paid taxes upon sums double the amount of the bonds, as required by the statute, the amount of their assessed valuations being very much less than the amount required. This approval was in clear disregard of law. The commissioners also violated their duty in paying a commission to Mr. Young as sheriff on the collection of money for State and county licenses, since this was a claim not authorized by law, the sheriff's fees being strictly fixed. The commissioners also abused their authority in issuing liquor licenses without application and without bonds.

Finally, the commissioners were negligent in failing to take steps to check the disturbance at Wardner. On April 26, 1899, representatives of the Bunker Hill and Sullivan Mining Company notified each of the county commissioners of the condition of affairs prevailing, of the fact that an armed mob of miners was using force against the employees of the company. The only result was that a conversation was held between Mr. Simmons and the sheriff, in which the sheriff informed Mr. Simmons that there had been a little trouble, but that everything was all right, and Mr. Simmons directed the sheriff to see that no property was destroyed. No communication

was had between the members of the board of commissioners after this notification. The commissioners are the chief executive authority of the county and it was their duty to personally visit the scene and to meet in special session to take such action as might be necessary. The commissioners do not seem to have realized the responsibilities resting upon them and were thus guilty of violating the law.

The court also finds that the sheriff was neglectful of his duties, on the basis of his own testimony. He did nothing whatever to prevent the difficulties which occurred at Kellogg on April 29. He took no steps to apprehend or arrest those participating in such unlawful acts. He rode on the train with the men to Kellogg, heard their talk, followed in their steps, witnessed the destruction of the Bunker Hill and Sullivan Mining Company's property, and permitted, almost within his view, the murder of two men. Afterwards he took no action to identify or apprehend the criminals.

Judgment was accordingly entered by the court removing the county commissioners and the sheriff from office. (501-508.)

The findings of the coroner's jury as to the murder of Cheyne and Smith declare that during the week before the riot of April 29 an appeal was made by the Bunker Hill company to the county commissioners to take some precautionary measures, but none of them paid the slightest attention to the request. The sheriff, James D. Young, was also appealed to, but wholly neglected to perform his duty. He came down on the train from Wallace with the mob, associated with them throughout the day, held long conversations with masked leaders, refused to appoint proper deputies, and aided and abetted the conspiracy. He gave no warnings of the approach of the mob, although he had opportunity to do so, and after the riot deceived the governor of Idaho in asserting that he had the situation well in hand. The jury accordingly charged that the commissioners and sheriff aided and abetted the miners' unions in their crimes. (469, 470.)

Mr. SINCLAIR insists that Mr. Young, as sheriff, might have made a great many arrests after the riot of April 29 if he had possessed ordinary courage, ability, and integrity. He and the other county officers permitted the criminals to escape, as Mr. Sinclair believes, knowingly. The law requires that the sheriff shall appoint necessary deputies, and that if he can not himself cope with the situation he shall notify the State officers. As a matter of fact, the sheriff stated to the governor that he had the situation thoroughly in command and failed to reply to numerous telegrams inquiring as to the details of the existing conditions. (552, 562, 563.)

Mr. BURBRIDGE, assistant manager of the Bunker Hill mine, says that he thinks if there had been a brave and determined sheriff in the county there would have been no riot. On April 26 the sheriff was notified of the strained conditions. Mr. J. M. Porter, engineer of the Bunker Hill mine, asked the sheriff to appoint him as deputy, but the sheriff refused to do so and advised the company to settle with the union. At that time he was shown a notice warning trespassers to keep off the road belonging to the company, and did not object to it; but on the next day he declared that the road was a public one (which the witness denies), and added that if any body of men wanted to go up that road, whether armed or not, he was going to see that they did so. It is true, the witness admits, that the sheriff attempted to dissuade the rioters from the action on April 29, but after the murders and the destruction of the property he telegraphed to the governor of the State that he had the situation well in hand and did not need assistance. (451, 452.)

Mr. FINCH, a mine operator, believes that vigorous action on the part of the sheriff and county commissioners might have prevented the riots of April 29. A sufficient number of deputy sheriffs could probably have been brought from the southern end of the county. (499.)

2. *Defense of county officers.*—Mr. YOUNG, ex-sheriff of Shoshone County Idaho, testifies that he was impeached on July 11 and removed from office. One charge made against him was that his bonds were insufficient. The law requires that the bond of the sheriff shall be in the sum of \$10,000. The county commissioners had requested county officers to secure bondsmen qualified in double the amount specified by law. The signers of the bond of the witness were worth \$21,000, but some of them had failed to pay their taxes at the proper time and were not strictly qualified according to law. Nevertheless there was no complaint on this subject until after the riot. The chief charge against the sheriff was that he had aided and abetted the miners in the violations on that day.

Mr. Young describes in some detail what occurred before and during the riot. He says that on April 26 Mr. Porter, a man in the employ of the Bunker Hill and Sullivan Company, telephoned to him that the miners had formed a blockade near the mine and asked that he, Mr. Porter, be appointed a deputy. The witness replied that there was already a deputy at Wardner. Mr. Young went to the mine that day, and in the meantime told his deputy that no more violence or blockades must be

permitted. The miners told the witness that they would not further interfere with the working of the mine. The witness received a telegram from the governor to the effect that it was understood that an armed mob was in possession of the mine. To this he replied that he had investigated the matter and that apparently no further trouble was likely to take place. From that time until April 29 there was no violence or assembly of an armed mob.

The witness received no intimation of the intended disturbance until the train containing the rioters actually arrived in Wallace on April 29. He is at a loss to understand why the mine owners of Canyon Creek who had seen the train start did not notify him. He understands that the train had been seized at Burke and the engineer and fireman compelled to run it at the dictation of the mob. The witness believed that the only possible chance of checking the mob was for him to board the train and go with them. He got on the baggage car and found it filled with men, nearly all masked and armed. He was told not to get out of the car. He had left word with his deputy at Wallace to telegraph to the deputy at Wardner to swear in as many men as possible and arm them. But the deputy at Wardner, like the witness himself, had supposed that the attack would be upon the mine itself rather than upon the mill and accordingly did not arrive at the actual scene of the riot. When the train arrived at Kellogg the witness closed the saloons, and then requested some of the bystanders at the railway station to help disband the mob, but they simply laughed at him. The witness then went as near as possible to the mob and ordered them to disband in the name of the people of Idaho. He was prevented from getting nearer to the body of the men by the number of masked and armed men. It is not true, he declares, that after ordering the mob to disband he remarked in a careless manner that he had done his duty, or that he had done all he could, and did not care.

The sheriff followed the mob on its way to the mill, but about 200 yards from the mill he was put in charge of a number of armed men and forced to stand up against a fence while the mill was destroyed.

Mr. Young declares that he did all that was possible to check the mob. It would have been useless to secure a small posse. There should have been at least 200 armed men to cope with the rioters, and it would have required several days, probably two weeks, to get enough men together, and especially to secure arms for them. The witness believes that the attack on the mine was definitely planned and that it would have been impossible to prevent it except by a very large body. He thinks there must have been between 800 and 1,000 men on the train, and that from 180 to 200 of these were armed and masked. (529-538.)

After the riot the witness remained for about 2 days at Wardner protecting, with a number of deputies, the Last Chance Mine, which the manager believed to be in danger of destruction. He made no attempt for the time being to arrest the perpetrators of the outrage of April 29. On consultation with the county attorney it seemed best to wait until the mob had been dispersed, and until a large body of men could be secured to make arrests. The witness does not think, however, that it was necessary to declare martial law, but believes that without it a great many more guilty men would have been arrested than actually were taken. (534, 535.)

Mr. Young testified further that on May 3 he was summoned to Wallace to attend the coroner's jury, and was held there for 3 or 4 days before testifying. He then made a deposition, and while writing it in the presence of Attorney-General Hayes and State Auditor Sinclair Hayes requested him to resign his office. When he refused to do so he was arrested.

Mr. Young says also that after he was removed from office he was still retained in prison; this time in the county jail, and not released until July 27. He was not informed of the reason why he was held after the trial of the impeachment proceedings. The witness says that while he was in the prison he and Mr. Boyle were permitted to go at liberty, at least for 1 night, by the deputy in charge, to whom they each paid \$4 for that privilege. When Mr. Young was released on July 27 it was on condition that he accept a subpoena to appear as a witness on September 4, 1899. (538.)

Mr. DODD, county tax assessor, thinks that Mr. Young did all in his power to prevent the violence of April 29. After his interview with Mr. Burbidge on April 26 the sheriff appointed several deputies in Wardner, and was there in person to see that no violence was done. Everything seemed quiet enough up to the time of the riot. (541.)

Mr. STEVENSON, a justice of the peace at Gem, thinks that the sheriff did all that was possible to prevent the blowing up of the Bunker Hill Mine. He does not believe the sheriff knew in advance of the purpose of the mob. At that time it would have been impossible to get enough deputies to prevent violence. The sheriff

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could not have taken possession of the engine of the train going to Wardner, since there were so many men upon the train. (512.)

Mr. SOVEREIGN refers to an interview with Mr. Sinclair reported in the Spokane paper, in which he declared that the 2 county commissioners arrested might be dangerous to the community, in that they might incite the people to overt acts and might order the illegal disbursement of public moneys. As a matter of fact, no overt acts had been committed, so Mr. Sovereign declares. The only charge brought against them was that they did not take precautionary measures, and this they could not do on account of the suddenness of the raid. Moreover, the witness declares the commissioners and sheriff did not have an opportunity to take action to punish the crime, since the governor almost immediately put the county under martial law and removed their powers. The attorney-general of the State afterwards brought up some old technical charges against the commissioners as a basis for removing them—for example, that they held a meeting outside the county seat in June, had paid a large sum to one of their members for repairing a clock, and that the bonds of county officers had been approved without sufficient security. (400, 401.)

Mr. BARNARD, ex-mayor of Wallace, thinks that the county commissioners and the sheriff were honorable men, but believes that they were weak and that the declaration of martial law was therefore, perhaps, necessary. The sheriff should have made a strong endeavor to keep the peace, swearing in a number of deputies; but it is doubtful if even then he could have prevented the crime of July 29. The witness thinks the sheriff was also somewhat negligent in trying to apprehend the criminals after the act. The charges on which the county commissioners were actually removed were small technicalities. Two of the commissioners were put in the bull pen without any definite charge. One of them told the witness that he was asked to go to the office of Mr. Sinclair to sign a paper. He refused to sign and was then ordered under arrest. The sheriff was also arrested and kept during the first night in a little shack where he could not lie down on account of the wet ground, since it was raining heavily.

3. *Alleged political motives for removal and for other acts of State authorities.*—Mr. BARNARD is of the opinion that politics has had something to do with the change in the county officers. The officers removed were Populists. The governor is a Democrat and the new officers are Silver Republicans and Democrats. Though there is a difference of opinion in the community, many believe that some such political influence has caused this action. (413, 416.)

Mr. SOVEREIGN also thinks that political influence had something to do with the appointing of the new county officers. It was the purpose of the governor, he believes, with the assistance of the military authorities, to entirely subvert the local government. It is claimed that the governor has strong aspirations for the Senate, and that he needs control of Shoshone County to carry the legislature, and is therefore trying to change its entire political complexion. With this object in view, the editor of the Mullan Mirror was arrested and his plant afterwards confiscated, in order to prevent criticism of the governor. The witness adds that an effort is being made under the new county officers to restore the validity of \$100,000 of bonds, which are subject to litigation at present in the courts. (394, 405, 406.)

Mr. YOUNG attributes the action in ousting him and the county commissioners from office, as well as the arrest of so many men and the establishment of a permit system, largely to political influences. He thinks that the State authorities have steadily supported the employers as against the employees in the Cœur D'Alene district, and especially that they have assisted the Bunker Hill and Sullivan Company. About 1896 the Bunker Hill Company was maintaining a military guard, having organized part of its employees into a company of State militia furnished with arms by the State authorities. At that time the witness went as a delegate to the Populist State convention at Boise City. The Democratic convention was being held at the same time, and Mr. Steunenberg was candidate for nomination as governor by both the Populist and Democratic parties. The Populists promised to support him on condition that he would come immediately, if elected as governor, to the Cœur D'Alene district and investigate the relations between the Bunker Hill Company and its employees, especially as to the maintenance of a military force. After he was elected he failed to fulfill this promise. The Populists have a considerable majority in Shoshone County, and the witness believes it is the purpose of the State authorities to destroy that majority. He thinks that fully 80 per cent of the men who were arrested and confined in the bull pen were Populists, and that a large number of these believe that their arrest was due to political influence. (531, 532, 537.)

Dr. MATCHETTE says that he has no doubt that politics has had some influence in leading to the changes in the county officers and in causing the numerous arrests.

The Populists have heretofore controlled the county, and the other parties have felt very sore. A similar opinion, he believes, is shared by many of the people. (427.)

Mr. GILL thinks that the requirement of the permit was not intended so much to drive criminals out of the country as to break up the miners' unions, and especially to change the political situation in Shoshone County. The Populists have had a considerable majority in the county, and they have not got on well with the Democratic State officers. (521, 523.)

Mr. SINCLAIR, on the other hand, declares that politics has had absolutely no influence either in the removal of the county officers or in the arrest of miners. The governor can have no political influence in the matter, since he knows very little about what is being done, having intrusted the situation entirely to Mr. Sinclair. The witness himself is not much of a politician; he does not know what majority the opponents of the governor and himself received in Shoshone County; as to the new commissioners and sheriff, he did not know their politics until after they were appointed. The witness is sorry for the Populist party if it is true that it has a specially large representation in the prison, but politics certainly has nothing to do with that fact. (557.)

Dr. FRANCE declares that the idea that politics may have entered into this matter is entirely new to him and that he knows as a matter of fact that no political influences or motives entered into the arrest of miners or the removal of the county officers. He does not know whether the men in the bull pen are Populists, Republicans, or Democrats. (470, 476.)

IV. CAPITAL IN COAL MINING IN THE EASTERN AND CENTRAL STATES.¹

A. Use of the several varieties of coal.—Mr. LUCAS, editor of *The Black Diamond*, says that bituminous coal is chiefly used in manufacturing. Some anthracite coal is used in malting, and in a few other lines where a pure carbon is required. The use of coke for steam making is increasing, particularly in the East. It is used by the Boston and Maine Railroad on locomotives and in many of its stations. In nearly all instances where bituminous coal is used in the business portion of Chicago some smoke-consuming device is used; but the devices are not effective. (673.)

Mr. LUCAS says that there is no cannel coal in Illinois, and the greater part of what is used there comes from Kentucky. There is some in southern Indiana. Cannel coal is used for manufacturing gas. It is very rich in gas. (675.)

Mr. DALZELL, president of the Illinois Coal Operators' Association, says that the markets for coal produced in northern Illinois are mostly in the Northwest, but comparatively near the mines. On account of the low rates of water transportation and the railway discriminations, coal from West Virginia and Pennsylvania is sold in St. Paul, the Dakotas, and other more distant states, at lower prices, considering the quality, than Illinois coal can be sold. Illinois coal is so inferior that it could not be marketed at all, except for the great saving in transportation to the near states. About 65 per cent of Illinois coal is used for railway purposes. The cost of mining in Illinois is very high. (105, 112.)

Mr. SCHLUEDERBERG, a Pittsburg operator, says that in early days, when coal was mined by the pick exclusively, 10 or 12 inches of coal at the bottom of the vein was left, being considered unsalable. By the introduction of machinery this, which was formerly wasted, is taken out, and by improved methods of combustion it can be satisfactorily burned. Automatic stokers, in fact, require this grade of coal. (86.)

Mr. ROBINSON says that the demand for coal for domestic purposes varies greatly according to the weather in winter. It is falling off relatively every year by the introduction of furnaces, steam heat, and other improved methods of burning, and by the use of oil, gasoline, and gas. The demand for manufacturing and steam purposes increases steadily. (11, 12.)

Mr. LUTHER, general superintendent of the Philadelphia and Reading Coal and Iron Company, says that the competition of bituminous coal with anthracite has greatly increased, to the injury of the anthracite industry. The consumption of gas in gas stoves and gas heaters, especially in the New England States, has cut down the tonnage of anthracite coal very largely in the last few years. (652.)

B. Competing districts. (See also *Freight rates*, p. CXI.)—Mr. PEARCE says it is difficult to establish uniform scales of wages in mines owing to the differences of conditions in veins of coal and in methods of working; but a good deal has been accomplished in this direction. Relatively uniform wages are necessary on account

¹ For a digest of testimony relating to coal mining in the far West, see p. XLVI.

of the competition of different districts. In 1896 one company in the Pittsburg district insisted on paying wages below other operators, and the latter were soon forced to follow. The miners of the Hocking Valley, owing to this competition, were forced to lie idle until the officers of the miners' organization persuaded them to accept voluntarily a reduction of 16 cents per ton to equalize conditions. (95.)

Mr. SCHLUEDEBERG, a Pittsburg operator, says that there is a constant overproduction of coal which demoralizes prices. One of the chief difficulties in keeping up reasonable prices is that the conditions of competition are not the same in different districts. There are certain natural influences affecting the cost of production, such as the conditions of ventilation, water in the mines, thickness of veins, etc. Aside from these, in some districts, wages are kept at lower rates, since the trade unions have not been able to extend their control uniformly over all districts. Owing to the inequality of wages in different districts and mines, certain operators are producing coal with a pick at a cost as low as other Pittsburg operators are producing with machinery. The operators of the Pittsburg district suffer especially from the competition of West Virginia, a comparatively new mining region where the men are little organized and are paid lower wages. The West Virginia district also secures specially low railway rates, enabling it to compete in the markets of Chicago and the Northwest. Railways have been opened up in regions where they had little earning power and have been disposed to haul coal at a rate sufficiently low to enable it to be put upon the market, in order to secure business for themselves. At times also the officers of the roads have been interested in mines. Coal in West Virginia is largely mined by measure rather than by weight, which gives further advantage to the operators in securing cheap mining. The witness believes that the only salvation of the coal business is the organization of a trust. (74, 77.)

Mr. Lucas presents a table showing the number of men employed in coal mining in Illinois from 1890 to 1899, the days of active operation, the tonnage, the price paid for mining, and the reported value of coal per ton. The tonnage rose from 15,275,000 in 1890 to nearly 20,000,000 in 1893, fell to a little over 17,000,000 the next year, rose to 20,000,000 in 1897, and, after falling off 1,500,000 in 1898, rose to 23,434,000 in 1899. The greatest number of men were employed in 1895, when the production was smaller than in any other year of the ten except 1890 and 1894. The number of days of active operation was greatest, however, in 1893, when the production was also greater than in any other year of the ten except 1897 and 1899. The price paid for mining rose from 68 cents a ton in 1890 to 72 cents in 1892, then fell steadily to 44 cents in 1898, and rose to 47 cents in 1899. The reported value of the coal at the mine varied between \$1 to \$1.03 from 1890 to 1894. It then fell to 85 cents in 1897, and in 1898 and 1899 stood at about 92 cents. (677.)

Mr. Lucas states that there are about 400 large coal mines in Illinois in about 20 or 30 counties. Twenty-five or thirty thousand men are employed in them. The production is larger than ever before, and the wages of the men are higher. (674.)

C. Ownership and tenure of coal lands.—1. *Bituminous.*—Mr. Lucas, editor of *The Black Diamond*, says that there is very little ownership of coal mines, so far as he is aware, by manufacturers in Chicago. One or two railroads are largely interested in some mines in the northern Illinois fields. The Federal Steel Company is interested in some mines, and may have a controlling interest in them, but the mines are owned by a separate corporation. The Federal Steel Company takes a large part of the output of these mines, but it does not get its whole supply from them. It consumes something like 1,000 or 1,500 cars of coal a day. (674.)

Mr. JUSTI, commissioner of the Illinois Coal Operators' Association, asserts that no railroads in Illinois admit that they own coal lands, and that he does not know whether any of them are interested indirectly or not. (683.)

2. *Anthracite.*—Mr. LOOMIS, superintendent of the coal mining department of the Delaware, Lackawanna and Western Railway, says that his road has leased some of its coal land to other operators, and a considerable proportion of the coal which it mines is mined on land owned by others, under a lease and on a royalty. The royalty varies with the circumstances, and is much smaller under leases made years ago than under those made recently. In leases made at the present time the royalty runs from 8 cents a ton to 55. The company holds a considerable amount of mining land which it does not work. This land is held in fee. Mr. Loomis knows nothing of any lands leased by the company which it does not intend to mine for many years. (659, 662, 663.)

Mr. LUTHER, general superintendent of the Philadelphia and Reading Coal and Iron Company, says that his company owns and controls about 175,000 acres of land in the anthracite region. About 100,000 acres is coal land. The remainder is not mineral land, but bears, or did bear, timber. In 1899 the company mined about 7,500,000 tons. The output of the preceding year was about 500,000 tons greater. All its coal is shipped over the Pennsylvania and Reading Railroad. Its shipments

constitute about 85 per cent of the shipments of anthracite over that road when the mines are running full, and perhaps 80 per cent or less when the company is running short time. The company mines about 18 per cent of the whole output of anthracite, while about 20½ or 21 per cent of the whole is shipped over the Reading Railroad.

The Reading Company owns all the stock of the Philadelphia and Reading Coal and Iron Company, and also all the stock of the Philadelphia and Reading Railroad. (644, 645, 650, 651.)

Mr. MARCY says that the Raub Coal Company, of Luzerne, Pa., of which he is superintendent, is a small independent mining company which produced last year between 120,000 and 130,000 tons of anthracite. Its mining land is leased from various persons under some 10 or 12 different leases. None of it is owned by railroad companies, except one small piece which belongs to the Lehigh Valley, and was leased by it to the Temple Iron Company and subleased to the Raub Coal Company. The railroad companies own very little mining land in Mr. Marcy's immediate vicinity. There is very little subleasing. Mr. Marcy does not know of an instance of subleasing except that in which he is interested. (664, 667.)

D. Freight rates.—1. *Anthracite.*—According to Mr. JAMES, of the United Mine Workers, the recent combination of the railways reaching the anthracite districts is believed to have been intended to prevent individual operators from building a road of their own to the sea. The rates for shipping coal are undoubtedly extortionate. The charge is usually two-fifths of the selling price of the coal at the seaboard. The rate from Hazleton to Allentown, 52 miles, is \$1.10 per ton; to Philadelphia, 114 miles, \$1.55 per ton. (150.)

Mr. BROOKS, an anthracite operator, says that the railways which enter the anthracite region themselves produce two-thirds of the coal and purchase most of that produced by independent operators, allowing them 60 per cent of the price at tide-water, which is practically fixed by the railways. The average distance hauled is about 145 miles. The transportation rates are thus excessively high, amounting to about 10 mills per ton per mile. The rate on bituminous coal is only about 2½ mills. The Interstate Commerce Commission was once appealed to, but replied that while it had power to declare rates excessive, it had no power to enforce its decision. The railway companies are able to dominate the independent producers by lowering prices of coal at the mines while keeping up their freight rates. A reduction in rates would greatly extend the market for anthracite coal. (154-156, 163.)

Mr. MARCY, an independent anthracite operator, says that several years ago, before he began to sell his coal free on board at the mine, the freight rate to tidewater ranged from \$1.45 to \$1.60 on prepared sizes; on the lower sizes it was less. He has figured the freight at 9 mills and at 11 mills a ton a mile. Perhaps the average would be about 10 mills. (666, 667.)

Mr. LUTHER, general superintendent of the Philadelphia and Reading Coal and Iron Company, testifies that his company pays the Reading Railroad Company exactly the same freight for shipping coal which independent operators pay. It ships like any other producer at an established rate of freight. (650.)

Mr. MITCHELL, president of the United Mine Workers, says that the independent operators in the anthracite field are absolutely at the mercy of the railroads. The railroad companies charge 4 times as much for hauling anthracite coal as they would charge for hauling bituminous coal an equal distance. The coal companies operated by the railroads often appear to lose money, because the railroads charge these companies also excessive freight rates, simply taking the money which should be properly credited to the coal department and charging it as freight rate, in order thus to keep up the rates against independent producers.

2. *Discrimination between places.*—Mr. ROBINSON, a coal operator of West Virginia, says that rates should be adjusted, as far as railways can afford it, to give competing districts equal opportunities, quality of coal, etc., being considered. Distance is not a main factor; often a somewhat longer haul can be made with little added expense. Grades and other conditions must also be considered. The equalization of competing districts is advantageous to consumers as well as to producers. (6-8.)

Mr. MULLINS, a coal operator from Ohio, says that the Ohio operators have no combination for marketing their coal, but sell wherever freight rates will enable them to do so. The chief markets are Cleveland, Toledo, and Detroit. The railway companies to some extent own mines, and by keeping up freight rates are able to underbid independent operators in taking large contracts. The freight rates from West Virginia to the lake are lower than from Ohio mines, not more than half as far distant, so that competition from West Virginia is unduly stimulated, to the injury of Ohio and Pennsylvania coal operators. The production of West Virginia has increased in a short time from 1,000,000 to 13,000,000 tons, while without favoring discriminations it could hardly have exceeded 3,000,000 tons. West Virginia coal, the witness admits, is of fine quality and cheap to mine. One remedy for this competition would be to extend the miners' organization over that State. (169-174, 177.)

Mr. DALZELL, president of the Illinois Coal Operators' Association, believes that, largely through the efforts of the Interstate Commerce Commission, discrimination between individual mines of the same locality has been done away with. The complaint which is made now is that the rates from certain districts and States are relatively lower than from other districts, giving the former an unfair advantage in competition. The chief complaint is as to the low rates made to the State of West Virginia. The witness has been told that the freight rate from the West Virginia mines to St. Paul is \$2 per ton, the same as from northern Illinois. This rate from West Virginia is, moreover, in a certain sense, an all-rail rate, the cars containing coal being transferred across Lake Michigan in car ferries. The distance from West Virginia is probably 1,000 miles; from northern Illinois about 400. Owing to the inferior quality of the Illinois coal, and to the cheapness of lake transportation, the Illinois operators are unable to compete with Pennsylvania and Ohio coals in St. Paul and the more distant Northwest. Such inequalities in rates tend to disturb the conditions of trade and prices, and give rise to labor troubles. (113, 114.)

Mr. SCHLUEDERBERG, a Pittsburg operator, says that the distances from West Virginia and from the Hocking Valley to the lake ports and the Northwestern markets are greater than from the Pittsburg district, and the cars from these districts are usually returned empty, while those to the Pittsburg district bring back iron ore. Nevertheless, the railways make the rates such that West Virginia and the Hocking Valley can compete with the Pittsburg district in Northwestern markets. (86, 87.)

Mr. MULLINS, a coal operator of Ohio, says that the officers and stockholders of the Cleveland, Lorain and Wheeling, Wheeling and Lake Erie, Columbus and Hocking Valley, and Toledo and Ohio Central railways are interested in coal mines. Sometimes the railways are able to take large contracts for coal at prices which shut out other operators, keeping their freight rates so high that they can not compete. In some cases, the witness believes, they allow independent operators some share in such contracts. He has heard that the Hocking Valley Railroad at one time used about \$8,000,000 of its stock in purchasing coal territories. The Wheeling and Lake Erie road hauls coal from West Virginia for less than it does from the Ohio mines, not more than half as far distant, and claims that other roads, especially the Baltimore and Ohio, are doing the same thing. The witness has heard of discriminations in supplying cars, but has had no experience of that sort. Fair railway rates are essential to secure just conditions of competition. It is, however, difficult to determine precisely what is just, since some railways cost more than others, and many other factors enter into the question. (170-174.)

Mr. MITCHELL, president of the United Mine Workers, says that it is impossible to secure conclusive proof of discrimination greater than that warranted by the competition of districts. West Virginia coal, which is not always superior in quality, is sold in competition with Ohio and Illinois coal within those States. Coal from West Virginia has been sold at lake ports at less than the published rate of freight. (54.)

3. *Discriminations between persons.*—Mr. ROBINSON, a coal mine operator of West Virginia, says that discrimination between different producers formerly existed in the West Virginia field, but has now apparently ceased. There is now no discrimination in furnishing cars in West Virginia; but the Chesapeake and Ohio Railway Company is often unable to furnish sufficient cars, as was the case in 1898. Operators are opposed to discrimination, which injures the entire district, preventing each operator from estimating accurately the conditions of business. Freight rates are largely regulated by water competition, secured through the improvement of the Great Kanawha River. (6, 11.)

E. Combinations.—1. *Bituminous.*—Mr. LUCAS, editor of *The Black Diamond*, says that there is no trust or combination whatever among the coal operators in the various bituminous fields. The business is strictly competitive. (674.)

Mr. SCHLUEDERBERG, a Pittsburg operator, says that, owing to the excessive competition in coal mining and the inequalities in the conditions of competition in different districts, he believes that the only salvation of the coal business is a trust. This would not be likely to result in excessive charges to consumers, since there is so much coal accessible that small new mines could easily be established in competition at any time. (77.)

Mr. MCKAY, a member of the executive board of the United Mine Workers, says that the productive capacity of the mines is so greatly in excess of demand that one operator, by cutting prices, can bring down prices and wage scales for an entire district. This would scarcely be possible if all the other operators were organized. Some joint organization of operators and miners, not so close in form as a trust, should be formed for the purpose of regulating prices and wages. Consumption would not be affected by moderate changes in mining rates. (61-63.)

Mr. DALZELL, president of the Illinois Coal Operators' Association, says that occasionally operators in local districts form agreements to maintain certain prices for their products, but there is no formal trust or combination of operators, although in the Danville, Ill., district one company sells all the coal from the field. Experiments of such agreements as to prices have usually proved failures, for as soon as there was a falling off in demand some operator would cut prices to secure trade and demoralization would result. Mr. Dalzell deprecates any attempt to form a combination or trust in the coal business, because he believes all combinations to be injurious to both workers and consumers and against the public interest. (114, 119, 122.)

Mr. ROBINSON, a West Virginia operator, says that, generally speaking, combinations are brought about chiefly for a reduction of the expenses of marketing and supervision. They do not injure employees. In West Virginia it was found that buyers of coal played off one mine against others, forcing down prices. Agents of mines were unduly reckless in cutting prices, and themselves constituted a heavy expense. The Chesapeake and Ohio Coal Association admits all mines on an equality and divides orders and cars in proportion to their producing capacity. It does not reduce production. It has one responsible agent for Western markets, with sufficient capital of his own to pay all producers promptly each month. The saving is estimated at 2 or 3 cents per ton. (7-9.)

Mr. MULLINS, an Ohio operator, says that there was formed in 1898 in Ohio a combination of railroad interests known as the Central Coal and Coke Company, but it has been dissolved. The General Hocking Coal Company was also attempted, but was dissolved. Such combinations are generally disapproved by operators. The attempt was to limit the proportion of the total tonnage of each company concerned. (171, 172.)

2. *Anthracite.*—Mr. MITCHELL, president of the United Mine Workers, declares that the anthracite coal railroads and mines are being rapidly concentrated in the hands of a few companies. Ninety per cent of the coal is already owned by 7 railroads, and this is fully 15 per cent more than they owned before the strike of 1900. Many of the largest independent companies have recently sold out to the railroads, and the witness believes that soon the railroads, financed by the Morgan interests, will own absolutely all of the anthracite coal.

Mr. BROOKS, an independent operator, testifying in May, 1899, says that the 11 railroads which enter the anthracite regions themselves own two-thirds of the mines and practically fix prices to customers. They buy most of the output of the independent operators, paying them 60 per cent of the prices at tide water. The railways hold a monthly convention and fix selling prices to the consumers, and they apportion among themselves the amount to be produced. (152, 154.)

Mr. JAMES says that the prices of anthracite coal are now regulated, and the amount of the output for each year and for each mine is limited, by the Anthracite Coal Operators' Association. (147.)

Mr. LUTHER, general superintendent of the Philadelphia and Reading Coal and Iron Company, says that the Reading Railroad Company claims, on the basis of its capacity to produce, that it ought to carry 20½ per cent of the demands of the anthracite market. He declares that he has no idea what the agreement is between the Reading and other roads. (651.)

Mr. MARCY, an independent anthracite operator, states that his company has never been a party to any combination or agreement to control the product and prices of coal. He does not know of the existence of anything in the nature of a coal trust. Nothing has transpired in connection with his business that would lead him to believe that prices are fixed by a combination. He has never felt any pressure from any railroad companies or coal dealers. (670.)

F. Independent anthracite operators.—1. *Importance.*—Mr. MARCY, an independent anthracite operator, believes that in his immediate vicinity, near Luzerne, from 40 to 50 per cent of the coal is produced by independent operators. Some of them may, perhaps, be tied up to the coal roads by their leases.

2. *Markets.*—Mr. MARCY says that up to two or three years ago he sold his coal directly wherever he could find a market. He has sold from Richmond to Boston. He is able to ship over the Lehigh Valley, the Delaware, Lackawanna and Western, and the Pennsylvania. He ships under the regular tariff. For two or three years he has sold his output to a single dealer in New York, who also handles the product of several other collieries. Though the transaction is one of actual sale, and not of commission, yet the profit of the New York dealer is virtually a commission, as the price paid to Mr. Marcy is not agreed on in advance, but is based on the prices received by the dealer, or on the prevailing market price. Mr. Marcy does not know exactly what

he will receive for his shipments of the current month. The coal is shipped from the mine wherever the New York dealer may direct. The dealer is not believed to be connected with railroad transportation. Mr. Marcy regards this method of selling as advantageous, because, in order to handle his own coal directly, he must keep track of all the markets and must devote a great deal of time to that work. One who handles many collieries can doubtless do it cheaper. (665-667.)

3. *Relation to the railroads.*—Mr. Brooks, an independent operator, says that about two-thirds of the production of anthracite coal is in the hands of railway companies directly or of their officers. By this means the railway companies are able to dominate the other producers, to fix prices to customers and wages to miners, etc. For several years there has been a contract between the railways and the other producers to purchase from them all coal offered, and to allow them 60 per cent of the selling price at tide water for coarse coal and 45 per cent for pea coal. Eleven railways are associated in this arrangement, and the operators have no choice but to sell their coal to the roads. The productive capacity of the mines being in excess of the demand, the different roads have apportioned among themselves the amount of the total output considered to be salable, and the mines owned by each railway as well as the independent mines which each reaches are practically limited in their output by this limitation upon the amount of coal which the road can haul. The percentages allowed to the different roads are not equitable, the strong roads—the Delaware, Lackawanna and Western, the Lehigh Valley, the Reading, and the Central Railroad of New Jersey—taking more than their share. The result is that the mines reached by these companies work more days in the year than the other mines. Moreover, the mines owned by the railway companies are favored as compared with independent mines. This entire system of apportionment is unjust. The limitation, if any, should give all an equal amount of work during the year. Attempts of the independent coal producers to ship coal on their own account are largely prevented by the alleged inability of the railways to furnish cars. The railways are able to force the independent producers to accede to their terms, since they can cut prices for coal which they produce, while keeping railway rates high enough to earn a profit to offset the loss on coal. The independent producers are also practically forced to adjust the wages which they pay their men to those paid by the railway company mines. There has been no reduction in the rate of transportation for some years, and this rate, which amounts to about 10 mills per ton, is so much higher than that for bituminous coal, which averages about 2½ mills per ton, that the anthracite producers are greatly hampered in competition with soft coal. The railway companies have kept the profits of mining so low by their high rates of transportation that they have succeeded in buying coal lands very cheap. Nevertheless, their holdings of unimproved coal lands are so great that their business frequently shows a loss, owing to the heavy fixed charges—royalties, interest, and taxation of these lands. (152-157.)

Mr. Brooks asserts that railroad mines are unjustly favored in the distribution of cars, and that in consequence they are able to run a much larger part of the time than the independent mines. For instance, two collieries of his own on the line of the Delaware and Hudson were able to run only 108 days in a year while the Delaware and Hudson collieries themselves averaged over 200. (155.)

Mr. Marcy says that he has never sold his coal to any railroad company. He has no knowledge of the contracts of other operators with the railroads and has never cared to know about them. He has never been asked by a railroad to sell it his coal, and has never felt any pressure from the railroad companies. (664, 670.)

Mr. Loomis, superintendent of the coal-mining department of the Delaware, Lackawanna and Western Railway, says that there are tariff rates on coal, varying with each station, and that these regular rates are charged to his department on its shipments. He thinks the railroad buys the greater part of the coal of the independent operators on its line. From some it buys their entire output and from others only a part. Mr. Loomis understands that the general form of contract is such that the independent operators receive a certain percentage of the price of their coal at tide water. On some sizes he understands that they receive 60 per cent and on others 40, the remainder in each case going to the railroad as pay for hauling. Mr. Loomis has never heard any complaint of discriminations between large shippers and small shippers or against independent shippers. (659, 660.)

Mr. LUTHER, general superintendent of the Philadelphia and Reading Coal and Iron Company, says that his company has leased some few tracts to individual operators. Some of the leases provide that a certain proportion of the coal shall go to the Coal and Iron Company, and some provide for the payment of a royalty. In a few cases, one of the conditions is that the coal shall be sold to the Coal and Iron Company at an agreed price at the mine. "We have not many leases in our territory; not many individual operators; very few. They all starve to death early."

The individual operators ship some 15 or 20 per cent of the coal that goes over the Reading road. Not all the individual operators are lessees. Mr. LUTHER is not familiar with the contracts under which his company takes the coal mined by the individual operators, but his impression is that the operators get 60 per cent of the price of the coal and the company 40 per cent. The operators are very glad to have the company take and handle their coal. It may be that the Reading Railroad would be able to virtually force the operators into such contracts, but he has never seen it done and never seen it tried. The leases provide for the shipping of all coal mined over the Reading road. There are, however, one or two lessees that ship over two or three roads. (649-651, 653.)

Mr. MARCY says that he has always been fully supplied with cars, because he has three railroads to draw from. He has occasionally had trouble for a short time because of special reasons, but not because of any discrimination. (667.)

Mr. LUTHER says that he has never heard any complaints in his company's mining region about the distribution of cars between the different interests. The cars in sight are divided among the several operators according to their estimated capacity. Every individual operator's colliery is rated upon its capacity to produce, by an officer of the Coal and Iron Company, who is a skilled miner appointed for the purpose. When an operator thinks that he has developed sufficiently to warrant a rating, he asks for it. On the basis of the rating the railroad company distributes the cars. The railroad always leans toward the individual operator to avoid any accusation of partiality to the Coal and Iron Company. When the Coal and Iron Company is running broken time, the independent operators run more steadily, and their proportion of shipments over the Reading road runs up from 15 per cent to 20 per cent, and has been known to go as high as 25 per cent. They are furnished cars enough to make this possible. (649-652.)

4. *Attitude of independent operators and of railroads toward labor.*—Mr. MITCHELL, president of the United Mine Workers, says that the coal companies controlled by railroads in the anthracite coal field are much more reasonable in their treatment of labor than the individual or independent operators. He attributes this fact, however, to the pressure upon the independent operators from the railroads, which charge them excessive freight rates, so that their profits are ground down.

Mr. MARCY, an independent operator, asserts that conditions in the railroad mines and in the independent mines are substantially the same. (670.)

G. *Profits of coal mining.*—Mr. DALZELL, president of the Illinois Coal Operators' Association, says that in 1872 the earnings of capital engaged in coal mining in Illinois were large. In one mine it was stated that the profits were \$50,000 to \$60,000 per year on 50,000 to 60,000 tons of coal mined. Almost any other business or investment, however, would have paid better than the coal business during the past 10 years. This has been due in part to losses by strikes, and in part to the excessive competition. The cost of mining in Illinois is relatively high. (105.)

Mr. SCHLUEDERBERG, a Pittsburg operator, says that 30 years ago the coal business was not overdone, and 20 per cent was a fair profit on investments. Now the profit ranges from 15 per cent to zero; in many cases there is no profit, or a loss. The difficulty is due to overproduction and to undue competition between local operators and between different districts. The practice of buying coal lands in advance in large quantities, with a view to insuring the possibility of future production, involves a large investment of capital with little immediate return, and is injurious to operators. (84.)

Mr. ROBINSON, a West Virginia operator, says that coal mining in West Virginia has not been so successful as various other lines of business. With few exceptions mines have changed hands several times through failures, which may, however, be mainly attributed to ignorance. The amount of capital invested in the Kanawha district is about \$1,500,000; in the New River district, \$3,500,000. Companies seldom have a large capitalization and are not overcapitalized. Stock is not divided into classes or sold on the market. (5, 8.)

Mr. BROOKS, an anthracite operator, intimates that the average profits of capital invested in mining are from 5 to 7 per cent, though they vary greatly at the different mines. Occasionally extreme cutting of prices destroys the profits. (162.)

H. *Taxation of coal mines.*—Mr. DALZELL, president of the Illinois Coal Operators' Association, says that in certain parts of Illinois the local assessors, who have complete control of the methods of assessment, have sought to assess the value of coal in undeveloped territory, often working great injustice on the owners. It is the practice to buy the right to mine coal in advance, but, before actually opening the mines, to buy the surface also. It is unjust to assess coal before the mines are opened up, because there is no way of knowing whether there is any coal in the ground, or

what its value is. As to personal property, machinery, etc., the assessors are likely to make purely arbitrary assessments, often very largely in excess of the true value. A recent law, however, provides that the personal property shall be valued by the owner himself, and the assessment fixed at one-fifth of the true value. (111, 112.)

Mr. Brooks, an independent anthracite operator, says that there is in Pennsylvania a business tax, apparently on operated mines, which amounts to about \$2,000. Besides this the local assessors assess undeveloped coal lands, using very different methods in different counties. Sometimes the basis is the estimated thickness of the veins of the coal. (157.)

I. Prospect of exhaustion.—Mr. MARCY, an independent anthracite operator, says that anthracite exists only in small areas, and that another 50 years at the present rate of consumption will, in his opinion, nearly see the end of it. (667.)

Mr. SCHLUEDERBERG, a Pittsburg operator, says that though he knows of no definite scientific information on the subject, he is inclined to believe that at the present rate the coal of the Pittsburg vein, which extends over a territory about 50 miles square, will be exhausted in 75 years. The coal in other counties and in different veins is likely to last longer. (82.)

J. Prices.—Mr. Loomis says that there is no regular price for coal in the mining regions. There are many competitors. Prices range from 70 cents to \$2 for the various sizes. (662.)

Mr. MARCY states that his net returns for coal range from 32 cents for No. 2 coal up to \$2 and \$2.25 for the more valuable sizes. For the month preceding his testimony (February, 1900) the returns were \$2.37 for stove coal, which is the size that brings the highest price. That is exceptional. During the preceding year he had received from \$1.97 to \$2.10 for this size, and \$2.06 or \$2.07 had been the average price of it. (666, 667.)

Mr. MULLINS, an Ohio operator, says that the average cost of production of coal in the Massillon district is about \$1.05 per ton, while the average selling price at the mines is \$1.30. This, however, does not represent a net profit of 25 cents per ton. The transportation rate to Cleveland is 60 cents, and coal is sold there at \$3.15 per ton. The retailer must receive from \$1 to \$1.10 on each ton in order to pay for his hauling, expenses, and profits. (169.)

K. Foreign markets.—Mr. SCHLUEDERBERG says the coal operators will be driven by excessive competition to seek foreign markets. Mexican and South American points especially should be supplied with American coal, instead of English, as at present. (88.)

V. CONDITIONS OF LABOR IN EASTERN AND CENTRAL COAL MINES.

A. Coal-mining machinery.—Mr. JUSTI, commissioner of the Illinois Coal Operators' Association, says that where mining machines have been successfully introduced the number of miners has been somewhat decreased. In Illinois the miners have opposed the machines, claiming that they could make better wages at pick mining, even though the differential as against machine mining has been somewhat reduced. For this reason the machines have not been used at all in the northern part of Illinois, though they are used in the southern and the central part of the State. The machines work more successfully in the thicker veins. (684.)

Mr. ROSS, secretary of the Illinois Bureau of Labor Statistics, considers the improvement in machinery one of the chief causes of the increase of coal miners' wages during the last 30 or 35 years. (185, 186.)

Mr. DALZELL, president of the Illinois Coal Operators' Association, says that the conditions are such in northern Illinois that machinery can scarcely be used in coal mines, but, the witness believes, where it can be used it is ultimately an advantage both to the employers and to the miners; at least to a large majority of them. (114.)

Mr. MULLINS, an Ohio operator, does not employ machinery. In fact, in the Massillon district the character of the coal is such that it is not undercut for the most part, and machines are intended primarily for undercutting. The witness has found on investigation that machines are economical only when the price of mining by hand is relatively high. They then save, he has been told, from 12 to 21 cents per ton. They necessarily displace many miners. The recent competition of West Virginia has had a strong influence in leading the Ohio operators to introduce machinery. (177.)

Mr. ROBINSON, a West Virginia operator, states that machinery is being used somewhat in West Virginia. It results in some economy, but the chief advantage is in

the greater steadiness of production, since under the system of hand labor paid by the amount mined the workmen often worked irregularly. (9, 10.)

Mr. SCHLUEDERBERG, a Pittsburg operator, says that when machinery was first introduced it gave an advantage of probably 15 cents per ton; but, by reason of overproduction, the advantage is now only about 8 cents per ton as compared with hand mining. The mining machine does the undercutting of the coal. Six men are required to operate the machine and load the coal from it, and they can produce as much as 10 men working without the machine. Nevertheless the witness believes there has not been much displacement of labor by the machines, because of the increase of production and the employment of engineers, firemen, etc. More coal is produced, but not fewer men employed. Nearly all mines in the Pittsburg district employ machines. (87, 88.)

Mr. MITCHELL, president of the United Mine Workers, states that machinery is being increasingly introduced; probably 40 per cent of bituminous coal is being mined by it. It depresses wages, especially reducing the proportion of skilled labor, since only the actual drilling and cutting with the machines is done by skilled labor. Miners' organizations do not oppose machinery, but recognize its injurious effect upon themselves. Electric machines are replacing compressed air. The coal mined by machinery is about the same in quality as that mined by hand, where the undercutting is properly done. (54-56.)

Mr. PEARCE, secretary of the United Mine Workers, says that the introduction of machinery into coal mines has largely displaced labor, and yet no one can object to improvements of this sort. The increased demand for coal has continually kept up or often increased the number of miners, despite the saving of labor. Where 100 men would be required to work with the pick, about 60 would be sufficient with machinery. (102.)

Mr. DAVIS, vice-president of the United Mine Workers, says that the introduction of machinery into coal mines has cheapened production, but has not especially increased profits, since excessive competition has given the benefit to the consumers. The witness makes a rough estimate that from 30 to 50 per cent of the employees have been thrown out by machinery, but admits that the entire number of employees in coal mining has been greatly increasing, and perhaps even as rapidly as the output. (136.)

Mr. LUTHER, general superintendent of the Philadelphia and Reading Coal and Iron Company, states that the machinery used in the anthracite region is principally used for the preparation of coal. Very little is used in mining. Machine cutting as practiced in the bituminous regions is not practicable in the anthracite mines. It would be hard to run those machines on a pitch of 65 or 70 degrees. (651.)

Mr. JAMES says that machinery can not be used on a large scale for mining anthracite coal, although each miner has a drilling machine. But on the coal breakers new machinery has largely replaced the labor of boys in preparing and cleaning coal. (150.)

B. Wages and employment.—1. *Intervals of payment.*—Mr. MITCHELL, president of the United Mine Workers, says that miners favor weekly payments because provisions and supplies can be bought cheaper for cash, and because miners are thus less under the control of the employer. Formerly employers paid only monthly, and always retained half a month's earnings at the time of payment. The present agreement with the United Mine Workers is for semimonthly pay. (41.)

Mr. PEARCE, of the United Mine Workers, says that bimonthly payment has been found a great improvement over monthly payment, and weekly payment would be still more desirable, especially since it would enable the miners to buy for cash, and would make them more free from the company stores. (96.)

Mr. DAVIS, vice-president of the United Mine Workers, says the miners have found semimonthly payment much more advantageous than monthly payment, and the employers do not appear to have suffered by the change. As it is, the employers hold back from 10 days' to 2 weeks' wages. Weekly payment would be still more beneficial, especially as it would enable the miners to buy for cash instead of on credit, and would make them more free from the company stores. The desire of the employers to compel the miners to patronize the company stores is one of their chief reasons for opposing weekly payments. Frequent payments do not tend to increase dissipation or prevent savings. Miners in any case have not enough money to dissipate very violently. (132.)

Mr. JAMES, of the United Mine Workers, states that a law was passed in Pennsylvania requiring employees to be paid semimonthly "on demand." It was found that those who demanded their wages semimonthly were given no more work; at least, so the witness has been told. The monthly payments are preferred by the

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operators because the miners are thus practically compelled to deal with the company's stores, where they are charged excessive prices. The miners favor weekly payments, which would make cash purchases possible. (143.)

Mr. BROOKS, an anthracite-coal operator, says that anthracite operators adopted the semimonthly system in accordance with the Pennsylvania law, but the majority, including the witness, prefer the monthly payment. The class of laborers found in the mines, especially those from southern Europe, are accustomed to many holidays and make it a practice to take from 1 to 3 days off when paid. The witness believes that they would do the same if paid frequently. (158.)

Mr. LOOMIS, superintendent of the coal-mining department of the Delaware, Lackawanna and Western Railway, says that his company pays its men in cash monthly. (663, 664.)

Mr. LUTHER, general superintendent of the Philadelphia and Reading Coal and Iron Company, says that his company pays its miners in cash twice a month. (652.)

Mr. MULLINS, an Ohio operator, says the Ohio law requires payment semimonthly. The witness considers this system satisfactory where the miners, as in Ohio, are of a high class, but it would be injurious where they are inclined to dissipation and idleness. (167.)

Mr. DALZELL, an Illinois operator, says that the weekly-payment law passed in Illinois was held unconstitutional by the courts as interfering with the right of free contract. The witness considers weekly payments undesirable, because of the labor required in making up elaborate pay rolls. Even under the semimonthly system of payment this work is found to be very difficult. In the witness's mines the payment is regularly 2 weeks behind time; that is, work done during the first 15 days of the month is paid for on the Saturday nearest the first day of the succeeding month, etc. A further difficulty with frequent payments is that the men do not or can not work full time on the day when they are paid, although, in the witness's mines, where the 8-hour system prevails, work is closed at 3.30 and payment made after that time. Moreover, the miners are often unfit for work on the Monday after pay day; Mr. Dalzell's mines are not able to work at their full capacity on that day. The main purpose of the miners in urging weekly payments is to secure payment for work done more nearly up to date of payment. (109.)

Mr. ROSS says that the weekly-payment and company-store acts of Illinois have been declared unconstitutional, but that through the agitation in connection with the laws the miners have since been able to obtain concessions by agreement. Wages are for the most part paid weekly. The witness thinks that frequent payment is better for the employees, that it does not increase drunkenness or loss of time, and that it does not work any special hardship to employers. (183-185.)

Mr. ROBINSON, of West Virginia, like most operators, pays wages monthly, which is most convenient because coal sold is settled for monthly, and which is satisfactory enough to good workmen. (17.)

Mr. STEPHENSON, of the United Mine Workers, says that the West Virginia law requires payment semimonthly, but it is not enforced, and payment is regularly made by coal operators monthly. In other States miners are usually paid semimonthly. Weekly payment does not increase drunkenness. (23.)

2. *Amount of employment.*—Mr. JUSTI, commissioner of the Illinois Coal Operators' Association, says that the number of days of work which the miners have been able to obtain in the years since 1898 has been considerably greater than during 1894, 1895, and 1896. There has been a general expansion in the bituminous-coal trade. (684.)

Mr. ROSS says that it is estimated that the mines of Illinois, if run at full capacity, could produce about 45,000,000 tons of coal yearly, which is 26,000,000 tons more than they have ever been able to find a market for. The average duration of employment in coal mines is only from 175 to 180 days. (186, 189.)

Mr. MITCHELL, president of the United Mine Workers, says that the capacity of all the coal mines in the country is 33 to 40 per cent greater than the annual consumption. In 1897 the miners worked, on an average, 179 days and produced a little over 200,000,000 tons. They could have produced 100,000,000 tons more. It was in order to check production and raise prices that the strike of 1897, lasting 84 days, was inaugurated. (36.)

Mr. ROBINSON, a West Virginia operator, says that the capacity of all mines in the country, if in steady operation, would probably exceed consumption 25 to 30 per cent. The recent increase of exportation to foreign countries, especially South America, is relieving overproduction. West Virginia coal is of specially high quality, well fitted for long shipment and for competition with other districts. The production of the State is increasing more rapidly than that of any other. About 16,000 square miles are underlain with coal, mostly undeveloped. The average number of days worked in mines ranges from 197 to 229. (5, 10, 11.)

Mr. DAVIS, of the United Mine Workers, says that on account of the excessive capacity of the coal mines the number of days employed is very low. In 1897 200,000,000 tons were produced by working an average of 174 days out of 306 possible working days. Had the full number of days been worked 370,000,000 tons would have been produced, while the greatest amount ever sold in a single year was only 212,000,000 tons. In the anthracite trade the average number of days worked was only 150. The average number of days of employment for coal miners from 1890 to 1893 was 204; from 1894 to 1897, only about 100. (126, 127.)

Mr. PEARCE says there is an overproduction or an underconsumption of coal, so that there are almost one-third more miners than are necessary. Irregularity is also caused by seasonal conditions, employment being best in some districts during the winter and in others during the summer. The use of natural gas has interfered somewhat with mining, and so also has the introduction of machinery into mines. (99, 100.)

Mr. MCKAY, of the United Mine Workers, says that in coal mining the changes in lake and river navigation affect employment considerably, more men being employed when those methods of transportation are open. The witness believes at times the beginning of lake shipments is delayed by the operators for the purpose of securing lower rates of wages for a year. (69, 70.)

Mr. MULLINS, an Ohio operator, says that the steadiness of employment varies greatly in the different districts of Ohio. The average is hardly more than 200 to 225 days per year. (167.)

Mr. JAMES, of the United Mine Workers, says that the number of miners in the anthracite mines is greatly in excess of the required number, and the average time of working is only 150 days per year. At present the output from each mine is limited by the operators association. The miners frequently work more than the number of day necessary to supply the amount fixed, working while the machinery and outside workers are idle. The witness believes that this practice is unjust to the outside workers. (144, 149.)

Mr. BROOKS, an independent anthracite operator, says that the various railway companies which enter the anthracite fields have agreed among themselves on the proportion of the total output which shall be hauled by each company. This practically results in fixing the amount of coal which shall be produced by the mines reached by each company, and consequently the number of days which the mines shall operate. The proportions as between the different roads are not fairly fixed, and consequently the mines reached by some of them work many more days in the year than others. Some mines work as many as 250 days, others only 100 days per year. The mines owned by the companies themselves are often allowed to work longer than those of independent operators. Thus the witness was able recently to work at 2 mines reached by the Delaware and Hudson Railway only 108 days in the year, while the mines owned by the railway averaged over 200 days. Miners tend to leave mines which are working the fewest number of days and go to those where there is more work, so that the former have difficulty in securing enough labor. The witness believes that the amount of coal produced by each district should be determined on the basis of the number of employees, so that all should work practically the same length of time, not arbitrarily according to the tonnage to be hauled by the railway companies. (153-155.)

Mr. LUTHER, general superintendent of the Philadelphia and Reading Coal and Iron Company, says that the working day, for the purposes of wages, is regarded as 10 hours for all employees of his company that work by the day. For the last 2 or 3 years, however, even when the company has worked what has been called full time, 6 days a week, the working hours have been only 9 a day. During the last 2 or 3 years, or a large part of the time, the mines have not run full. In 1899 they began to run full about the 1st of August and continued until the latter part of January, 1900. From that time on they had been running, at the time of Mr. Luther's testimony, March 9, 1900, from 3 to 5 days a week. (645, 650, 651.)

Mr. Luther gives the number of so-called "breaker days" worked by his company since 1894. These are 10-hour days, and the number is obtained by dividing the whole number of hours worked in the year by 10. The average number of full days worked was, in 1894, 180; in 1895, 189; in 1896, 176; in 1897, 132; in 1898, 141; in 1899, 158. The last two of these years are years ending June 30, in consequence of a change of the fiscal year of the company. Mr. Luther can offer no explanation of the decrease of working days during the last three years, except the want of demand for coal. He declares that he has no knowledge of the prices of coal to the consumer, and consequently can throw no light upon any connection between prices and demand. He does not think it would be possible to "find a coal operator that will admit that prices ever got too high." The demand for anthracite has gradually

increased, upon the whole, from year to year, but not, he thinks, in the same proportion as the supply. (646, 651.)

Mr. LOOMIS, superintendent of the coal-mining department of the Delaware, Lackawanna and Western Railway, says that he only mines coal to fill the orders he receives from day to day from the sales department. The company has no facilities for stocking up. (663.)

3. *Docking.—Bituminous mines.*—Mr. PEARCE, of the United Mine Workers, says it is a common practice, which often leads to injustice, to dock the pay of miners where the coal loaded is inferior in quality. Thus, there is a vein of coal in Ohio, 8 feet thick, of which nearly half is composed of impurities. If a small quantity of these is accidentally placed upon the load, the miner may be docked for the entire load. The miners' organizations themselves strongly oppose loading of worthless coal, and in some instances have expelled men for doing so. Miners seldom load impurities willfully. (92, 93.)

Mr. MITCHELL says that deductions from wages are often made in mines for loading unclean coal, frequently more than should be deducted. The United Mine Workers have rules against loading unclean coal, and will sanction discharge for repeated offenses. (44.)

Mr. SCHLUEDERBERG, a Pittsburg operator, says that miners are required by their employers to load clean coal—that is, not to put in any slate or other impurities. The witness does not believe in fines and dockage, since they do not benefit the operator, but cause bad feeling. Where a miner loads unclean coal in the witness's mines, he is simply warned, and if still careless, is laid off. (80.)

4. *Docking.—Anthracite mines.*—Mr. BROOKS, an anthracite operator, says there is always considerable friction between miners and operators regarding docking for impurities in coal. Each side maintains that the other is wrong. The docking system is necessary to prevent some miners from careless work. Sometimes men are suspended for loading unclean coal, and occasionally the fault is not their own, but that of the assistants who load the coal. (162.)

Mr. JAMES, of the United Mine Workers, says great injustice is caused to anthracite miners by the docking of coal for impurities—slate and "bone." In some mines there are two docking bosses, one below ground and one on the breaker. The witness has sometimes been docked as much as 2 cars out of 4. He has been docked full cars when he was positive that there were not 25 pounds of impurities in the car. Alleged impure coal is dumped in the same chute with other coal. Docking bosses have told Mr. James that they were instructed to dock by the companies. One docking boss acknowledged to him last year that he had acted unjustly in docking the witness. A statement of the number of cars mined by and the number docked from certain miners of the West Ridge Coal Company, of Scranton, show as high as $7\frac{1}{2}$ cars docked out of 57 mined, the lowest proportion being $1\frac{1}{4}$ out of 67. The total shows 144 docked out of 1,750. Demands of the miners to have judges of docking have been refused. (144, 146.)

Mr. MARCY, an independent anthracite operator, says that he has had car after car come out with from 1,200 to 2,200 pounds of rock topped off with coal. In such cases he simply warns the miner to do better. Often the miner's car is stopped two or three days. If he continues, and it is not an especially bad case, he may be notified a second time, but never a third time. (669.)

Mr. VEITH, a mining superintendent of the Reading Coal and Iron Company, says that his company never docks its men. If a man mines dirty coal, he is warned twice, and at the third offense he is discharged; but he is paid in full for what he has mined. (656, 657.)

5. *Screens.*—Mr. SCHLUEDERBERG, a Pittsburg operator, says that in the early days in the Pittsburg district coal was taken as it came from the miner; but some man foolishly introduced the practice of handling it over with a pronged fork, and afterwards screens were introduced gradually, in the hope of securing trade which belonged to others, until finally they became universal. The screens are now necessary in order to retain markets, and interference by legislation is injurious to operators. Thus when, in 1874, Pennsylvania passed a law requiring $\frac{3}{4}$ -inch screens, instead of $1\frac{1}{2}$ inch, the operators gradually lost their markets. The Pennsylvania law of 1897 requiring coal to be weighed before screening was held to be unconstitutional, because it took away the right of free contract. The employers object to such a law because the miners are less careful to secure good coal. They have found that under the normal conditions 64 per cent of the coal mined is lump coal; but this proportion ran down, when the screens were taken away, to 55 per cent or less. It is an incentive to the miner to work carefully when he is paid on the proportion of good lump coal secured. The witness does not admit that the miners are not paid for the coal that goes through the screen, since the prices have been adjusted so that

the rate at the run-of-mine system, 42½ cents, and that where screens are used, 66 cents, are practically the same. In central Pennsylvania and in Illinois, where the coal is softer and can be marketed without screening, the run-of-mine system prevails, but it is not feasible in the Pittsburg district. In the earlier days there was less slack mined than at present. It was considered practically worthless and was left in the mine, where it constitutes mostly the lower part of the vein; but by improved processes of combustion this slack can now be satisfactorily burned, while by the use of machinery it is easily and economically mined. (83, 86.)

Mr. MULLINS says that the run-of-mine system would tend to make miners more careless in loading refuse matter, slack, etc. He maintains that under the system of screening the miner is really paid for all the coal, since his wages are adjusted according to the proportion which goes through the screen. Nevertheless this proportion is sometimes fixed arbitrarily and not by experience. The law of Ohio recently passed requires payment to be made on the basis of run-of-mine coal. Its constitutionality is being tested, and meantime the miners have held by their contract for the screening system. The difficulties caused by screens have been exaggerated. There was in the Ohio district little complaint on the subject of screens until recently. The witness believes, however, that the size of screens should be regulated by law, with adjustment as to wages based on the proportion of coal passing through the screen in different districts. It is the duty of the check weighmen appointed by the miners to watch and see that the screens are kept in repair, so as to work fairly. The price of nut coal in Ohio is usually about 40 to 50 cents less than that of lump coal, and pea coal 15 cents less than nut coal. The difference is not so great in the Massillon district. Nut coal is little used for domestic purposes in Ohio, and the operators find difficulty in disposing of it. (175-177.)

Mr. DAVIS, of the United Mine Workers, believes that the run-of-mine system is fairest, and that screens should be used only after the miners have been paid, for the purpose of preparing coal for the market. The miners' organization has been forced to waive this principle and to accept different prices for screened and unscreened coal. (135.)

Mr. PEARCE admits the necessity of separating coal into different grades in order to satisfy the demands of the market. He believes that in Ohio screened coal brings about \$1 per ton at the mines; nut coal, which passes through the screen, 75 cents, and pea coal about 50 cents. He has heard of a case at Sandusky, Ohio, where 25 cents per ton more was paid for nut coal than for lump coal. The operators experimented several years ago and found that where coal was screened the amount produced was ¼ of the amount of run-of-mine coal, and prices for mining were adjusted on that basis. But there are cases where from 30 to 40 per cent of the coal goes through the screen, and in some instances the employers profit the more by the greater amount going through. In Illinois the run-of-mine system is employed, and operators and miners alike agree that it is an improvement. Miners do not willfully load impurities and slack, and their organizations take a definite position against doing so. The impurities which injure coal the most are lumps of sulphur, which occur more in the large lumps of coal than in slack. Difficulties are frequently caused by screens getting out of order, the bars spreading or otherwise letting more coal through, while the operators refuse to repair them. The usual screen is 12 feet by 6, with a space of 1½ inches between the bars. Laws regulating screens have been uniformly held unconstitutional when tested in the courts as interfering with the right of free contract. (92, 94.)

Mr. DALZELL states that the Illinois law requiring coal to be weighed before screening was held unconstitutional as violating the right of free contract; but the miners themselves, through the strength of their organizations, secured the adoption of the run-of-mine system in 1897. This was one of the demands made during the great strike of that year, and was not yielded voluntarily by the majority of operators. The proportion of coal passing through the screen in northern Illinois is estimated at from 14 to 17 per cent. The witness believes that the run-of-mine system puts a premium on careless labor. The better men were better off under the screen system. The effect of the screens depends on the condition of the coal. (108, 115.)

Mr. ROSS also testifies that, though the screen law of Illinois was held unconstitutional, the miners have been able to secure an agreement with their employers to adopt the run-of-mine system. He states that system has worked very satisfactorily. (181, 183.)

Mr. JUSTI, commissioner of the Coal Operators' Association of Illinois, declares his belief that the run-of-mine system, if the miners take care to load coal properly, will in the end make better miners and be more satisfactory to all parties. As yet there is considerable complaint in Illinois that miners become careless as to the quality of the coal which they load. Mr. Justi believes that it is the earnest desire of the officers of the miners' organization to enforce the provisions of the joint agreement,

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requiring the miners to be careful as to the loading of coal. The operator, under these agreements, has the right to discharge careless miners. (680.)

Mr. MCKAY states that the screen law in Pennsylvania was held unconstitutional, and difficulties concerning screens, due to their intricacies and to changes made by the operators, are frequent and often cause strikes. The screen is the greatest evil the miner has to contend against. By custom or agreement the usual screen has a surface of 72 square feet, with flat bars $1\frac{1}{2}$ inches apart. The special commission appointed in Pennsylvania about 1897 is reported that there were many injustices; e. g., the screens used by H. K. Wick were 80 square feet in surface, and the bars, diamond shaped, were $1\frac{1}{2}$ inches apart. It is estimated that the average amount of coal passing through screens is 39 per cent of the total. Much of the nut coal going through the screen is practically as good as lump coal and brings as good a price. Slack brings very much less. Miners would be willing to deal for the adjustment of prices according to the screens used. The present prices are 42.66 cents for run-of-mine coal and 66 cents for screen coal. (64, 68, 70, 71.)

Mr. ROBINSON says that the West Virginia law requiring coal to be weighed before screening is practically not enforced, the supreme court of the State being equally divided as to its constitutionality. Screens are not made a means of reducing wages, but the employer, having decided what size of coal he wishes to market and having adopted screens accordingly, fixes a scale of wages adapted to the amount a miner can produce using that scale. Such careful screening is necessary, especially in coal intended for domestic use. The system does favor good miners who care to bring down coal in large lumps. The screens used vary from $1\frac{1}{2}$ inches to 2 inches in opening. In some cases 4-inch screens are used, but payment is then by run of mine. Screenings of coal sell for about 25 cents a ton. (13.)

Mr. STEPHENSON states that the law requiring operators to weigh coal before screening was held constitutional by two judges of the supreme court and unconstitutional by two, and is practically not enforced. In the New River district, however, the run-of-mine system prevails. The United Mine Workers have offered to reduce the price of mining in order to secure a uniform run-of-mine system. This latter system does not usually encourage "dirty mining." In the Cincinnati market screened coal brings 7 or 8 cents a bushel and nut coal and slack 4 cents a bushel. (28, 30.)

Mr. MITCHELL, president of the United Mine Workers, stated, in July, 1901, that the strength of the labor organizations in the bituminous mines had greatly reduced the evils of the screening system and of the dockage of coal. These evils still exist where the miners are less strongly organized. (699.)

6. *Check weighmen.*—Mr. SCHLUEDERBERG, a Pittsburg operator, says there should be on each "tipple" a check weighman; as a matter of fact there are few mines in the Pittsburg district where they are not found. They should be somewhat more careful not to interfere with the running of the mine in the exercise of their duties. (88.)

Mr. DALZELL, an Illinois operator, does not believe that employers seek to cheat the miners, but believes that the employers should themselves insist that the miners employ check weighmen, because it satisfies them that they are being fairly treated. (115.)

Mr. ROBINSON, a West Virginia operator, says that miners are allowed to employ check weighmen and frequently do so. He has never known an instance of refusal by an employer to allow check weighmen. (13.)

Mr. MULLINS, an Ohio operator, says it is much more satisfactory to the operators to have check weighmen than not. Sometimes, however, these check weighmen make unnecessary trouble in exercising their duty. (174, 175.)

Mr. MCKAY, of the United Mine Workers, says that although operators allow the miners to appoint check weighmen to test scales, they frequently restrict the opportunity to test scales to particular times, while scales can often be doctored with a touch. One operator was sent to prison for fraud in weighing. In the coke region it is the custom to measure instead of weighing coal, which is apt to cause injustice. Operators often require the wagons to be heaped up, although that gives an excess of weight. (72, 73.)

7. *Contract mining—anthracite.*—Mr. VERRA, a mining superintendent of the Reading Coal and Iron Company, says that the mining work is done by contract, and that the price for each piece of work is arranged by negotiation between the superintendent and the miner. The price is arranged according to the conditions. Sometimes a miner refuses to accept the price proposed. In that case he is free to go to another colliery, or he may stay in the same colliery and take some other work. If the conditions turn out to be different from what they seemed to be, the terms of the contract may be altered, either to give the miner more or to give him less. The contracts are verbal, and there may sometimes be mistakes about them, but if so they are rectified. (654, 658.)

Mr. LUTHER, general superintendent of the Philadelphia and Reading Coal and Iron Company, says that the laborers, as distinguished from miners, are paid by the day, and that miners are paid by the day for certain kinds of work, but that the actual mining of coal is universally done on contract. The terms of the contract vary with the conditions of the particular spot. Where the veins are large and lie upon a considerable incline payment is made by the linear yard. A miner takes a contract for a certain room. The rooms are usually about 100 yards long. A room may last a miner 2 or 3 months or it may last him 6 or 8 months. When a particular contract of this sort is executed, a new contract is entered into. (645, 647, 648.)

Mr. LOOMIS, superintendent of the coal mining department of the Delaware, Lackawanna and Western Railway, says that his company pays its miners by the car. The rates are different in different mines and in different veins. It is practically a matter of individual contract with each miner. (659.)

Mr. MARCY says all his mining is done by contract. Coal could not be mined any other way. If it were necessary to look after so many laborers in different rooms and in the dark, one would need to have more foremen than men. Mr. Marcy's prices per car are uniform. (668, 669.)

8. *Rates of wages* (see also *Joint agreements—effect on wages*, p. CXXXVI).—Mr. DAVIS, vice-president of the United Mine Workers, says that from 1865 to 1868 the wages of coal miners tended downward. Since then this tendency has been checked by labor organizations, but wages have scarcely been raised. Since 1894 there has been a downward movement. (134.)

Mr. PEARCE, secretary of the United Mine Workers, says that the tendency of wages during the last 15 or 20 years has been downward, but it has been checked recently by the strong organization of the miners. There has been an increase of about 20 per cent in the past 2 years. Nevertheless the miners are scarcely able to save anything, as their wants are constantly increasing. (99.)

Mr. ROSS says that the result of the suspension of production in the coal mines during 1897 was a marked increase in wages, which have been maintained at a higher figure ever since. The average increase in Illinois has been about 30 per cent, in the Springfield district about 36 per cent, and in some other sections still more.

Generally speaking, wages have risen materially during the past 30 or 35 years, their purchasing power especially increasing. Organization of labor and improvements in machinery have been the chief causes of this increase. (185, 186.)

Mr. DALZELL, president of the Illinois Coal Operators' Association, says that wages are not as high in Illinois now as 10 years ago. Then he paid 82½ cents per ton in summer and 90 cents in winter for screened coal. His present rate is 63 cents for run-of-mine coal, the amount of screened coal being from 14 to 17 per cent less than that of run-of-mine coal. The vein of coal in northern Illinois is only about 3 feet 8 inches thick, and that about one car of rock must be hoisted to every 5 or 7 cars of coal. Shafts and roadways must be heavily timbered, although the mines are dry and dusty, and free from gas. Owing to these conditions the wages of miners are higher than in more eastern States, and the cost of production is also higher. There are considerable differences in conditions in other parts of the State, and wages for mining are adjusted accordingly. The operators who form the Illinois Coal Operators' Association appointed a committee in 1897 to fix fair differentials in mining prices for the 9 different districts which were established. Afterwards the miners met the operators in State convention and agreed to the different prices proposed by the operators. The basing point for the different prices was made in the Danville district, with which prices for Eastern States are compared. The prices throughout Illinois are higher than in Eastern States, owing to the relative thinness of the veins and the greater difficulties of mining. The rate in northern Illinois is 63 cents for run-of-mine coal, which is estimated to be worth 16 or 17 per cent less per ton to mine in that State than screened coal. The witness believes that the relative rates for the different districts are now fairly adjusted, so that they are on an equality in competition. The miner can produce on an average over 3 tons of coal per day. Mr. Dalzell believes that the employers make more profit when they pay high wages than low wages, but apparently does not consider this to be a direct cause and effect, but rather believes that at times when the demand for coal is good and trade prosperous, high prices can be and are paid for mining. (105, 107, 121, 122.)

Mr. MULHINS, an Ohio operator, states that the average rate of wages in the coal mines of Ohio is about \$1.75 per day, but in the Massillon district it is about \$1.90. The miners, as a rule, do not work over 200 to 225 days per year. Under the best conditions they could thus earn about \$390. Wages are lower by about 12 per cent than they were 15 years ago. The witness considers wages to be too low to be satisfactory to the miners, but that fact is due to the low selling price of coal. (167-169.)

Mr. MCKAY, of the United Mine Workers, says that as compared with 50 years ago

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the wages in coal mining are considerably better to-day, but in the Pittsburg district they are lower than they were 17 years ago. At that time the rate was \$1.05 per ton; now, 66 cents. (69.)

Mr. SCHLUEDERBERG, a Pittsburg operator, says that the wages of coal miners before the war in the Pittsburg district were about 40 cents a ton. After the war they rose to \$1.30 a ton in the depreciated currency. Later they fell to 78 cents, and now stand at 66 cents for screened coal and 43½ cents for run-of-mine coal. At this rate the witness believes that a miner who is fit to be in the business should earn not less than \$2. The average output of a miner is 2½ tons, but on no account ought he to mine less than 3 tons. From his receipts the miner must deduct about 10 or 15 cents a day for powder, squibs, repair of tools, etc. In West Virginia, where the unions have little influence, the rate of wages is lower and varies considerably in different mines. The witness has heard of coal being mined there at 33 cents per wagon; the contents of wagons vary considerably, but are often as high as two tons. (75, 80, 81.)

Mr. ROBINSON, a West Virginia operator, declares that operators are glad to pay high wages, and reduce them only when forced by necessity through low prices of the product. Rates in West Virginia are about the same as 15 years ago, ranging from \$1.25 to \$2. Prior to the late national strike, prices had been steadily decreasing and work was largely interrupted. (7-10.)

Mr. STEPHENSON, of the United Mine Workers, says that the average daily wage of miners in West Virginia probably amounts to \$1.25. A first-class miner will make possibly \$1.75. But work is so irregular that the average for the entire year is only about 75 cents. Fifteen years ago they could make \$100 to \$150 per month, but now usually not over \$40. Payment is by the amount mined, varying from 20 to 40 cents per ton, though the bushel is sometimes the unit of measurement. Prices for mining in other districts are higher, and have been advanced 15 cents per ton within the last two years. The great strike of 1897 was intended to decrease the supply of coal and force up the price so that the mining rate could be made satisfactory. Prior to the strike it had fallen in the Pittsburg district from 79 to 54, and even 45 cents. (21, 24, 26.)

Mr. JAMES, of the United Mine Workers, says that miners in the anthracite region are paid partly by the car of coal and partly by the day. The wages paid by the Lehigh Valley Coal Company are 77 cents per car, containing about 2½ tons. For driving gangways the pay is \$4.22 per yard, for airways \$2.75 per yard, and for other particular classes of work special prices are fixed. The day wage for miners underground is \$1.98 for 10 hours' work, while laborers underground receive from \$1.10 to \$1.64. The workers on the breakers, etc., receive from \$1 to \$1.20. Firemen on the engines receive \$40 per month, and work 10 hours per day for one week and 14 hours every night for the next week, with no rest on Sunday. The witness has sometimes been able to earn as high as \$2.50 per day, but at other times not over \$1. At one of the best paying mines last year he earned \$404 in 240 days' actual work. He has within 2 years seen miners' families without shoes and without meat for a month at a time. (143, 144.)

Mr. James adds that the rate paid for mining anthracite coal varies materially in different mines. This is due in part to the absence of strong organization. The operators have made use of the sliding-scale system, which they have got under their own control, to fix wages to suit themselves, effecting the reductions at one place at a time. The inequality is promoted by the use of cars of different sizes. Thus, for cars of 80 cubic feet 85 cents is paid in certain mines, while for cars of 161 or 171 cubic feet only \$1.08 is paid. A standard car should be adopted. The miners are often required to heap up the cars, resulting in injustice. (144, 146, 151.)

Mr. BROOKS, an anthracite operator, believes that the requirements of heaping up the coal on the cars are usually fair to miners. A leveler is employed to show that the topping is 6 inches high. (162.)

Mr. Brooks states that the railway companies which enter the anthracite region themselves produce about two-thirds of the coal, and are therefore able practically to fix the rate of wages, since independent operators could not compete if they paid higher rates. The methods of payment and the rates vary greatly in different places. Thus, the thickness of the veins has much to do with it. Payment is sometimes by the day, sometimes by the ton or by the car. Cars vary in capacity from 1½ to 2 tons, and the price paid for mining them ranges from 75 cents to \$1.20. The miners in the Wyoming and Lackawanna regions have agreed among themselves not to mine more than 6 cars in a day. (155.)

Mr. MARCY pays by the car an invariable price. For a 77-foot car he pays \$1 and for a 66-foot car 85 cents. The 77-foot car holds about 2 tons. The gangway price, yardage, is fixed by agreement between the foreman and the individual miners. It varies with the thickness of the rock. (668, 669.)

9. *Amount of earnings.*—Mr. LOOMIS, superintendent of the coal mining department of the Delaware, Lackawanna and Western Railway, states that miners working for his company earn from \$2 to \$5 a day net. He has taken the names of from 6 to 12 men in each mine—good miners, poor miners, and average miners—and ascertained the actual money which they drew for a year. It ranged from \$500 to \$1,000 net, after deducting all supplies, including powder and coal. Each miner has usually an assistant, whom he himself pays. Mr. Loomis does not make it clear whether the amounts named by him as yearly wages cover the wages of two men, the miner and the assistant. (661, 663.)

Mr. LUTHER, general superintendent of the Philadelphia and Reading Coal and Iron Company, says that the wages paid by his company for ordinary outside labor are on the basis of \$8.10 a week for a full week of 60 hours when coal is worth \$2.50 a ton at the shipping point. Miners receive \$2 a day for what is called common work, that is, work done by the day, on the basis of the same price of coal. The actual mining is all done by contract, but day wages and contract wages alike are governed by the sliding scale. An average miner ought to earn \$2.50 to \$2.75 a day under ordinary conditions, working by contract, and working full time. (646, 647.)

Of Mr. MARCY'S 120 or 125 anthracite miners, 23 per cent earn less than \$300 in a year, 47 per cent earn between \$300 and \$500, about 30 per cent from \$500 to \$800 and \$900, and some few \$1,000. This statement includes every man, whether he works an hour a day or more, whether he loads one car or more. Seven cars are supposed to be a day's work. The statement gives net earnings after making all deductions for powder, supplies, and oil. (667-669.)

If a man's wages are very low, it is because he does not work when there is work for him. Every miner in the anthracite regions would be able to support his family in comfort at present wages (March, 1900) if he were frugal and industrious. (667-669, 672.)

A living wage, says Mr. MITCHELL, is a sufficient amount to enable a workman to live as he should live, educate his children, and save enough for old age. Miners do not now usually receive a living wage. If all operators paid a living wage, there would be no loss, since it would fix the price of coal. Yet the increase in price, probably not over 20 cents a ton, would not involve hardship to consumers. The chief cost of coal to the consumer is in transportation. The cost at the mines in the United States averages 99 cents; in other countries about \$1.75. (41, 42.)

The production of bituminous coal in 1898, Mr. Mitchell continues, was 159,609,898 tons. Supposing the price of mining to be 50 cents a ton—a high average estimate—this would give for the 248,000 miners less than \$1.03 for each of the 306 working days. To the objection that many of the miners are employed only for a short time, witness replied that most of them work quite steadily. (57.)

10. *Sliding scale.*—Mr. SMITH, deputy labor commissioner of Colorado, thinks that the sliding scale system is eminently fair. It does not exist, so far as he knows, in Colorado. A minimum should be fixed below which wages should not go. He defines the living wage as that for which the mass of workmen are willing to live and work. The standard of living will vary in different places and at different times. (216, 217, 223.)

Mr. DALZELL, an Illinois operator, considers that sliding scales are scarcely practicable in coal mining, under ordinary circumstances, although he believes that some such system is employed in anthracite mining. (121.)

Mr. MITCHELL, president of the United Mine Workers, says that miners would favor the introduction of a sliding scale in wages provided a minimum were fixed. It has been used locally. The system exists in England. (41.)

Mr. DAVIS, of the United Mine Workers, says that the sliding-scale system was adopted in the anthracite coal region in 1868. The basis was fixed at \$3 a ton for coal, and miners, operators, and railways were to share equally in any advance or decline. Later the miners were denied representation on the board which fixed the prices from time to time, and the system became an injury to them, tending to bring wages down to the minimum. (133.)

Mr. JAMES states that in 1875 the anthracite operators fixed \$5 per ton at the seaboard as the basis for adjusting wages, and provided that the miners should receive one-tenth of any advance and lose one-tenth of any decrease in prices. The miners themselves have had nothing to do with determining what were the prices which fixed wages, and the operators have failed to advance, but have regularly reduced wages. Practically the sliding scale is now meaningless. The wages of anthracite miners have been greatly reduced in the past few years, and in the winter of 1898-99 they received no advance, although coal was advanced very much. Widely different wages are found in different mines. (146, 147.)

Mr. LUTHER, general superintendent of the Philadelphia and Reading Coal and

Iron Company, says that all wages paid by his company, both day wages and contract wages, are governed by the sliding scale, which was established in 1875. It was arranged at that time between a committee of the men and Mr. Gowen, who acted for himself and the individual operators. The agreement was reached at the conclusion of a strike. It has been maintained continuously since, except that in 1888 it was changed temporarily by agreement for three months. The basis price for coal is \$2.50 at the shipping point, and when coal is at this price, common laborers get \$8.10 a week, and miners, when working by time, \$2 a day. Advances and declines from the basis price affect day wages by a percentage. Miners working by contract get one-third of all advances and lose one-third of declines. For the fiscal year ending June 30, 1899, the average price was 5 per cent below the basis. The year ending June 30, 1900, would run above that. There was a gradual rise from 5 per cent below in July, 1899, to 7½ per cent above in June, 1900. Mr. Luther had no later figures at the time of his testimony. The average wages for the last 2 or 3 years would not be far from the basis rate. (646, 648, 649, 652.)

C. Company stores and houses.—1. *Company stores—justification generally.*—Mr. ROBINSON, an operator of West Virginia, knows of no operators who do not have company stores. They are necessary at first because of remoteness of mines from other stores, and later in order that by the profit from them mines may be made to cover fixed expenses during dull seasons of the year. Many would otherwise be compelled to go out of existence or cut wages. The system is in accordance with the general tendency to concentrate a number of lines of business under one head. (15, 16.)

Mr. SCHLUEDERBERG, a Pittsburg operator, says he does not know of any mining company now running company stores, but some do give orders upon stores, receiving compensation from them for deducting the amount from the wages of the miners. The witness considers it only right and proper that the miners should give their employers the preference in purchasing the necessaries of life, provided they can buy there as cheaply as elsewhere. Often the mines are isolated so that the miners would suffer if credits were not advanced them by the companies. The witness does not believe that mines are kept in operation simply by the profits of company stores and company houses, where they would otherwise be closed. (79, 81.)

Mr. MITCHELL says that company stores may be necessary at first when mining towns are started in isolated places. If some operators have them others must also, in order to compete, especially since the profits are often very high. Sometimes companies do not allow competing stores to be established in towns where the land is owned by them, but usually they do. Miners do not need this system because of the credit that is given them. Their credit at other stores is good and if wages were paid weekly in cash there would be no difficulty. (43, 44.)

Mr. ROSS thinks that company stores have never been abused to any such extent in Illinois as in some other States, and that the evil is steadily decreasing. These stores were more or less necessary when the mines were first started in isolated places. But when towns grew they were forced to meet the prices of other stores and were often abandoned. In earlier times they were often a source of immense revenue to the owners, and enabled them to underbid their competitors. The miners of Illinois have to some extent contracted with their employers as to the prices at which mining supplies shall be furnished. (183, 185.)

2. *Company stores—Prices, and compulsion to patronize.*—Mr. DALZELL, an operator, believes that company stores are sometimes to the advantage of the miners, where the employers are of the right disposition, but they are often very injurious to their interests. The company store which was formerly operated by the company with which he is connected was intended to promote the interests of the employees. It was finally closed, as it did not prove profitable, but was leased to another individual, and orders upon the store are still issued by the company. The company, however, receives no percentage for paying the orders which are turned in by the miners to the store. (115, 116.)

Mr. MCKAY says that the prices of company stores are often excessive. He knows of one recent instance where powder which could be bought at other stores for \$1 a keg was sold for \$2.25. The H. C. Frick Coal and Coke Company has 18 or 20 union supply stores, where the prices are from 15 to 20 per cent higher than in the neighboring independent stores. Usually where the operator owns the ground he does not allow other stores to be built. In some cases where other than the owners are allowed to establish stores, the owner receives 10 per cent for establishing the store-order system. It is possible often for miners to supply themselves from stores in the neighboring villages. In one instance mentioned, peddlers and delivery wagons are prohibited from going near company houses. Instances where it is necessary to establish company stores because of isolation are rare. (67, 68.)

Mr. McKay adds that in 1896 the New York and Cleveland Gas and Coal Company, which had no company store, proposed to other operators and miners to pay a uniform scale at 5 per cent reduction from existing union rates. Most of the company stores in the Pittsburgh district were accordingly temporarily closed; but the wage agreement having been broken, they were reestablished in most instances. The method of issuing store orders varies. Sometimes a coupon book or a card is issued for a certain amount of credit, from which coupons are torn or punches made. (61, 67.)

Mr. PEARCE, secretary of United Mine Workers, says that although the use of company stores and store orders is not universal it is very common, and the results are injurious to miners. No other stores but the company stores will take store orders, and miners are practically forced to patronize them and pay the prices they charge, which are usually high, especially if the mine is some distance from a town with competing stores. Where the operators own the land around the mine they usually refuse to allow other stores to be established. The witness at one time worked for Robbins Coal Company, about 2 miles from Cambridge, Ohio. He found he could make purchases more cheaply in the town, but at every pay day he was asked why he did not deal with the company store, and finally he was so placed that he could not work, although he was not formally discharged. He considers that trade unions will be the most effective means of overcoming this evil. (97, 98.)

Mr. JAMES says that many miners have recently told him that they were compelled by the mine superintendent to buy provisions as well as mine supplies from the company stores. Mr. James has an account for goods bought at a company store of the Parrish Coal Company, amounting to \$23.29, with the prices for the same goods at private stores amounting to \$6.72 less. The operators maintained their stores in defiance of the Pennsylvania law until that law was declared unconstitutional. (147, 148.)

Mr. ROBINSON, a West Virginia operator, says that prices in mine stores are regulated by the competition of stores in the vicinity, to which miners often send their children or go themselves for supplies. Protests are made by organizations against prices, but they are really not excessive. Miners are free to deal with these stores as they please, nor do they cut a figure in suppressing strikes. Miners draw from the company orders on stores in sums from 50 cents to \$2 and present these at store. Most miners have some cash left to draw on pay day; pay rolls are usually heavy. (15, 16.)

Mr. STEPHENSON says that all mining companies in West Virginia issue store orders. Pasteboard checks, not transferable, are issued to employees, good at the store. Sometimes a little cash will be given at the store on these orders. Witness knows of instances where miners were compelled to deal considerably with the company store or lose their position. Prices are fully 25 per cent higher than elsewhere; flour, \$5 to \$7 per barrel; sugar, 15 pounds for \$1; Arbuckle's coffee, 12½ to 20 cents a package; ham, 12½ to 17 cents a pound; canned corn and tomatoes, 2 cans for 25 cents. Mr. Stephenson recently bought a barrel of the best flour at a private store for \$3.85. (24, 25.)

Mr. MITCHELL, president of the United Mine Workers, testifying in July, 1901, stated that wherever the labor organizations of miners had become strong they had greatly reduced the evils of company stores and tenements. In the unorganized fields, such as West Virginia, the miners must either deal at company stores and live in company tenements, paying exorbitant prices and rents, or they will lose employment. (699.)

3. *Company stores.—Anthracite region.*—Mr. Brooks says there are operators in the anthracite district who maintain company stores. He presumes that in small places these stores charge high prices, but this is impossible in a place like Scranton. In these smaller places the operators who have stores are doubtless at an advantage in competing in producing coal with those who do not have stores. Certain stockholders in the mining company with which the witness is connected operate a store, and where the consent of the miners is given in writing the mining company will deduct from wages for purchases at the store. Doubtless in some cases mining officials are inclined to coerce their men by a company store. (158-160.)

Mr. JAMES, a miner, says that practically all anthracite mine operators have stores for supplying powder and other miners' materials, and many of them have stores for provisions and other goods as well. The witness was formerly employed by the Lehigh Valley Coal Company at Jeanesville. Just before the strike of 1897 the mine foremen went through the mines and informed all those, including the witness, who did not buy their mining supplies from the company store that they could leave unless they did so. The success of the following strike prevented this threat from being carried out. The price for powder at the company store was then \$2.75 per keg,

while it could be bought from other stores for from \$1.25 to \$1.50. Prices for other materials were in similar proportions. This company did not maintain a provision store, although one was run by a former mine operator, and orders were issued upon it by the company.

It is noticeable also that where miners have small balances left on their store checks for miners' supplies the company often claims a charge for blacksmithing sufficient to offset the amount. The witness submitted one account of \$24 earned by a miner with the amount exactly offset by charges. (141, 142, 147, 148.)

Mr. MARCY, an independent anthracite operator, says that his company has no store, but it collects for a store where the miners trade. He does not know who compose the firm that owns the store, or whether any member of his company is interested in it; he is not. He has had similar arrangements with other stores in previous years. The store makes a small payment for clerk hire—about what it costs to make the collection. The company makes the arrangement as an accommodation to the men. They are not solicited to patronize the particular store, but are entirely free to trade where they will. Mr. Marcy does not know that the men are compelled to trade at any company store, but he does not know that compulsion is not exercised. (680, 671.)

Mr. LUTHER, general superintendent of the Philadelphia and Reading Coal and Iron Company, says that his company has never had a company store. It sells the miner tools and anything he needs; but on the supplies other than powder the company gets barely enough to cover the cost and a small percentage of waste. (652, 653.)

Mr. VEITH, a mining superintendent of the Reading Coal and Iron Company, says that his company has no company stores, and makes no collections for store keepers. Every miner gets his money every 2 weeks and can do with it as he pleases. (655, 656.)

Mr. LOOMIS, superintendent of the coal-mining department of the Delaware, Lackawanna and Western Railway, says that his company has no company stores and does not deduct from wages any bills that the men may contract in any stores. (661, 664.)

4. *Powder—Anthracite region.*—Mr. BROOKS says that mining companies in the anthracite region sell powder directly to the miners, not from a store. The cost at wholesale is now about \$1 per keg. By an agreement made in 1877 the operators promised never to ask more than \$3 for powder. The cost has at times been higher than that, but since the cost has fallen the price to miners has also been lowered. (160.)

Mr. LOOMIS, superintendent of the coal-mining department of the Delaware, Lackawanna and Western Railway, testifying in March, 1900, says that his company sells powder to the miners at \$2.75 a keg. He does not know what it costs the company. The miners are not free to buy powder elsewhere. He does not know how the price is fixed, but he understands that powder is used as a basis on which the wages are figured, under an old agreement. (663.)

Mr. MARCY, an independent coal operator, states that he sells powder to the miners at \$2.50 a keg, and it costs his company probably \$1.50. The difference is not regarded as a profit, but account is taken of it in reckoning the cost of mining. (670.)

Mr. LUTHER, general superintendent of the Philadelphia and Reading Coal and Iron Company, says that for 10 years or more his company has sold powder to its miners at \$1.50 a keg. (653.)

5. *Company stores—Legislation.*—Mr. MITCHELL says that nearly all State laws, however great care was taken in framing them, have been held unconstitutional as abridging the right of contract. In other cases they are evaded by placing the store in the name of other individuals, or, as in Illinois, by offering cash, but immediately, before it can be taken up, taking it back and giving a check, the implication being that the check is bought with the money. (43, 49.)

6. *Company tenements.*—Mr. MITCHELL says that mine tenements are built of the cheapest material, usually not weatherboarded and sometimes not plastered. Often only one well is sunk for 12 or 14 houses, and only one water-closet furnished for 3 or 4. Influence is brought to bear to compel men to live in these houses, and they are a strong means of coercion in time of strike. A 3-room house usually rents for \$4 a month; a 4-room house for \$6; a 5-room house for \$8. Construction by companies may be necessary in isolated places, but the same things are done in large towns. (45.)

Mr. MCKAY says that in some rare cases the operators may find it necessary to build houses in order to secure labor, but usually miners prefer to have no company houses, and plenty of labor could be secured in a short time. (68.)

Mr. ROSS considers company tenements wrong in principle, although they may prove convenient where mines are isolated. (183-185.)

Mr. STØRMEYERSON, of the United Mine Workers, says that all mine operators own nearly all of the miners' houses. Usually these are made of boards straight up and down, unplastered, but with thick wall paper over boards inside. Miners are virtually compelled to rent these houses, either because there is no land on which they or other persons can build houses, or because otherwise their conditions of employment would be made unfavorable. In case of strike, companies immediately give notice to vacate, so that system becomes a strong means of coercion. Construction of houses by operators may be necessary at the opening of mines in remote places. (26.)

Mr. PEARCE says that the houses built by mining companies are usually very poor, small, and unsanitary. In Ohio, at least, they are mostly of straight up-and-down boards, and many are not plastered, although the companies usually paper them at their own expense. The witness knows of 5 houses which were built in 1882 for \$95 each, and which are renting for \$5 or \$6 per month. It is often true that the houses are worthless after the mines have been worked out, but the mines usually last at least 15 to 25 years. Cases have occurred in several mining States where miners have been evicted upon striking, and where this has been threatened as a means of coercion. (98.)

Mr. SCHLUEDERBERG says that it is to the advantage of operators that miners should be furnished with comfortable houses, superior to the hovels in which they formerly lived. His own company, and all the larger companies in the Pittsburg district, he believes, furnish satisfactory houses at a reasonable price. They contain 8 rooms, costing perhaps \$800, with modern conveniences. In many cases the miners could obtain no other houses. Thus at one of the witness's mines there are at present plenty of applicants for work, but no houses to put them in, and 50 houses are being built. Mining operators expect to obtain a reasonable profit from these houses. (80, 81.)

Mr. DAVIS says that the best miners' tenements are found in the anthracite region of Pennsylvania, but even then they are unsatisfactory and the rents are unduly high. The conditions are worst in West Virginia, where a majority of the houses contain only 2 or 3 rooms, are built of upright boards, and have no conveniences, cupboards, proper water supply, or sanitation. The miners there are worse housed than other wage-earners in small towns. Their rent is usually about \$2 a room. The houses maintained by the Davis Coal and Coke Company, however, are of very fair character. Since the life of mines is likely to be from 25 to 50 years, companies ought to put up comfortable houses. (133, 134.)

Mr. ROBINSON, a West Virginia operator, says that as a rule miners' houses in West Virginia are owned by operators, but miners are not compelled to live in them nor discriminated against if they do not. Thirty-two per cent of witness's employees own their own houses, many having been aided to build them by witness. Men are ordered out when they strike, but this does not seem to check their striking. (12, 16.)

7. *Company tenements.—Anthracite region.*—Mr. BROOKS, an anthracite operator, speaking for his own mines especially, holds that tenements are constructed mostly at the desire of the men themselves. He would prefer not to build any; but since the company can furnish them at cheaper rates than private owners, they are demanded by the miners. He admits that they are not of a very satisfactory character, but holds that they are as good as can be furnished for the rent paid. They are mostly of 2 stories, with 2 rooms on the lower floor. The sanitary conditions are often bad, but this is apparently due largely to the character of the tenants. The rent charged is \$6 per month, a ton of coal monthly being furnished by the company. Houses built by private owners are better, but the rents are considerably higher. (158, 159.)

Mr. LITNÆ, general superintendent of the Philadelphia and Reading Coal and Iron Company, says that his company owns a great many houses, which it leases to its employees, but that it prefers to have them live in the towns and villages, where it need not make provision for them. There are isolated places where it is necessary for the company to furnish houses. When wages went so low, about 1898, and the working time was so short, "the company forgot to charge them any house rent." Probably half the men, perhaps more, live in the towns away from their work and are carried to and from their work by the miners' trains—some of them 10 or 15 miles. These trains are run by the Reading Railroad to accommodate the men and keep them in the towns, "where they own their own houses and live just as other people do under municipal government." The men are charged for passage just about what it costs to run the trains—about 5 cents for 15 miles. Sometimes there is a deficiency which the Coal and Iron Company makes up. (648, 652.)

Mr. VERTH, a mining superintendent of the Reading Coal and Iron Company, says that the houses owned by his company have from 4 to 10 rooms. A 4-room house rents for \$2, \$3, or \$4, according to its quality. There are some houses that cost \$6, and some 10-room houses that run as high as \$8. All the company's houses are good. It is the desire of the iron company, so far as possible, to have the miners live in the towns. It makes better people to live where town facilities, schools, and churches are available. It is on this account that the company has established the running of miners' trains. (657.)

Mr. LOOMIS, superintendent of the coal-mining department of the Delaware, Lackawanna and Western Railway, says that his company has very few tenement houses. (661.)

8. *Company doctors.*—Mr. SCHLUEDERBERG, at one of the largest mines controlled by his company, has made arrangements with the miners that they shall pay a certain sum per month for a doctor. It is optional with them to enter this arrangement, but where they do so the company collects the monthly sum and the doctor furnishes the necessary attendance and medicines. (80.)

D. Hours of labor.—1. *Bituminous mines.*—Mr. MCKAY, of the United Mine Workers, says the reduction of hours in coal mining has been solely due to the efforts of trade unions. The result has been very beneficial in raising the standard of intelligence. The ability of miners and other producers to produce more than can be consumed makes a reduction of hours necessary. There is special need of short hours in coal mines because of the unhealthy conditions. (70.)

Mr. STEPHENSON, of the United Mine Workers, says that the reduction of hours enables the workman to improve his intellectual faculties and become a better citizen. Miners are more justly entitled to reduction than men working above ground, because of the unhealthy conditions in which they work. In Illinois, Indiana, Ohio, and parts of Pennsylvania and the Western States the 8-hour day has been secured by miners and is satisfactory to both sides. (27, 28.)

Mr. MITCHELL says the 8-hour day has been secured by agreement of employers and miners' organizations in Pennsylvania, Ohio, Indiana, Illinois, and in parts of other States. Operators object little except on the ground that the reduction is not universal. Trade is to some extent diverted to districts having longer hours, where the proportion of fixed expense of mine operation is less. More men have been given employment under the 8-hour system, and miners are improving themselves in health and mind. He speaks of the beneficial effects of shorter hours in Great Britain and the desirability of uniform hours on account of the competition of different districts. Working long hours in one district injures others. (47, 48.)

Mr. Mitchell says further that the reduction to 8 hours per day is specially desirable in coal mines because of excessive production; but a man can do as much physical work in 8 hours as in 10. Miners are willing to accept the same rate per ton under reduced hours, so that the operator would lose nothing. His machinery would not even stand idle a greater part of the year than at present. So far where hours of miners have been reduced mine laborers who work by the day have had their wages correspondingly reduced. (36, 41, 47.)

Mr. DAVIS, of the United Mine Workers, says the 8-hour day is demanded by the trade unions everywhere. Its effects in the mines have not yet been fully proved, but the increase in the tonnage last year seems to show that it is not injurious to operators of mines. There are special reasons why the 8-hour day is desirable on account of the unhealthy conditions prevailing in mines. (129, 135, 137.)

Mr. PEARCE, of the United Mine Workers, says the reduction of hours in coal mines to 8 has not injured the operators; at least there was no objection raised to the continuance of the system at the time of the last annual agreement. The miners have had more time to read and study, to enjoy their homes and society, and their health has been improved. (100.)

Mr. MULLINS, an Ohio operator, says that the 8-hour system has given satisfaction to the miners, and generally also to the operators. One effect in the Massillon district has been to compel the introduction of better machinery for handling coal, so that the miners can now produce practically as much as in 9 or 10 hours, when they often had to wait to have their coal hauled out. Moreover, the miners were not always actually working full time under the former system, whereas they are now required to do so. (171.)

Mr. DALZELL, an Illinois operator, believes that most of the coal operators, at least in Illinois, granted the demand for the 8-hour day unwillingly, and believe still that it was injurious to their interests. A man can not do much more than four-fifths of the work in 8 hours which he could in 10. It may be best for his health and welfare to consent to such reduction of his earning capacity, but the result is likely to be what it was found to be in Illinois, that the miners ultimately secure as high

wages for 8 hours as they would for 10, although doing less work, thus injuring employers. The witness concedes that the miners may have produced as much, taking the entire year through, under the 8-hour system as under the 10-hour system, because of the more continuous working. The excessive producing capacity of the coal mines of the country may thus justify an 8-hour day. The witness admits, finally, that the 8-hour day, if uniform in the coal mines throughout the country, would be advantageous to all concerned; however, it is disadvantageous to the producers of any coal district when it does not prevail in other districts. (109, 111.)

Mr. SCHLUEDERBERG, a Pittsburg operator, says the reduction of hours in coal mines to 8 per day has injured the operators, since the machinery, which is now largely being used, lies idle two-thirds of the day. It has been found impracticable to run different shifts. The "tipple" outside the mine can be run satisfactorily only by daylight, and unless run at least 10 hours a day is unprofitable. The witness does not believe that the miners have really shortened their hours materially; being paid by the ton, they have always worked about as long as seemed to them best. (82.)

2. *Anthracite mines.*—Mr. MARCY, an independent anthracite operator, says that the wages of miners are hard to state, because some of them will work 5 hours in the day, some of them 3 hours, and some of them full time. Ten hours are called a full day, but Mr. Marcy does not think he has 3 men out of 120 or 125 who will work so long. They usually work 4, 5, or 6 hours. It is exceptional if one works over 7. It is impossible to compel regular working hours. The law requires that if 10 men come to the foot of the shaft they be allowed to come up. It often happens that Mr. Marcy would be glad to run until 6 o'clock, but is compelled to stop at 4 because the supply is falling so short that he can not afford to keep the plant in operation. If the men would all stay and work it would go right on. (667-669.)

Mr. JAMES, of the United Mine Workers, says anthracite miners mostly work 10 hours per day, although they are sometimes compelled to work even more. Owing to the great oversupply of labor there are many constantly idle, and the shorter workday is needed to take up the unemployed and to increase the regularity of employment. The shorter day would also have beneficial social and educational effects. (149.)

Mr. BROOKS, an anthracite coal operator, considers 8 hours a big day's work in the mines and would favor the reduction of hours everywhere to that number. (154.)

E. General social conditions. (See also *Drunkenness and the liquor traffic*, p. CLIX.)—Mr. VEITH, a mining superintendent of the Reading Coal and Iron Company, says that the general conditions in the homes of the miners, including the foreigners, are satisfactory. There has been very great improvement. The foreigners used to live 8 or 9 or 10 in a room and 15 or 20 in the same house. But these conditions are largely done away with. The foreign miners are living like other people. The young people are Americans. (656, 657.)

Mr. BROOKS, an anthracite operator, says that during the past 15 years the condition of the miners in the anthracite region, especially of the native born and of those from northern Europe, has improved considerably, although their wages have not increased. They are more intelligent and refined, and their habits are better. They spend their money more judiciously. The miners from southern Europe are gradually catching American ideas. (160.)

Mr. LUTHER, general superintendent of the Philadelphia and Reading Coal and Iron Company, says that little food is produced in the vicinity of his company's mines. There are some farming counties parallel to the coal valleys, but the markets are largely supplied from the cities and from the country that supplies Philadelphia. In many parts of the region the miners have little patches of ground and raise vegetables and potatoes. (653.)

Mr. SCHLUEDERBERG, a Pittsburg operator, states that coal miners are on a decidedly higher plane than 25 years ago, when the mines were extremely unsanitary and the miners' houses mere hovels. Wages have been increased and hours reduced. The miners, having become more educated, require more pay and comforts. But very few American-born men will mine coal. (81.)

F. Strikes of coal miners. (For general statements, see *Strikes and boycotts*, p. CLX.)—1. *Strikes of 1894 and 1897.*—Mr. MULLINS, an Ohio operator, says that the great general strike of 1894 was due primarily to the action of the New York and Cleveland Gas Coal Company, which reduced the price for mining 10 cents below the rates agreed upon by the operators and miners of the country. This compelled other operators to seek reductions, and the strike followed. The result was an advance of 10 cents per ton. The strike of 1897 was caused by the same company in practically the same way and the result was an advance of 5 cents per ton. (173.)

CXXXII INDUSTRIAL COMMISSION:—THE MINING INDUSTRIES.

Mr. MCKAY, of the United Mine Workers, says that the New York and Cleveland Gas and Coal Company employs about 1,000 men in its 3 mines. It refuses to cooperate with other operators in agreements with miners, and by cutting prices and wages is able to demoralize the entire trade. Owing to the excess of producing capacity above consumption one operator can set prices for a very much larger amount of coal than he can produce. This company refuses to deal with unions or to employ union men; its wages are usually 5 cents, but at present 12 cents, per ton lower than those of other operators. It first claimed the right to pay lower wages because it paid in cash and had no company store. In 1896 it proposed to miners and other operators to establish a uniform price at union rates, provided all operators made cash payments and used uniform screens. Most mines agreed to this, but later the agreement was broken, company stores were reestablished, and wages fell from 70 to 54 cents per ton. The miners who were employed by operators who maintained the agreement themselves volunteered to reduce wages in order to equalize competition. (60, 61, 73.)

Mr. MITCHELL says that the purpose of the general coal strike of 1897 was to increase price of coal and thereby wages by suspending production. The strike lasted 84 days and yet the amount earned by the miners was greater than in the preceding year, wages having been raised. (36.)

Mr. SCHLUEDEBERG says that the strike of 1897 arose because the operators were practically forced by the demoralization of prices to break an agreement as to wages made with the miners' organization. The attempt was made to bring down prices for mining from 65 cents to 54 cents per ton. The miners' officials did all in their power to prevent the strike, but it was necessary in order to secure reasonable conditions. (78, 79.)

Mr. DAVIS says that the strike of 1897 was ordered because it was impossible for the miners to earn enough to supply the necessities of life. The masses of the people were in sympathy with the movement. (129.)

Mr. PEARCE says that although this strike was ordered by the United Mine Workers, and although the great bulk of the laborers had nothing to do with starting it, they joined in the strike and secured the benefits of its result. No notice to or arrangement with employers was made concerning this strike. Its result was a gain of fully 20 per cent in wages. (90.)

Mr. DAVIS says that one of the noticeable effects of the great strike of 1897 was a marked transfer of coal from its customary markets to others where the strike had caused a shortage. Thus 3 weeks after the strike was inaugurated there was quite a shortage in Chicago, St. Louis, and Cleveland, but this became less 5 weeks later. Coal which had been going to Buffalo and thence to the Northwest by water was shipped to Cleveland, that which had been going to the Northwest from Iowa and Kansas was sent to St. Louis; while West Virginia and Kentucky furnished coal to Chicago. These facts show the difficulty of success in strikes where the aggregate productive capacity is in excess of the demand. (127.)

2. *Lattimer strike.*—Mr. JAMES says that the Lattimer strike of 1897 was brought about immediately by the brutality of a superintendent in striking a miner, although there were other grievances which it was likewise sought to remedy. The operators refused to discharge the offending superintendent and the miners struck. The result was that the company signified its willingness to remedy some of the evils, although the superintendent was not discharged. One of the evils had been compulsion to buy supplies for mining at high prices from the company stores; this was practically done away with. The miners engaged in this strike were not organized and had no effective leaders, which apparently accounts in part for their lawlessness. The witness believes, however, that the shooting of strikers by the sheriff and his deputies could have been prevented by wise action on his part. The miners were patrolling and parading on the highway, and none of them had arms, as was shown by the fact that none of the sheriff's posse was injured. Only a few days before the mayor of Hazleton had kindly told the strikers that they must not march through the principal streets of the town, and they had gone by another route. A similar procedure might have been employed by the sheriff. The witness believes that the action of the sheriff was due to the desire of operators to cow the men and force them to return to work. (139-143.)

3. *Strikes at Pana and Virden, 1898-99.*—Mr. MITCHELL, president of the United Mine Workers, says that the strike at Pana, Ill., was caused by the refusal of one operator to pay the wages agreed on by the general convention of operators and miners, of which he had been a member. The State board of arbitration and the executive committees of the miners' and operators' associations, declared this scale fair and unanimously supported the strikers. The operator imported colored laborers, and the riot was brought about by part of these attempting to prevent others, under the influence of the miners' organization, from leaving the town. (52, 53.)

Mr. DALZELL, president of the Illinois Coal Operators' Association, states that the Illinois Coal Operators' Association in 1897 fixed differential prices for mining in the different districts of Illinois, and these were later agreed to by the miners. The operators of the Virden and Pana fields, however, refused to accept the rates fixed and left the association. When the miners struck against the rates fixed by these operators, the dispute was submitted, by agreement on both sides, to the Illinois State board of arbitration. When the decision was made, the operators refused to abide by it, claiming that it did not cover the ground which they had agreed to arbitrate. (118.)

Mr. ROSS, secretary of the Illinois bureau of labor statistics, says that the defense fund of the miners' organization of Illinois has chiefly been spent in connection with the strikes at Virden and Pana. The cause of these difficulties was the failure of the mine owners to comply with the agreements between the interstate organization of miners and the organization of operators as to the price of mining. After having agreed to arbitrate, the mine owners repudiated the decision of the State board. They endeavored to import labor from the South, many of the men having been in the convict mines in the Southern States. These men were brought in under the protection of Winchester rifles in the hands of men who were not citizens of Illinois. The governor of Illinois did not mean to declare that he had the right to deprive a man of the privilege of contracting for his labor, nor did the color question enter into his action. He held simply that the men imported were an undesirable class of citizens, and that it was illegal to bring them in under the protection of an alien armed body. The laborers imported were never actually taken from the trains, but were carried to St. Louis and thence distributed to other States. The mining operators finally agreed to pay the mining rate fixed for that district. (178-180.)

4. *Strikes in the anthracite region.*—Mr. LOOMIS, superintendent of the coal mining department of the Delaware, Lackawanna and Western Railway, testifying in March, 1900, says that this company has had no recent general strikes; no labor difficulty beyond local strikes of breaker boys. (659.)

Mr. VERTH, a mining superintendent of the Reading Coal and Iron Company, testifying in March, 1900, says that his company has been entirely free from labor troubles. There has been none since 1888. At that time there was a strike, not caused by any difficulty between the company and its men, but growing, as a sympathetic strike, out of a strike of the railroad employees. (654.)

Mr. LUTHER, general superintendent of the Philadelphia and Reading Coal and Iron Company, testifying in March, 1900, says that his company has had only one general strike since 1875, namely, that of 1888. (653.)

Mr. MITCHELL, President of the United Mine Workers, said in July, 1901, that it is very difficult to describe accurately the conditions of the workers in the anthracite field prior to the strike in the fall of 1900; in fact, conditions varied very much in different collieries and between the different districts. In the Schuylkill and Lehigh districts, where one-half of all the anthracite miners are employed, their wages were based upon the price at which coal was sold at tidewater. When coal sold for \$5 a ton at tidewater, the miners who worked by the day were paid at the rate of \$11.20 for a week's work. Of course, the mines did not work constantly; if the mines worked only half a week the miners received only half a week's pay, and so on. When the sliding scale method was first adopted, 25 or 30 years ago, it was regarded with favor by labor organizations, an agreement having been made which permitted the miners to serve on the committee with the operators to determine the price at which coal was being sold; but when the miners organization lost its strength, the companies alone determined what coal was sold for, and consequently the sliding scale became an evil, as the miners had no way of knowing whether they had been treated honestly by the operators or not. The strike of the fall of 1900 was only settled by the operators agreeing to fix a stationary rate of wages, and abolishing the sliding scale.

The condition of the miners in the anthracite district, prior to the strike, was deplorable. Nearly one-half of the mining population was unable to speak the English language. Bitter racial prejudices existed between the various nationalities, keeping them apart and rendering them easy victims of the greed of their employers, who were permitted to overcharge the miners for everything they bought at the company stores, where they were usually compelled to deal. Many of the companies did not own stores, but all companies owned the long rows of company houses, which are unfit to live in.

Employment in the anthracite district is very irregular. An average of 180 days per year is all that the anthracite miners have ever worked.

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 it was unable to succeed. It became obvious that conditions of employment could not be improved, unless through a strike, the miners should be aroused from their lethargy. The officers of the miners' organization made every honorable effort to arrange a conference with the mine operators, with the hope that an adjustment of the miners' grievances could be made without resorting to a strike; but they failed utterly. The operators evidently believed that the anthracite mine workers could not be induced to strike. There were only 8,000 of them attached to the United Mine Workers.

When the operators refused to meet the miners, the miners drafted a scale of prices, which called for a general advance of about 10 per cent; a reduction in the price of powder from \$2.75 to \$1.50 per keg, semimonthly payment of wages, and the abolition of truck stores.

The strike involved 140,000 men and boys, and threw out of employment not less than 50,000 other people. It continued for 39 days and resulted in a victory for the miners, all their demands being conceded, excepting the official recognition of the organization. However, the companies have recognized the local mine committees, and they take up for adjustment any grievances the miners may have with officers of the union. This latter arrangement was brought about at a conference held in New York City in March, 1901, and it was practically agreed that if matters moved along properly the organization would be recognized and contracts made with it next year. (699-701.)

G. Blacklisting.—Mr. STEPHENSON says that employers frequently place men on lists, especially for taking active part in organizations. Clerks of companies have been seen, when men applied for positions, to run over a list of names and often to reject the applicant after doing so. Mr. Stephenson himself has been on a list, and others have told him of similar experience. No objection would be made to such lists of incompetent men. (22.)

Mr. MITCHELL says that the blacklist is one of the worst weapons miners have to contend against. It is chiefly directed against men active in organizing labor. It is difficult to prove the existence of it. Special abuses of this sort exist in West Virginia. (37.)

Mr. DAVIS has been told that miners are frequently compelled to leave a community because of being blacklisted for taking an active part in trade unions. (128.)

Mr. MCKAY says that men who are discharged sometimes find it impossible to get work, or are discharged again after a day or two; but it is practically impossible to prove that blacklists have been used. (65.)

Mr. ROSS believes that the practice of boycotting is not a very successful one from the standpoint of labor, and that it is unjust. Blacklists are more effective, since it is easier to reach the producer than the consumer, and they also should be abolished. (182.)

Mr. MARCY, an independent anthracite operator, says that he has heard of blacklisting among the operators of his district, but he has no knowledge of it. He does not believe that a miner in the valley has ever been blacklisted, at least in his time. He knows none have been blacklisted to him or by him. (671.)

Mr. VERRI, a mining superintendent of the Reading Coal and Iron Company, says that his company does not maintain any blacklist. It never asks where a man comes from when he applies for work. If he shows that he is a competent miner, and if there is work for him, he is taken on. (655.)

H. Joint conferences and agreements in bituminous coal fields.—

1. *Desirability.*—Mr. DALZELL, an Illinois coal operator, says that where either party to the wage contract is at liberty to terminate it at any time he sees no reason why employers should not practically fix wages without any formally signed contract; but where an attempt is made to establish systematic wages for a definite period, as for a year, a formal contract is desirable. Such contracts tend to prevent cuts of wages through excessive competition of operators. (120.)

Mr. DAVIS, vice-president of the United Mine Workers, declares that the wage contracts frequently required by employers in the coal trade are not considered by the miners' organizations fair or free. The conditions imposed are determined solely by the employer, and the workman is often practically forced by his necessity to agree to all of them. (125.)

Mr. MITCHELL, president of the United Mine Workers, also says that contracts between operators and miners individually, not made by organizations, are practically not free. They are drafted by the employers, and the miners must sign or go without employment. The courts hold them, however, to be binding. Such contracts often force the miner to waive many rights, especially allowing an employer to retain whatever earnings are in his hands whenever the miner leaves for purpose of obtaining better conditions. (33.)

Mr. SCHLUEDERBERG, a Pittsburg coal operator, says it has never been found necessary in the coal trade in recent years to resort to arbitration by outside parties. The miners and the operators meet in yearly State and interstate conventions, establish agreements, and are able to settle their differences by joint discussion. They have come to know one another better and both sides are more liberal and fair than before. (74, 76.)

Mr. MCKAY, of the United Mine Workers, says the wages of coal miners are now chiefly fixed by joint agreements of the United Mine Workers and committees of employers, made yearly. These have lessened the number of strikes and increased harmony. The witness believes that by a more thorough organization of both miners and operators, with mutual discussion of the conditions of business and of rates of wages, better conditions might be obtained and more harmony between miners and employers established. (59, 63.)

Mr. JUSTI, commissioner of the Illinois Coal Operators' Association, thinks that agreements between employers and employees fixing the conditions of labor for a period of time are a very powerful agency in promoting industrial peace. One of the chief hindrances to the establishment of these agreements has been the unwillingness of employers to recognize labor organizations. Another difficulty has arisen from the fact that employers have been unable to agree among themselves and unwilling to form organizations. The differences in local conditions make it difficult for employers to come together with a view to establishing uniformity and making the basis of competition more fair. (686, 688.)

2. *History and methods of interstate conferences.*—Mr. MULLINS, an Ohio operator, says that during the eighties the bituminous miners and operators of the country established a system of joint agreements as to wages, hours, etc. This system was interrupted by the strikes of 1894 and 1897. A joint conference in January, 1898, resulted in an advance of wages and the adoption of the eight hour day. The system is considered beneficial to the operators, since it enables them to calculate upon expenses accurately. The enforcement of these contracts rests upon the honor of the operators and the miners, but both are usually inclined to abide by them. (173.)

Mr. MITCHELL, president of the United Mine Workers, states that the system of interstate joint conferences between the bituminous coal operators and representatives of the miners' organization had its origin in 1885, when an informal conference of representatives of the operators and miners of Ohio, Indiana, the northern district of Illinois, and the western portion of Pennsylvania took place. In the spring of 1886 another conference, representing the same districts, was held and an agreement entered into. These conferences continued each year until 1889, when, as a result of the failure of the operators of southern, central, and eastern Illinois to take part or pay the scale of wages, the northern operators were forced to withdraw from the interstate conference, thus causing the dissolution of the interstate joint conference movement. However, the operators and miners of Indiana and Ohio continued to meet in separate State conferences after that date.

At the close of the disastrous and expensive bituminous coal strike of 1897 an understanding was arrived at between the leading operators of Illinois, Indiana, Ohio, and the western part of Pennsylvania whereby a conference was to be held in Chicago in the spring of 1898. This conference was attended by nearly all the operators from the districts above named, and an agreement fixing wages and regulating the conditions of employment was entered into, and these conferences have been held in the spring of each year up to the present time and are likely to continue for an indefinite period.

Mr. Mitchell describes the organization and methods of business of the joint annual interstate conferences. He says that many operators from each of the four States or districts covered by the system attend the conferences, as do representatives from each local union of the United Mine Workers of America. A committee on rules and order of business is selected, and after their report is made and adopted a permanent organization is formed. The operators and miners of each of the 4 States represented have an equal number of votes—that is to say, 4 votes are given to the miners of each State, and 4 votes to the operators of each State, and it is mutually agreed that any principal motion that affects the formation of the scale or the conditions which shall govern employment must receive the affirmative vote of all of the miners and all of the operators. If a settlement can not be effected in the general joint conference a scale committee, composed of 4 miners and 4 operators from each district, is selected. A stenographic report of the proceedings of both the general conference and the general scale committee is made, printed, and furnished to the officers of the miners' organization and to the operators. Should the general scale committee fail to reach an agreement it not infrequently happens that a subcommittee of 4 miners and 4 operators is selected from the general scale committee, and they go into execu-

tive session. No stenographic report is made, and usually an agreement is arrived at which is presented to the general scale committee, and to the general joint conference. (697-699.)

Mr. JUSTI, commissioner of the Illinois Coal Operators' Association, states that the interstate conferences in the bituminous mining industry were inaugurated at Chicago in January, 1898, as the result of the long and bitter strike in 1897. Conferences have been held annually since, and agreements regarding wages and conditions of labor have been adopted.

The interstate convention is held immediately after the convention of the United Mine Workers. There is a large representation of miners and operators from each of the four States of Pennsylvania (Pittsburg district), Ohio, Indiana, and Illinois. The questions at issue are not settled in open convention, but a general discussion takes place there, after which the formation of a scale is referred to the joint scale committee, consisting of 4 miners and 4 operators from each State. The final adoption of the details is usually referred to a subcommittee of 16. There has never been a failure to reach an agreement. The system has resulted in greater uniformity in conditions and in a much better feeling between employers and employees. (678, 682.)

3. *Purposes of interstate conferences.*—Mr. JUSTI says the main purpose of the establishment of the system was to bring about uniformity in the conditions of mining in these States, so as to put all operators upon an equal basis in competition. Prior to the adoption of this system chaos had prevailed. Labor was always dissatisfied, and operators did not work at all in harmony. Often they were not acquainted with one another. The miners of one employer would strike because they were getting less pay than those at some neighboring mine, while some operators, on finding that they were paying higher rates than their competitors, would shut down the mines until the rate could be reduced.

The system of interstate agreements regarding the conditions of labor has done much to bring about uniformity and a fair basis of competition. Operators are able to know in a general way what it costs other operators to mine coal. Entire uniformity has not yet been realized. In Pennsylvania, Ohio, and Indiana the use of screens before the weighing of the coal is permitted, while in Illinois coal is paid for on the run-of-mine basis. The differential between machine mining and pick mining has not been uniformly established. Mr. JUSTI believes that the degree of uniformity which has been secured, and which could be brought about only by a recognition of the labor organization among the miners and a joint agreement with it, has been of great advantage to the operators and has brought stability to the mining industry. (677, 678, 682.)

Mr. MITCHELL also states that it is a fundamental principle of the interstate movement "that the scale of prices is based not upon the earning capacity of the miners alone, but principally upon the opportunity of each district to produce coal at a price which shall enable it to be sold in fair competition with every other district; that is to say, no attempt is made to make wages uniform or the earning capacity of the men equal between the different districts, or within the districts themselves, the principal object being to so regulate the scale of mining as to make the cost of production practically the same in one district that it is in another."

Mr. STEPHENSON says the aim of the United Mine Workers is to equalize the prices of mining in competing districts and States for the benefit of operators as well as of miners. It does not desire to reduce the profits of the operators, but rather to increase the price of the product. (29.)

4. *Effect on the relations of employers and employees.*—Mr. MITCHELL in July, 1901, made the following statement with regard to the effect of the joint conference system: "The establishment of this joint conference system has done much to remove the barrier which formerly existed between employer and employee. As a result of their meeting together in free and open discussion, each side having equal power, they have become more fully acquainted with each other's needs and wants and with each other's business affairs; and they have grown to know and respect one another, in some instances becoming social friends. And strikes and lockouts have been reduced to a very great degree; in fact, there are very few serious strikes, either local or otherwise, in any of the districts covered by our joint agreements." (699.)

5. *Effect on wages and conditions of labor.*—Mr. MITCHELL states that since the adoption of the system of joint agreements in 1897 "wages have increased an average of 40 per cent in the 4 districts which are parts of the interstate movement, and practically the same advances have been secured for the miners of the States of Alabama, Kentucky, Tennessee, Missouri, Kansas, Iowa, Michigan, and the central part of Pennsylvania, where State joint conferences have been established between the operators and miners. The 8-hour workday has been secured in nearly all the States to which reference has just been made. The semimonthly payment of wages in cash

has been established, and the size of the screens in use has been so regulated as to minimize their evil effects." (700.)

Mr. JUSTI says that the first interstate agreement in the bituminous mining industry, made in January, 1898, advanced wages materially above those prevailing before the strike of 1897. Again in 1900 the rate of pick mining was advanced considerably, by from 7 to 11 cents per ton, while the rate of day wages was increased 20 or 25 per cent. There has been no further advance under the agreement of 1901. The increase in wages by the advance of 1900 will probably be equal to nearly \$20,000,000 for the miners of the 4 States affected by the system.

Mr. JUSTI states that there is no attempt on the part of the interstate conference to fix the prices of coal. The advance in wages naturally has some influence on the price of coal, but the witness does not think that the entire increase in recent years has become a tax upon the consumers of coal. The prices for all commodities have advanced and the cost of living is higher than before. The condition of the mining industry has been rendered more stable by the agreement system, and the steadiness of work and the fair wages paid to the miners help them to contribute to the general prosperity of the country. The Illinois Coal Operators' Association also refrains entirely from interference with regard to prices. The chief effect of the agreement system has probably been to equalize the prices in different districts rather than to advance them. (683, 685.)

Mr. JUSTI says that the number of workmen coming under the scope of the interstate agreement system is now about 175,000, being somewhat greater than it was in 1897. (684.)

6. *Enforcement of joint agreements.*—Mr. JUSTI states that the Illinois Coal Operators' Association has been formed chiefly for the purpose of enforcing joint agreements in the mining industry, and settling disputes relating to the interpretation of the agreements. The miners of Illinois, as well as of other States, scarcely yet understand the sacredness of the contracts into which their organizations enter with the operators. There is difficulty also because the miners, many of whom are unable to read English, do not always understand the terms of the agreements. New men are constantly coming into the mines and must be educated to understand the system. Often newly elected officers of local unions try to make demands which are contrary to the terms of the agreements. A clause of the State agreement in Illinois provides that no local demands shall be made except at meetings of the operators and miners in the districts and subdistricts held prior to May 1 of each year. There is a growing recognition of the binding nature of these agreements, and the witness believes that the chief officers of the miners' unions are doing all they can to enforce them. Organization of employers, however, is also necessary. (677, 678, 681.)

Mr. JUSTI explains how the Illinois Coal Operators' Association undertakes to interpret and enforce the joint agreements. He says that when a demand is made by the miners of any mine, which is not covered by the joint agreement, the association sends out circular letters to ascertain from operators what the custom on that matter has been. The commissioner then meets the officers of the United Mine Workers and the question is discussed, so that uniformity in practice is secured. The records of the association, after a few years, will show the decision of almost every question which is likely to arise. In other cases where a charge is made of a violation of the agreement, careful inquiries are immediately undertaken to ascertain whether there have been violations on either or both sides, and just what the nature of the violations have been. (683.)

7. *Settlement of disputes under the agreement system.*—Mr. MITCHELL, president of the United Mine Workers, says that there is no provision in the interstate agreements which confers authority upon any central body to adjust local grievances which may arise during the life of the agreements; but in Indiana and Illinois the operators have organizations, and the operators of each of these States have a representative known as a "commissioner," whose duties and functions are very similar to those of the presidents of the district organizations of the United Mine Workers of America. In most instances local disputes are adjusted by the commissioner of the Coal Operators' Association and the presidents of the district organizations of the United Mine Workers of America, when they can not be settled by the local mine manager and the committee of the local unions of the miners' organization. Should the commissioner and the president of the district organization of the United Mine Workers of America fail to agree, it frequently occurs that the dispute is referred to the national officers of the miners' organization and adjusted there. In portions of Ohio the operators also employ a commissioner; but in Pennsylvania and in other portions of Ohio disputes are adjusted by the employing operator and the local mine committee or the officers of the district miners' organization. (59.)

Mr. JUSTI says that the Illinois coal miners and operators feel that disputes should

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be settled as near the source as possible, and as promptly as possible. Clauses of the joint agreement for the State provide accordingly that in each mine the pit committee shall be recognized, and in case of a dispute between the pit boss and any miner, this committee, together with the president of the miners' local union, may adjust the matter with the pit boss. In case of failure to agree, the matter shall be referred to the superintendent of the company and the president of the miners' local executive board. The next higher appeal is to the superintendent of the company and the president of the miners' organization for the subdistrict, while disputes which they can not settle are referred to the State officials of the United Mine Workers of America, in connection with the higher officials of the company. The commissioner of the Illinois Coal Operators' Association ordinarily meets the officers of the United Mine Workers in case of disputes which are not settled by the lower authorities. Either the president or the vice-president of the State organization of United Mine Workers meets with the commissioner, usually at the place of dispute. The operators and miners directly interested are present at the conference, and when necessary witnesses are brought in, but usually only those connected with mines having similar conditions. All formality is waived, and the fullest latitude is given to witnesses, with no attempt to embarrass them. The sole purpose is to bring out the truth.

The officer of the the United Mine Workers and the commissioner of the Coal Operators' Association reach an agreement, which is binding on both sides. There never has been an appeal. In some cases, however, there has been a failure to agree and reference of the dispute has been made to Mr. Mitchell, president of the United Mine Workers, in connection with Mr. Justi.

During the past year about 200 cases have been brought before the commissioner. About equal numbers of these originated with the operators and with the miners. Possibly 80 per cent of the cases were decided against the miners, who are the more likely to be in the wrong, because of the misunderstanding of the terms of the agreements on the part of local organizations and officers.

Mr. Justi describes more fully the 3 cases which have been referred to Mr. Mitchell and himself for decision. One of these cases was trifling, and Mr. Justi consented to Mr. Mitchell's opinion in the matter. Another case referred to the question whether men doing construction work at mines should be forced to become members of the United Mine Workers. Mr. Mitchell preferred not to make a decision, and the matter was referred to the joint State convention of 1901, which agreed that such men should be excluded from the union.

The third dispute referred to was in the Danville district, and had to do with the interpretation of clause 16 of the State agreement. This clause provides that, under the scale of wages, except in "extraordinary conditions," the work of the miners shall include the loading of coal and the proper timbering of the working places and other details regarding the care of the mines. The dispute arose as to what constituted "extraordinary conditions." The operators took the position that the purpose of this clause in the State agreement was to give to the operators of the Danville district, which is the basing district, the right to demand clean coal from the miners without incurring extra expense. The State miners' organization and the operators of the district failed to agree, and there was danger that 4,000 miners would quit work. At a joint convention held at Danville in April, 1901, a resolution was passed to refer the matter to Mr. Mitchell and Mr. Justi, whose decision should be binding. These gentlemen made a very thorough inspection of 4 of the 10 mines involved, devoting 3 days to the work, and then, after a session of 2 days, rendered a decision. This decision, which was submitted in full by Mr. Justi, defines in considerable detail the classes of work which miners shall be required to perform in connection with the getting out of coal. It also urges both operators and miners to consider questions of this sort in a fair and liberal spirit. Mr. Justi says that the decision was substantially in favor of the operators, but that it was accepted and carried out by the miners. (679-681, 693.)

8. *Illinois Coal Operators' Association—State agreements.*—Mr. JUSTI, commissioner of the Illinois Coal Operators' Association, states that that organization was formed exclusively for the adjustment of labor matters. It is intended to aid the operators in enforcing the joint agreements with the miners' organization and in settling disputes which may arise. It was felt that mutual respect would be furthered by the establishment of a strong organization on each side, and that the adjustment of the conditions of labor would then become strictly a matter of business. The employers' organization also serves to relieve the individual operators of the necessity of dealing with the miners in many cases, giving the advantage of specialization.

The Coal Operators' Association has recently established a commissioner, Mr. Justi, whose main object is to meet representatives of the miners' organization in the

settlement of disputes. The expense of the organization is maintained by an assessment upon the operators in proportion to their tonnage. (677, 678, 685.)

Mr. Justi adds that, subject to the interstate agreement regarding the conditions of coal mining in Pennsylvania, Ohio, Indiana, and Illinois, the miners and operators of Illinois adopt annually a State agreement. A joint convention is held immediately after the convention of the United Mine Workers for the State, and the agreement is adopted in practically the same manner as the interstate agreement. The proceedings of the convention are published in full, in order that, should any question later arise regarding the interpretation of the joint agreement, the arguments for the adoption of the clauses might be conveniently referred to. There are 9 scale districts, formed in view of the differences in the conditions of mining, and the agreement provides for the differentials between these districts in the scale of wages. After the joint State convention, district and subdistrict conventions are held to determine strictly local conditions. All of the local agreements, as well as the State agreement, are then printed together and distributed throughout the State. The general distribution of these agreements has been found to be very advantageous, since formerly the contents of them were not always understood by the miners. Mr. Justi affirms that these conferences in Illinois, like the interstate conferences, have been of great advantage to operators and miners alike, and that, in his belief, 95 per cent of all differences between employers and employees can be settled amicably if the parties would only come together in conference. (680-683.)

Mr. Justi submits a copy of the State agreement between the Illinois Coal Operators' Association and the United Mine Workers for the year ending March 31, 1902. This agreement contains a scale of wages for pick mining, the rates being fixed for each of the 9 separate districts, with variations also as regards particular mines and subdistricts. The basis of wages is the amount of run-of-mine coal. The rates vary from 42 cents to 81 cents per ton, in accordance with the differences in conditions.

The wages to be paid for outside day labor are left unchanged from those of 1900, but it is provided that no topman shall receive less than \$1.80 per day. The inside scale for day labor is based on the interstate scale adopted in 1898 with an advance of 20 per cent, but in no case shall less than \$2.10 per day be paid to miners.

Miners are to be paid twice monthly, and advances between pay days are made at the option of the operators. The price of powder per keg is fixed at \$1.75, and the miners agree to buy their powder from the operators.

The scale of prices is based on coal free from slate, bone, and other impurities, weighed before screening. The miners must drill and blast coal in accordance with the State law of Illinois regarding safety. The operators are guaranteed the hearty support of the United Mine Workers in disciplining any miner who fails to properly mine and load coal. The scale of wages includes, except in extraordinary conditions, the work required to load coal and properly timber the rough places and to brush and care for the working places generally.

The hours of labor are fixed at 8 hours per day by this agreement. All men working by the day are required to perform the full amount of labor, the time of going to and from working places, hitching up mules and doing other preparatory work, as well as the time required for meals, not being included in the counting of the 8 hours. If for any reason operators work their mines less than 8 hours, they are to pay proportionately per hour; but if a man goes into a mine in the morning he shall be paid for not less than 2 hours' work.

The agreement virtually provides for the exclusive employment of members of the United Mine Workers in mine work proper. The United Mine Workers are denied jurisdiction over the mine manager, foremen, hoisting engineers, and certain other superior workers. They are also refused jurisdiction over men employed in preliminary construction work or extensive repair work. The authority to hire and discharge men is vested in the mine manager and his subordinates, but if a man claims to have been discharged unjustly or through error he has a right to appeal to a joint board.

The agreement provides for the recognition of the pit committee representing the miners, but their duties are confined to the adjustment of disputes, and they are not permitted to go about the mine unless called upon by the pit boss or by some employee who has a grievance. The operator and his mine manager or superintendent shall be respected in the managing of the mine and in directing the working force. Provision is made for the discussion of disputed matters between the officers of the Mine Workers Union and the employers, with final reference of matters that can not be otherwise settled to the State officials of the United Mine Workers and the Illinois Coal Operators' Association. The system of arbitration provided in this agreement has been more fully described elsewhere (see p. CXXXVIII). (688, 692.)

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9. *Extension of the agreement system.*—Mr. JUSTI says that in Kentucky and Iowa the operators and miners hold State conferences and adopt agreements very similar to those in Illinois and the other States covered by the interstate agreement system.

The attempt has been made to secure the admission of Iowa and Michigan to the interstate conference, but the operators have objected, especially those of Pennsylvania and Ohio. Mr. Justi thinks that their opposition was partly due to the fear that the influence of those States would be overbalanced by the more western States if Iowa and Michigan were admitted. The Pennsylvania and Ohio operators have contended that no other State should be admitted until West Virginia was brought in. The operators of all the States would be glad to have West Virginia brought into the conference, but the miners there are not organized. The United Mine Workers are trying to bring them into organization, but apparently with little success.

The product of West Virginia comes into direct competition with the coal of Pennsylvania and Ohio, both at the seaboard and in other markets. It also competes directly with Indiana and Illinois coal, being sold largely in Chicago. The operators of these western States would therefore be very glad to see West Virginia brought into the agreement system. The cost of labor is lower in West Virginia because of the absence of organization. It is true that there are differences in the mining conditions, but these could be provided for by differentials in the scale of wages. (684, 685.)

Mr. MITCHELL states that systems of State agreements between operators and miners, based upon the interstate system, have been introduced in Alabama, Kentucky, Tennessee, Missouri, Kansas, Iowa, Michigan, and the central district of Pennsylvania, all districts not covered by the interstate agreements. The principal disturbing feature in the coal industry is the lack of organization among the miners of West Virginia and the absence of any agreement between them and the operators. If the system of interstate agreements could be extended to West Virginia, there would probably never be cause for the cessation of work in the coal mines of the United States. The witness entertains strong hopes that the time will soon come when both miners and operators in West Virginia will recognize the advantages of the agreement system. (699.)

Mr. ROBINSON, a West Virginia operator, says that the operators in West Virginia hold joint meetings with the State association of miners, and that they have recently agreed on a scale and a system of arbitration. They prefer to deal with this local organization rather than with a national organization, because the weight of influence in the latter rests with representatives of other coal fields with interests largely opposed to those of West Virginia operators and miners. (14.)

Mr. STEPHENSON, of the United Mine Workers, says that the national miners' organization and the great body of real miners do not recognize the State organization in West Virginia. It is only a side show of the operators, who pay the salaries of the leaders in order that they may influence the miners. The joint contract made with this organization as to rates of mining is merely dictated by the operators, who entirely refuse to meet with representatives of the national organization. (20.)

I. Labor organizations of coal miners—1. History.—Mr. DAVIS says the first organization of miners dates from about 1868. It was especially strong among anthracite miners. In 1869, and again in 1883, attempts were made to establish national organizations, which succeeded in covering quite a large territory. In 1886 the Knights of Labor organized a district assembly of miners. In 1889 the organization of 1883 was reestablished under the name of the National Progressive Union, and soon after the United Mine Workers was organized as a combination of the Knights of Labor and the Progressive Union. The present organization is stronger than both of its predecessors put together. (124.)

Mr. PEARCE, secretary of the United Mine Workers, says the first organization of miners was in connection with the Knights of Labor. In 1881 a trade union was organized in Ohio, which spread considerably. The United Mine Workers, a national organization, was formed in 1890, and had a membership varying from 7,000 to 23,000 up to 1897. At the latter date there were very few miners organized, especially in the States of Pennsylvania, Indiana, and Illinois. In Illinois there were only 226 members of the union among 30,000 or more workers. Owing to the success of the strike of 1897 the membership greatly increased, and now (April, 1899) includes about 60,000 paying members, besides 15,000 or 20,000 more who do not pay the tax for the national organization, which is not expected from all members of local unions. (90.)

Mr. STEPHENSON, of the executive board of the United Mine Workers, says that many miners formerly belonged to the Knights of Labor, but they later broke away and joined the American Federation of Labor, because they desired to manage their

own affairs instead of being controlled by members of other trades. The American Federation gives moral and sometimes financial support in time of strikes. The membership of the United Mine Workers (April, 1899) is over 100,000. The national executive board, of 11 members, has power to declare strikes, levy assessments, and otherwise direct organization during the intervals between national conventions. The expenses are met by an assessment of 10 cents per month. In case of strikes special assessments are levied, no fund being accumulated in advance. (18, 19.)

Mr. MITCHELL, president of the United Mine Workers, said in April, 1899, that the organization had about 78,000 members out of 397,000 mine workers in the country; 75 per cent of its membership was in Pennsylvania, Ohio, Indiana, and Illinois, where the 70,000 miners were nearly all organized. The constitution defines the purposes of the organization as, securing of proper wages, paid in lawful money weekly on the basis of coal properly measured; introduction of proper appliances for ventilation, drainage, and prevention of accidents; establishment of the 8-hour day; exclusion of children until satisfactorily educated and at least up to 14 years; prohibition of employment of detectives or guards; establishment of arbitration and conciliation. (30-32.)

Mr. MCKAY states that the executive board of the national organization is composed of 8 members besides the president, the vice-president, and the secretary-treasurer. Benefit features are confined to the local organizations. The members of the board usually look after the interests of the miners in their home districts, but at times several or all visit one district. The organization had only about 16,000 members in 1897, but now (April, 1899) has from 75,000 to 80,000. It has had a marked effect in benefiting coal miners, reducing hours and increasing wages. It has entirely supplanted the Knights of Labor, its policy of open meetings being preferred by miners and operators to secrecy. (58, 59.)

Mr. ROSS says (May, 1899) that the trade unions throughout the country have been growing rapidly during the last year or two, although the prosperity of the country has been increasing. The development of the miners' organizations has been especially noteworthy. The European laborers who were imported in large numbers for the purpose of opposing organizations have, especially in Illinois, nearly all joined the unions recently. (180.)

Mr. MITCHELL stated in July, 1901, that "at the annual convention in January, 1897, the total membership was 11,000; in January, 1898, 25,000; in January, 1899, 54,000; in January, 1900, 91,000; in January, 1901, 189,000. The present membership is approximately 250,000."

Mr. LUCAS, editor of *The Black Diamond*, says that in West Virginia there is a separate miners' union, somewhat similar to the national union. It has been organized three or four years. Not all of West Virginia is organized, however, and this fact is still a great source of irritation to the miners in Ohio and Pennsylvania. (For further testimony regarding the West Virginia organization, see *Extension of the agreement system*, p. cxl.) (676.)

2. *Anthracite region.*—Mr. JAMES says (April, 1899) that the organization of the miners has progressed very slowly in the anthracite regions. The United Mine Workers began organizing there about 1895. The Lehigh region was not reached until 1897, and the Lackawanna Valley only in 1899. The proportion of all anthracite miners organized is still small. (138.)

Mr. BROOKS, an independent anthracite operator, says (May, 1899) that there has been little organization among anthracite miners until very recently. The operators do not know whether they employ organized or unorganized men. The unions have not been unreasonable in their demands in recent years, though they usually form a center for pushing complaints. (165, 166.)

Mr. MARCY, an independent anthracite operator, says (March, 1900) that a considerable number of his men are organized. He does not know what portion. He asks no questions. A man is equally welcome whether he is union or nonunion. Just before his testimony Mr. Marcy had dealt with a committee of the United Mine Workers which had approached him with a complaint that he was paying less than others, but had satisfied itself after an independent investigation that he was not. (669, 671.)

Mr. LUTHER, general superintendent of the Philadelphia and Reading Coal and Iron Company, says (March, 1900) that he does not know of any labor organizations among the employees of his company. He has had no dealings with labor unions, and the miners have not at any time asked the company to deal with them collectively. (646, 648.)

Mr. VEITH, a mining superintendent of the Reading Coal and Iron Company, says (March, 1900) that he has not been asked to treat with any organization of miners

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since 1888. At that time, on the occasion of a strike in sympathy with the striking railroad men, the company did treat with the miners. (654.)

Mr. LOOMIS, superintendent of the coal mining department of the Delaware, Lackawanna and Western Railway, says (March, 1900) that he has no knowledge of any labor organizations among his employees. He deals with the men individually and pays no attention to their being union men or otherwise. (659.)

3. *Relation to employers.*—Mr. SCHLUEDERBERG, a Pittsburg operator, says that 30 years ago trade unions in the coal mines were very overbearing; but in later years, especially since the organization of the United Mine Workers, their relation to employers has been very satisfactory. The only drawback is that the organization is not strong enough to enforce its conditions of wages, etc., uniformly in all districts and mines. It is a great benefit to the producers to have even a certain degree of uniformity secured by the existence of a national organization covering different States. It would be possible that the trade unions should become extreme in their demands if they were sufficiently strong and included practically all the miners; but at present the competition of other mining districts prevents excessive demands. There have been fewer strikes and difficulties in late years, since the practice of making joint agreements between the operators and the miners' organization has been adopted. The witness, however, believes that the employer has the right to hire whomsoever he will and discharge whom he pleases, just as the workingman has a right to accept or refuse work. There are mines in the Pittsburg district where union labor is not recognized or employed, but in most cases there is no discrimination against it. Union and nonunion men work side by side. (74-77.)

Mr. MULLIN's experience as a mine operator in Ohio has been that trade unions are beneficial both to the employees and to the operators. Where, as with the miners' unions, they are managed by conservative and able men, they give a stability to wages and business which is advantageous. All the miners, practically, in the witness's mines, belong to the union. Membership in the union is not made a test upon their entering the mines, but when nonunion men enter they are soon persuaded to join it. The witness knows of no case where the unions have demanded that men must join the unions before being employed. (166, 172.)

Mr. ROBINSON, a West Virginia operator, says that employers prefer to deal with a union because they can count on more constant work. Before organization strikes often took place without notice, and without thorough discussion by the men, among themselves or with the operators. (14.)

Mr. MITCHELL, president of the United Mine Workers, says that if laws were passed prohibiting mine owners from preventing their employees from becoming members of labor organizations, these organizations themselves could do much to check abuses in methods of payment, in safety and sanitation of mines, etc. (49, 56.)

4. *Relation to nonunion men.*—Mr. DAVIS, vice-president of the United Mine Workers, says that the policy of this organization, as of other unions, is to use all possible influence of a legitimate nature to bring in nonunion men. It does not, however, directly advise its members to refuse to work with them. But where a large proportion of the men in any one mine are organized, they can usually bring in the remainder. This is sometimes done by requiring that all men in the mine shall contribute to a check-weighman fund, or to some other good purpose, contributions constituting the individual a member of the organization. (125.)

Mr. JAMES, of the executive board of the United Mine Workers, says the non-organized miners mostly approve of the efforts of the unions. Some of them, however, are shown special favors by employers, and are expected accordingly to influence their comrades not to join unions. This statement is based simply on the difficulty of enlisting men who are receiving large wages, who are specially favorably situated. The union makes no attempt to interfere with free contract by operators or nonunion men, but uses peaceful means to influence the latter to join the organization. (133, 139.)

Mr. MCKAY, of the executive board of the United Mine Workers, says the policy of the organization is to reason with nonmembers and show them the advantages of organization. In rare cases members refuse to work with nonunionists. In time of strike nonmembers are urged to join in striking, and very frequently do so. Thus while only 16,000 men belonged to the organization in 1897, 150,000 or 200,000 went on strike. It is recognized that it is impossible to secure higher wages in one mine or district unless the others are raised also. (59, 65.)

Mr. PEARCE, secretary of the United Mine Workers, says that nonunion men usually obey strike orders issued by the miners' organization, but no coercion is employed to force them to join in striking. The general attitude toward them is conciliatory; arguments are presented to induce them to join the union. It is an occasional, though not a common practice, to refuse to work with them. They are always wel-

come to join the organization, and even when members have broken their pledges they are received back freely. (90, 91.)

Mr. STEPHENSON also says that nonunion miners usually comply with the orders of the union declaring strikes, and where a strike is successful they receive the same advantages. They have gained greatly by organization. (20.)

Mr. MITCHELL, president of the United Mine Workers, says its organization seeks to benefit nonmembers as well as members, although, if they refuse to cooperate, it sometimes does not make equal efforts in their behalf. Agreements with operators as to wages fix rates for all miners, including nonunion men. Nonunion men frequently obey strike orders. Where the organization is strong members sometimes refuse to work with nonmembers, but never try to prevent them from working by intimidation. The organization believes that a miner who refuses to become a member injures himself and the trade also, since the wages of organized miners are affected by the lower wages of the unorganized. (32-34.)

Mr. ROSS testifies that the miners' organizations of Illinois do not ordinarily refuse to work with nonunion men, although many local strikes have been caused by men refusing to join the organizations. Every effort is used to induce men to become members. (181.)

Mr. DALZELL admits the desirability, even the necessity, of trade unions, but believes that they exceed their rights when they attempt to coerce men to join the organization, or to compel employers to employ only union men. He has been told by other operators in Illinois that union men have stood at the mouth of a mine and demanded to see the union cards of employees before they would allow them to go down the shaft. (118, 119.)

5. *Relation to colored labor.*—Mr. MITCHELL says the United Mine Workers admit colored miners freely, and where they are organized they receive the same wages as whites, work in same mines (though usually not as partners of white men), and even hold office in unions. In nonunion mines in Alabama colored men work for less wages. They are quite largely organized in Alabama, however; and the competition of colored men does not specially tend to decrease wages, because they do not work very hard. (32, 52, 53.)

Mr. PEARCE says that colored men are members of the United Mine Workers in many cases, and are often very efficient. But they have also been brought in from other States, usually being deceived as to the conditions of employment, for the purpose of combating strikes, as at Pana and Virden, Ill. (101.)

6. *Influence on wages.*—Mr. MITCHELL says that coal miners' organizations have had a marked effect in keeping up wages, and are an absolute necessity for the self-defense of the weaker side in labor contests. The United Mine Workers aim to secure uniform prices per ton of coal mined, and this has practically been done in States where the organization is strongest. This does not discriminate against the better workmen, since they can earn more in any case. Mr. Mitchell admits the tendency to disregard superior skill and strength, but holds that there is little difference in skill in mining. (34, 45, 46.)

Mr. LUCAS, editor of *The Black Diamond*, says that the work of the United Mine Workers in the 4 competitive fields—Pennsylvania, Ohio, Indiana, and Illinois—has been very effective. Some of their demands have been unreasonable, but the operators have had to succumb. The miners have been very greatly benefited. Their increased wages added about 22½ cents, on an average, to the cost of a ton of coal in 1900, as compared with 1899. Wages were never so high in any so-called prosperous times, as for instance those of the early nineties. Besides, the miners have the 8-hour day, which they had not then. The consumer has to pay the higher wages. Illinois coal, which now costs \$2.25 to \$2.50 delivered, could have been bought 2 years ago for \$1.50 to \$1.75. Some kinds of coal have been sold at Chicago, in times of depression, as low as 90 cents on the track. Miners got fair wages then. They got about 40 cents a ton, and could make \$2 or \$2.50 a day. They had not steady employment then, however, and now they have. (673, 674.)

J. Sanitation and safety laws.—1. *Need and benefits.*—Generally.—Mr. DAVIS says that the conditions in mines, owing to the lack of pure air and sunlight, are especially unhealthful. In the anthracite regions, and in a less degree in the bituminous mines, miner's asthma is common and frequently proves fatal. The witness has known many men who entered the mines at the time he did to die from this cause, although many others are healthy enough. The use of the safety lamp tends to injure the eyes. The sanitary and personal safety laws enacted in the mining States have made a vast difference in the conditions of the mines. Partly through legislation and partly through other influences, much greater precautions are now taken to protect miners than in earlier days. Ventilation especially has been improved. The old ventilating furnace has been replaced by fans and other improved

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methods. State inspection has done much to secure sufficient air and freedom from gases and impurities. The State inspection is usually effective and beneficial. In general, however, miners' organizations can accomplish more for the good of the workmen than legislation. (136, 137.)

Mr. MITCHELL, president of the United Mine Workers, says that in American mines one man is killed for every 277,200 tons of coal, and at least a dozen suffer injuries. Three men are killed daily. The mining laws of Great Britain have reduced fatal accidents greatly. Laws increasing the liability of employers would do much to check accidents. Some States have fairly satisfactory laws to protect safety and health of miners; Ohio, perhaps, the best. But the laws do not require sufficient ventilation. They nowhere require that less than 100 men shall breathe the same air forced into the mine. Uniform laws are desirable. (56.)

Mr. SCHLUEDERBERG, a Pittsburg operator, believes that reasonable remedial legislation regarding coal mines would be a benefit to operators as well as to the miners. Uniformity as between different States is especially desirable, as it would tend to put producers on the same competitive basis. (88, 89.)

Mr. BROOKS, an anthracite operator, believes that by careful discussion by representatives of both labor and capital laws could be formed which would be satisfactory to both. Uniform laws in all the States would be possible and desirable, though they would require very careful study. These laws could be passed by the States themselves. The objections of operators to laws heretofore passed have usually been removed by a fair trial. (164, 165.)

Mr. PEARCE, of the United Mine Workers, says that the safety and inspection laws have made great improvements in the conditions of mining, especially in Illinois, Indiana, Ohio, and Pennsylvania. Ohio has perhaps the best laws. The inspection in all these States is systematic and thorough. The laws differ little in their general nature, but uniform legislation under a national law might be advantageous. Many advantages can be secured better by direct action of the miners through their organizations than by legislation. The United Mine Workers have no formal committee on legislation and do not take a very active part in framing it, although they often send a delegate to push some particular measure in the State legislature. Mining laws have been often brought forward by some miner who has been elected to the legislature. Much useful legislation has been held unconstitutional by the courts. (103, 104.)

2. *Ohio.*—Mr. MULLINS, an Ohio operator, states that the laws for Ohio for protecting miners are beneficial to them and to the employers. Miners are fairly well protected, and the inspectors perform their duties faithfully. The laws of Pennsylvania, however, are more rigid as to the qualifications of inspectors, superintendents, and bosses. (174.)

3. *Illinois.*—According to Mr. ROSS, the mining laws of Illinois, as revised in 1899, are probably the best to be found in any State. The new statute was prepared by the labor bureau in consultation with the miner's organization and the mine operators, and was substantially agreeable to all those interests. It was passed without opposition or amendment. Uniformity of mining legislation is desirable, but difficult to secure because of the differences of conditions in the different States.

The factory laws of Illinois are fairly well advanced, but the legislature has often failed to make sufficient appropriations to enforce them satisfactorily. (190, 191.)

Mr. DALZELL, president of the Illinois Coal Operators' Association, says that a new general mining law is being sought in Illinois. Both the miners and the operators have appeared before the State bureau of labor and practically agreed upon a bill, although the witness understands that the miners have amendments to the bill after it was drafted by the joint meeting. At present the inspection laws are satisfactory. There are 9 State mining inspectors, while counties producing a certain number of tons of coal may establish county inspectors. These inspectors are subject to the State bureau of labor, which is composed of 5 men representing both capital and labor. Laws for protecting life can not be too stringent. (107, 114.)

4. *Pennsylvania.*—Mr. BROOKS, an anthracite operator, says that the laws of Pennsylvania, especially those requiring ventilation, have entailed great expense on the operators, but in the long run have proved beneficial to them as well as to the miners. Improved ventilation enables the miners to work continuously, as they could not before. The laws are made effective by the provision that companies shall be responsible for injuries caused by failure to comply with the law. (162, 163.)

The inspectors are required to visit each mine monthly. Most of them are conscientious and perform their duty faithfully, but there is too much politics in their appointment. Some owe their appointments to the influence of mine companies. Though there is an examination as to competency, Mr. Brooks believes that the best men are not always appointed. (161.)

Mr. JAMES, of the United Mine Workers, thinks that the mining laws of Pennsylvania are satisfactory, but are not effectively enforced. Thus the requirement that sufficient air shall be pumped in to sweep away gases and smoke is not carried out. Mr. James himself has recently worked in mines where a full day's work was impossible because of impure air. There are not enough mine inspectors. Often an inspector is not seen at all except in cases of accident. The witness believes that a single miner, by making complaint, should be able to summon an inspector, instead of 15 being required, as at present. (150.)

Mr. VEITH, a mining superintendent of the Reading Coal and Iron Company, says that there are 7 mining inspectors in the anthracite region, and that twice a year is as often as an inspector can visit a mine, unless there is a special call for him. Sometimes the men write an anonymous letter to the inspector, asking him to come, and he is likely to respond. (656.)

Mr. Veith says that by the law of Pennsylvania every person who proposes to work as a miner in an anthracite mine must pass an examination to determine his competency. The court appoints a board of miners, and this board conducts the examination and gives a certificate. A miner applying for work in an anthracite mine must show this certificate unless he is an old employee. This law is understood to have been passed to keep out Hungarians and Poles, but it had the opposite effect. Mr. Veith has not seen an Irishman or a German or a Welshman or an Englishman come in in ten years; but the Italians and the Hungarians have come in droves. (655.)

5. *West Virginia*.—Mr. STEPHENSON, of the United Mine Workers, says there are 5 mine inspectors in West Virginia, but the laws are not satisfactorily enforced. The chief inspector claims that he has not sufficient authority. Fans or furnaces for ventilating mines are required and are usually maintained, but not sufficiently. (28.)

K. Skilled and unskilled labor.—Mr. MCKAY, of the United Mine Workers, declares that there is little strictly unskilled labor employed in coal mines. A man may begin to mine coal immediately, but unless he has had long experience he will not be able to adapt himself to different veins and conditions. Most miners have been raised in the business. (63.)

Mr. DALZELL, president of the Illinois Coal Operators' Association, says that many miners are employed who were not brought up in the business, but he does not believe that this reduces the standard of wages, since they are fixed at so much per ton. He has found that men accustomed to room-and-pillar mining are not so well adapted to long-wall mining as those who have been brought up to the latter method. (123.)

VI. SUNDRY LABOR PROBLEMS.

A. Child labor. (See also p. LXXXII.)—1. *Effects*.—Mr. COATES states that the effect of employing children is to interfere with their development, both intellectually and physically. It tends to throw out adult labor and to increase the army of the unemployed. Instead of the father supporting the family, the children are sent out to support the father. Machinery has increased the employment of children, because a child can often tend a machine and do practically the same work as an adult. (252, 253.)

Mr. STEPHENSON, of the United Mine Workers, says employment of children in mines, and, indeed, generally, is a curse to them and should be prohibited, at least up to the age of 14. The West Virginia age limit is 12, and probably 10 per cent of children above that age are employed. (27.)

Mr. MITCHELL, president of the United Mine Workers, says that the effect of employment, owing especially to unhealthful conditions, is very injurious to health and development. Often boys perform the labor of men, depressing wages. In the leading mining States employment under 14 is prohibited, but the age should be raised to 16 and the hours of labor at first limited to 4. (46, 47.)

Mr. DAVIS entered the coal mines at the age of 8½, and there were many others at that time as young. The effect of such early employment was to check physical and mental development. The witness would advocate keeping the boys out of the mines until 18 years of age. The miners are often so poorly paid that they feel driven by necessity to take their children into the mines to help them, while in some instances operators prefer to employ boys for certain classes of work on account of the lower pay. (135.)

2. *Laws regulating*.—Mr. MULLINS says that the age limit in Ohio for employment in mines has been raised from 12 to 15 with marked benefit, especially from an educational standpoint. Some of the working people themselves opposed this change,

but it meets quite general approval. Children are employed chiefly for tending doors. (171, 172.)

Mr. ROSS says that in Illinois the act prohibiting the employment of children below 14 years of age is generally enforced as regards mines, but that in factories there is great difficulty in carrying it out. The provision in the factory act of 1893 regulating the hours for the employment of women was held unconstitutional, as interfering with the right to make contracts. The State constitution permits special legislation regarding mines. (186.)

Mr. MCKAY, of the United Mine Workers, states that little child labor is employed in Pennsylvania coal mines because of the school law requiring attendance until 15 years of age. Formerly there was much child labor employed, with injurious effects. The proper age limit is 15 years. (69.)

Mr. BROOKS, an anthracite operator, says the Pennsylvania law allows children over 14 to be employed under ground and over 12 above ground. The operators are compelled to take the word of the children as to their ages. Mr. Brooks considers these age limits too low. (161, 164.)

Mr. JAMES, of the United Mine Workers, says there are thousands of young boys employed on the breakers and as door boys. The witness has seen many who, he is positive, are under the statutory age of 14. Machinery, however, is to a considerable degree displacing boy labor on the breakers. (149, 150.)

Mr. VERM, a mining superintendent of the Reading Coal and Iron Company, says that his company employs boys in the mines, but not under 14 years old inside or 12 outside, as permitted by State law. (656.)

Mr. DALZELL, president of the Illinois Coal Operators' Association, favors prohibiting the employment of children in either factories or mines under 16 years of age. They need the time before that for mental and physical development. (115.)

B. Convict labor.—Mr. SULLIVAN, a metal miner of Colorado, states that there is no convict labor in the Colorado mines. Convicts of the State do some agricultural work, but possibly consume all the products of it. He thinks they make some brick for the market. He considers that convicts ought not to manufacture, raise, or make anything so long as there is a free man or woman who wants to do that kind of work for pay. He would not have them work on the roads. He would not have them employed, even at work which might be expected to be so unremunerative that private capital would not go into it. Any work that it is desirable to do should be done by free labor. He would not permit the convicts to learn a trade. They should not be allowed to do any manual labor at all. They should be provided with literature, and set to studying and reading; given a chance to enlighten themselves.

The working man pays most of the cost of maintaining convicts if they are maintained in idleness. He pays the tax on the house he rents. But he can better afford to maintain the convicts in idleness than to suffer from their competition in the labor market. (356, 360, 361.)

Mr. ROSS, of the Illinois Bureau of Labor, says that all persons are convinced that convicts should be employed for their own good. Since their competition with free labor can not entirely be prevented, the question is to find the least injurious form of employment. When a man is employed on machine labor only, he is less apt to find a position after discharge in just the line of work for which he is fitted, than he would be if trained in hand work and thus generally skilled. The latter kind of work is also more reformatory in its effects. The witness believes the system in vogue in New York, which is being advocated in Illinois also, is desirable. It is frequently urged in the Illinois State legislature that penal institutions ought to be self-supporting. The witness thinks that the prohibiting of the interstate transportation of convict-made goods would be beneficial. (188, 189.)

Mr. COATES says that the question of convict labor has hardly arisen in Colorado, though the labor of convicts undoubtedly affects laborers in other States. He believes that the convict ought to be given enough work to maintain his health, and that he should be made to maintain himself so far as he can by building public roads or by any other work which does not come into competition with free labor. If such competition is permitted it has a tendency to throw men out of employment and to send some of them to the penitentiary to get a job. Free labor would rather maintain the convict in idleness in order to get him out of competition in the labor market. There would be little objection to the convict's labor if it were limited to his own maintenance; but it is usually used mostly for private profit. (258.)

In Colorado, according to Mr. SMITH, the law prohibits the employment of convicts in competition with free labor. No convicts are employed in the mines, but for the most part they work on State roads and other public works. This law is generally approved by the trade unions. (222.)

Mr. ALLEN states that no convict labor is used in the mines of Utah. (572.)

Mr. HAMMOND, secretary of state, of Utah, says that the contracting of convict labor in that State is forbidden. (619.)

Mr. CLARK, of the Western Federation of Miners, thinks that convict labor may best be employed upon the roads. (336.)

C. Immigration and the foreign born (see also p. LXXX)—**Importation of labor.**—1. *Nationality of coal miners.*—Mr. SCHLUEDERBERG says that 25 or 30 years ago the miners in the Pittsburg district were mostly Germans and Irish; but few of these are left now. Instead there is a mixture of various nationalities—French, Belgians, Negroes, Slavs, and Italians. Very few Americans will mine coal. (81.)

Mr. MULLINS says that the greater proportion of the miners in the Ohio district are native born, being largely the sons of the original Irish, Welch, English, and German miners. The newer wave of foreign immigration has not reached the State largely. (167.)

Mr. JUSTI, commissioner of the Illinois Coal Operators Association, says that in the northern part of Illinois there are many Hungarians, Lithuanians, and Poles in the mines; in the south there are many negroes and native whites, besides Irish, English, and Scotch; in the central part of the State there are many English, Scotch, Italians, and native whites. The large majority, the witness believes, speak English. (681.)

Mr. MARCY, an independent anthracite operator, says that his men are principally Hungarians, Slavs, and Poles, with some Americans and Irish. He does not prefer the foreigners to American miners. Many of each nationality are good workmen, but many are very poor workmen. That was so with the Americans also. (671.)

Mr. LUTHER, general superintendent of the Philadelphia and Reading Coal and Iron Company, says that his company takes a census of its employees in October of each year. In October, 1899, there were 6,671 Americans, 1,532 English, 5,024 Irish, 2,983 Germans, 173 Scotch, 856 Welsh, 6,485 Poles, 1,679 Huns, and 180 Italians, making a total of 25,583. (652.)

Mr. JAMES says that the largest number of foreign born in the anthracite mines are Poles, Slavs, Lithuanians, Hungarians, and Italians. Mr. James believes that fully 60 per cent of the miners belong to non-English speaking races, and many of them are still unable to speak English. These foreign born were introduced in large numbers by the operators in 1875, to supplant strikers. They belong to the poorest classes, are largely without education, and live in a manner which would starve Americans. Few have built houses, and a large proportion of them are unmarried. These unmarried men largely board with families of their own race, though often they buy their own provisions and pay the landlady to cook them. Cheap meat and potatoes, black coffee and bread, usually with no butter, are their chief food. Some who have come to this country when very young have grown into the customs of Americans, but for the most part the process of Americanizing can not be accomplished in one generation. Not so many of these foreigners are now coming in as formerly, and importation under contract has practically disappeared. Those who come do so mostly through the inducement of friends and relatives. (140, 141.)

Mr. BROOKS states that practically no foreign labor is now being imported under contract into the anthracite regions, and he considers that the former importation was detrimental. The Irish, Welsh, and Germans are still (May, 1899,) the predominant nationalities in the anthracite regions as a whole; but the Hungarians, Poles, and Italians have been coming in rapidly in recent years, and outnumber others in certain districts, especially in places where there are few houses or no conveniences for living. These nationalities do not make as good miners as the others. Most of them have to begin as laborers loading coal. But gradually they are improving in skill and social condition. (158, 160, 161.)

Mr. LUTHER, general superintendent of the Philadelphia and Reading Coal and Iron Company, says that his company never imported any foreign labor. By the laws of Pennsylvania, a foreign miner, no matter where he comes from, can not work as a miner in the anthracite mines without first working 2 years as a common laborer to learn the business. The consequence is that no skilled miners come to the anthracite region from abroad. "No skilled miner from England or Wales, or any other country, is going to come there and work as a common laborer for two years." The law was passed to keep the Huns out, but instead of that it brought them in. (652, 653.)

Mr. VEITH, a mining superintendent of the Reading Coal and Iron Company, says that no Irishmen, or Germans, or Welshmen, or Englishmen have come into the mines during the last ten years. Mr. Veith thinks they have been kept out by the State law requiring experience in anthracite mining. Hungarians and Italians have come in great numbers. They begin as laborers and learn mining as anybody else does. Some of them are very good miners, but the majority are not as satisfactory

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as Americans. Ignorance of the language is one great trouble. It is hard to make them understand, and accidents probably result sometimes from this cause. (655.)

2. *Immigration—Social and economic effects—Restriction.*—Mr. PEARCE says that the importation of labor from abroad is less extensive than formerly, both because the operators found each laborer unsatisfactory and lawless in time of strikes, and because of the effective operation of the act prohibiting contract labor. The immigration of British, French, and Germans does not demoralize the labor market, since they demand good wages and a high standard of living. But Slavs, Poles, Hungarians, and Italians have a lower standard and are a menace to the wages and morals of this country. A test as to fitness for entering mines conducted by State officials, might be advantageous in shutting out such labor. (95, 100, 101.)

Mr. ROSS, of the Illinois Labor Bureau, believes that, while the injurious effect of immigration is not as great now as formerly, the country is still suffering from the influx, especially of southern Europeans. Immigrants have been a serious factor in many labor disturbances. In dealing with immigration the first concern of the Government should be to protect industrial interests, rather than merely to consider the character of the immigrants. Absolute prohibition of immigration is advocated in many sections.

The earlier miners in Illinois and other States were chiefly from Great Britain, but they have been largely superseded by Poles, Russians, Hungarians, and Italians. The competition of these newcomers has made mining unattractive to English-speaking people, while many of the latter have, by their superior ability, been able to enter higher lines of industry. Not a few sons of coal miners have become professional men. The miners from southern Europe, on the other hand, have little ambition to rise. (187, 188.)

Mr. MITCHELL says that in former years coal operators often imported immigrants by shiploads; but this has been largely checked by law and by the discovery that these workmen were not ultimately economical. Many of them at first worked 15 hours a day, hoping to accumulate money and return to Europe; but experience taught them that long hours did not pay. Non-English-speaking miners are more lawless. (38, 46.)

Mr. MITCHELL thinks that immigration should be prohibited entirely for the present. It tends to depress wages and to drive American citizens from employment. Steamship companies misrepresent conditions in America, and should be restricted in their advertisements. Convict labor was formerly imported and used in time of strike. Miners of foreign birth themselves, at least those from English-speaking countries, favor restriction of further immigration. The taking up of the farming lands in the West has made further settlement of immigrants there impossible. From a trade-union standpoint, immigrants from Great Britain, Germany, and France are more desirable than those from southern Europe, who do not understand trade-union principles. (50, 51.)

Mr. MCKAY says that the employment of immigrants has been very injurious in coal mining. They have been willing to live under the lowest possible conditions and have thus secured employment where skilled and high-class labor could not. They care little for organization, but in time of strikes are inclined toward lawlessness. The witness has known as many as 23 men to live in a house of 4 rooms. They form themselves frequently into a kind of boarding club. (71, 72.)

Mr. SCHLUEDERBERG says that the immigration of the foreign-born has had no particular effect in depressing the labor market in the coal mines, except at times when there was a general depression in any case. The non-English-speaking immigrants soon learn the language, while their children become thoroughly Americanized, without the slovenly habits of their parents. The foreign-born are somewhat more difficult to manage, appearing not to understand the significance of our political conditions and liberties. The witness would not favor restricting immigration of respectable people from any country, but believes that contract labor, as formerly largely brought in, was detrimental, and also that paupers, idiots, deformed persons, and similar defectives should be excluded strictly. (83, 84.)

Mr. JAMES says that immigration has caused a surplus of labor in the coal mines. Almost all the English-speaking miners, although the majority of these are themselves of foreign birth, favor the restriction of immigration. (149.)

Mr. CLARK, of the Western Federation of Miners, thinks that immigration seriously affected the wages of workingmen in earlier years, but has less effect to-day. Foreigners come here with a lower standard of living than that of American workmen, and will depress wages by their competition unless they can be educated to American ideas. This education will best be effected through their countrymen who have already been some time in the country and whose standard of living has been raised. (335, 336.)

Mr. SULLIVAN, a metal miner of Colorado, does not think that we could object to any intelligent immigration, no matter how great. It is the coming of the poorer classes of the European nations, unskilled laborers, which is objectionable. It is not possible to maintain wages and the American standard of living and allow immigrants to come as they do under present industrial conditions. Immigration has reduced wages in the East during recent years; the witness does not think it has materially affected the Mountain States. Doubtless it does affect them indirectly. (355.)

Mr. Sullivan would, however, under present conditions, favor legislation to keep out illiterate, pauper, and criminal immigrants. He thinks that organized labor generally is in favor of such legislation under the present conditions. The organized labor of the West would far rather, however, support the Government ownership of utilities. (361.)

Mr. SULLIVAN is of opinion that the law is not effective in excluding Chinese, and that they come in from the north and the south. He does not pretend to definite knowledge of the subject. (355.)

Mr. COATES, president of the Colorado Federation of Labor, considers that persons who wish to immigrate have the right to do so, and does not personally favor laws to restrict voluntary immigration. He believes that every human being has the right to wander where he pleases upon the face of the earth. The facilities for education in the United States would elevate foreigners as it has elevated many of our own citizens. The sentiment against immigration has largely resulted from the importation of large numbers of workmen by corporations. If there had not been such importations under contract he does not think the sentiment against immigration would exist. It is true that organized labor is opposed to foreign immigration, and has so expressed itself officially. (257, 258.)

Mr. DALZELL advocates an educational and property qualification for immigrants, even if this should practically stop immigration. It is the practice in his mines to require new employees to be able to understand English. (120.)

Mr. MCKAY advocates the requirement of ability to read and write English as a condition of entrance to this country. There is so much unemployed labor here now that further immigration is unnecessary. (71.)

3. *Importation of labor.*—Mr. MITCHELL says that employers have a legal right to bring in laborers from outside the State, but no moral right. Miners, ordinarily American citizens, settle at mines, build homes, and are established there. Importation of labor drives them away. Usually the laborers imported are deceived as to the conditions of employment. Laws should be enacted prohibiting advertisement for men under false pretenses. (40.)

Mr. Mitchell adds that colored laborers are secured in large numbers, often by misrepresentation, and are brought by train loads, often under armed guards, during strikes and labor difficulties. At Pana, Ill., the employer refused to pay the wages fixed by joint agreement of all operators and miners in the State, and imported colored men. The riot was brought about by these colored men attempting to prevent part of their own number, under influence of the miners' organization, from leaving Pana again. (51, 52.)

Mr. STEPHENSON says that West Virginia operators, during the recent strike on Loup Creek, imported laborers from Virginia; and at another time, in anticipation of a strike, they brought in carloads of colored men from Virginia, who afterwards, finding that they had been deceived as to the prospects, returned home. (23.)

Mr. MCKAY thinks that the importation of labor, whether from abroad or from other States, is naturally resented by miners where it is used as a means of replacing strikers. The contract-labor law should be strictly enforced. The coming of new laborers, where their work is really wanted, is not opposed. (66.)

Mr. SCHLUEDERBERG says that Italian labor was imported by a number of operators jointly at one time during the seventies, but little foreign labor has been imported in the Pittsburg district of late years. Some colored and other labor has been brought in from outside States, and has usually become efficient enough after a few weeks. In 1884 the mine in which the witness was interested brought 50 negroes from Virginia to combat a strike. (78.)

Mr. DAVIS does not believe that there is now much importation of foreign labor. He considers it reasonable and just to protect home labor against such importation. But he considers the importation of labor from one State to another, under contract, as having practically the same effect and as being properly subject to restriction. Such contract labor does not move freely according to the natural demands of the market. (130, 131.)

D. Labor organizations. (See, as to labor organizations in western mines, p. LII; in eastern coal mines, p. CXL.)—1. *Need and effects.*—Mr. HILL regards the organization of laborers as a necessity. There is undoubtedly a tendency on the part of

employers, when anything occurs to reduce profits, to take it out of the laborers. The laborers could not effectively resist except through organization. (373.)

Mr. COATES, president of the Federation of Labor of Colorado, considers that the large mass of the producers of wealth get barely enough to keep them in a decent, respectable condition, and many do not get that. They can not have any surplus at the end of the year. Many are in debt, and can not afford to take a day's rest. The higher the wage a man gets the more opportunities he has to improve himself and the more he does improve himself. Labor organizations regard their wage scales as a minimum. No one is prevented from getting more, and in many instances more is paid. Organized labor is much better off than unorganized. Almost all of the organizations under Mr. Coates's jurisdiction have libraries and reading rooms which they support, and generally the social condition and intelligence of the men are improving. The organized laborers are sending their men into public offices, and they make the best citizens in the community. Mr. Coates finds no such instances in unorganized labor. (251, 252.)

Mr. Ross, of the Illinois labor bureau of statistics, says there can be no question about the effect of organization in advancing the wages of labor and in making employment more stable. He thinks that labor organizations have also exercised the chief influence in securing protective legislation regarding labor. (185, 191.)

In Mr. JUSTI's opinion, strong organizations of employers and employees are necessary to successful arbitration and conciliation. By organization the services of men of experience and of enthusiasm are secured in carrying on negotiations on each side. There is necessity of training in these matters. Only where two powerful organizations face one another will each side be forced to respect the other and to adopt conciliatory methods. The great industries of the country should be organized on a national scale, but local questions should be left to the settlement of local organizations. Organizations of this sort should deal with labor questions only, and should not attempt to control prices. (686, 687.)

Mr. MCKAY denies that labor organizations have the elements of the trust. Their officers, who have power to fix prices of mining for the entire body, are simply delegates duly elected. (62.)

Mr. LUCAS, editor of *The Black Diamond*, thinks that the trade unions of Chicago have quite too much to do with local politics, and that some of their leaders use the unions for their personal aggrandizement, to the detriment of the rank and file and of the organizations. This trouble has not appeared in the United Mine Workers. Mr. Lucas thinks it would be well for trade unions to adopt a rule that their official representatives should not be allowed to accept any political position while they are representatives of the union. He does not think that equally vicious results come from permitting men who are representatives of corporations to go to Congress or the State legislatures. (675, 676.)

2. *Effect on nonunion labor.*—Mr. SMITH, deputy State labor commissioner of Colorado, thinks that nonunion labor injures union labor, but at the same time the unions restrict the liberty of contract of nonmembers and seek to make their condition so undesirable as to force them into the unions. The action of unionists is more concerted than that of those outside. Many nonunionists sympathize with the organizations. The wages of nonmembers are usually raised by the existence of organizations, and it is rather contemptible of them to refuse to join. The witness does not think that the unions in Colorado terrorize those outside. (212, 213, 223.)

3. *Incorporation of trade unions.*—Mr. BEAMAN, secretary of the Colorado Fuel and Iron Company, would consider the incorporation of trade unions desirable, in that the sense of connection with the State would exercise a moral restraint upon the more radical element which is found in most of them. He understands that the leaders of the unions object to incorporation because the unions would be more easily reached by the processes of the courts. He does not think there is anything in this reason, as it is not difficult to learn the names of the officers and chief actors in any movement which requires the action of the courts. (273, 274, 286.)

Mr. SMITH, deputy labor commissioner of Colorado, approves of incorporation for the sake of making the property of the unions more secure and of other advantages. He admits that it would increase responsibility on the part of the unions. (212.)

Mr. DALZELL, president of the Illinois Coal Operators' Association, advocates a requirement that trade unions shall incorporate, with capital stock, as a means of holding them to performing contracts made with employers and carrying out awards of arbitrators in case of dispute. (See *Arbitration*, p. —.) (116, 117.)

Mr. Ross believes that the general attitude of union leaders concerning incorporation is one of indifference or opposition. Personally he thinks that incorporation would be advantageous in legal matters before the courts, and would encourage arbitration by increasing the responsibility of the workingmen. More effective discipline

over the members of the unions could also be maintained, although there are now practically no complaints of the failure of members of organizations to respect their contracts. (180, 181.)

Mr. STEPHENSON, of the United Mine Workers, thinks incorporation undesirable, because the organization could be held responsible for the breaking of contracts by its individual members, and sometimes the courts would be unjust in their decisions. Those members who own property would have it levied upon while others would escape. The witness knows of no incorporated unions. (19.)

Mr. COATES, president of the Federation of Labor of Colorado, sees no benefit in the incorporation of trade unions, and does not know that the question has been agitated in Colorado. (245.)

Mr. CLARK, of the Western Federation of Miners, thinks that the incorporation of trade unions would be a good thing. (323.)

Mr. SULLIVAN, a metal miner of Colorado, states that some of the local unions of the Western Federation of Miners are incorporated, and that, so far as he knows, incorporation has not produced any bad results. (347, 348.)

E. Strikes and boycotts. (See, as to strikes in western mines, p. v; in eastern coal mines, p. cxxx.)—1. *Causes of strikes.*—Mr. DAVIS, vice-president of the United Mine Workers, says that the chief general causes of strikes are opposition to the reduction of wages and endeavors to increase wages and to better conditions of employment. Local strikes are often caused by difficulties as to screens, safety and health of mines, etc. (126.)

Mr. PEARCE, secretary of the United Mine Workers, says that demands for increased wages or resistance to reductions, complaints as to the conditions of employment—safety, air, timber, etc.—complaints as to screens and as to docking of wages for loading inferior coal, are among the chief causes of strikes. Overproduction of coal has not been a direct cause, but it has been an underlying cause in many cases. The operators have proposed reductions in wages as necessary because of the low prices of coal, due to excessive competition, and miners have refused to accept such reductions. (91, 92.)

Mr. MCKAY, of the United Mine Workers, says that strikes in coal mining have been caused at times by the lack of a thorough understanding as to market conditions by the miners; by the refusal of employers to allow their men to join unions; by depression of prices and wages to such an extent that miners could not live, though witness does not know that it has ever been the purpose of a strike to reduce production; by difficulties as to screens, especially where changes are made by the operators; as to scales and as to dockage for impurities in coal. (60, 63, 64.)

Mr. STEPHENSON, of the United Mine Workers, says that strikes in coal mining are most frequently caused by reduction of prices for mining. The general strike of 1897 was intended to reduce the supply of coal and force prices up to a remunerative rate. Mining prices in the Pittsburg district had fallen from 79 to 54 and, in some cases, 45 cents per ton. Strikes have also been caused by discharge of men for active participation in trade unions, by difficulties as to screens, and as to time of payment. (21.)

Mr. ROSS, secretary of the Illinois Bureau of Labor Statistics, says that strikes are most frequent, as a rule, immediately after the organization of labor unions, but that as the organizations grow older strikes become less numerous. The most common cause of strikes is dispute concerning wages, but the question of recognizing unions is frequently a cause. The difficulties which formerly arose from the screening of coal have been largely removed in Illinois by the adoption of the run-of-mine system. (181.)

Mr. SULLIVAN, a metal miner of Colorado, says that the causes of strikes are the reducing of the income of labor below the amount that is necessary to maintain the individual, and the attempt to enforce unreasonable conditions, including unreasonably long working hours. (348.)

Mr. SMITH, deputy labor commissioner of Colorado, thinks that the ultimate cause of strikes is that a small class controls land and machinery and inclines to give to labor less than its proportionate share of the product, compelling labor continually to struggle for a larger share. (213.)

Mr. COATES, president of the Federation of Labor of Colorado, says that the great reason for strikes is the competitive system, which makes a continual war between the producer of wealth and the employer. Wage differences are perhaps the chief immediate cause of strikes. Among minor causes he mentions the displacing of men by machinery, and rules and regulations put upon the men for the sake of economy in the operation of large works. The smelters' strike, which was in progress when Mr. Coates testified, was due to the fact that the men believed that the smelter trust was trying to rob them of the benefits of the new 8-hour law. He apparently considers that organization has a certain tendency to produce strikes, by

educating the men to realize that they ought to have a fairer share of the product, though the leaders of labor organizations are opposed, except in extreme cases, to strikes, because they know that they will have to stand the responsibility before the community. (246, 247, 260.)

2. *Methods of strikes.*—Mr. MCKAY says, that in coal strikes the boycott is sometimes resorted to in a restricted sense, for the purpose of limiting the use of a mine's output for local purposes. In 1898 an attempt was made in Pennsylvania to prevent cheap coal from West Virginia from coming in. Picketing, merely talking with men seeking work without violence, is sometimes resorted to, as in 1897 at the mines of the New York and Cleveland Gas and Coal Company. Foreign-born laborers are apt to resort to violence and lawlessness, but not the native born. Sympathetic strikes are sometimes employed; e. g., in 1898 during the strike in the third pool on the Monongahela River, the miners of the fourth pool, who had been loading coal for operators of the third pool, were asked by the organization to quit doing so. (65, 66, 72.)

Mr. MITCHELL knows of no instance in which riots have been precipitated by unlawful interference of strikers, or where men have been intimidated from working. Leaders of miners' organizations have always advised obedience to law. Riots are oftener caused by interference of Pinkerton men and armed guards. (38, 39.)

Mr. DAVIS says that it is the custom for miners' organizations to attempt to prevent men from taking up work in time of strike. The ordinary practice is to send men to meet workmen and to reason with them in a conciliatory manner before they have a chance to reach the mines. Sometimes there may be abusive language or even violence used, but this is discountenanced. At Virden during the recent strike the miners who were brought from Alabama were sent back, so far as they were willing, at the expense of the organization. (128, 129.)

3. *Sympathetic strikes.*—Mr. DAVIS, vice-president of the United Mine Workers, thinks that under certain conditions sympathetic strikes may be justified. The injury of one is, in a sense, the concern of all, though it is not good policy to injure all for the sake of one. If railroad unions were to strike for a proper purpose, the miners might, by action in convention, order a sympathetic strike. In many cases the mass of the people are in sympathy with a movement of this kind. (129.)

Mr. PEARCE, secretary of the United Mine Workers, says that sympathetic strikes in coal mining are sometimes necessary. If the miners of one State or district strike, while those elsewhere continue to work, there will be little chance of success in the strike. If the price in one State is reduced, other States will soon have to accept the same conditions, on account of the severe competition. This was the experience of the miners in the Hocking Valley district in 1896, when they were forced voluntarily to accept a reduction in wages because of the reduction in the Pittsburg district. (95.)

Mr. STEPHENSON, of the United Mine Workers, says that when one district strikes others sometimes follow suit out of sympathy, even though, in certain cases, operators voluntarily increase wages in order to keep them from doing so. (22.)

Mr. MITCHELL, president of the United Mine Workers, regards sympathetic strikes as often absolutely necessary in coal mining, because the capacity of the mines being much greater than the demand, when one district strikes the demand could easily be supplied by the mines of other districts. The operators in the working districts would then share profits with those in the districts under strike. Miners must act together, for where wages are reduced in one district competition will, in time, force the reduction of them everywhere. Conditions must be uniform. (37, 38.)

4. *Effects of strikes.*—Mr. SCHLUEDERBERG, a Pittsburg operator, says that strikes are always injurious to the community, to the employer, and to the employee. They especially injure employers in mines, because fixed charges largely continue while men are idle. Water must be pumped, machinery often must be kept in operation, and interest on investment is a constant factor. (75.)

Mr. ROSS, secretary of the Illinois bureau of labor statistics, thinks that strikes are usually injurious to all classes, but that they are sometimes necessary and beneficial. (181.)

Mr. CLARK, of the Western Federation of Miners, is not clear that the economic results of strikes have been favorable to the workmen upon the whole. He has known of cases in which, though the strike was lost, the economic condition of the worker was materially benefited; and, on the other hand, of strikes which have not been beneficial to the economic condition of the men, though the objects of the strike have been gained. Mr. Clark is not in favor of strikes if it is possible to avoid them by conciliatory measures. He would not go on record against them, but he is in favor of them only as a last resort. He believes that the economic condition of workmen would be worse than it is but for strikes and the fear of strikes on the part of the employers. (325, 326.)

Mr. SULLIVAN, a metal miner of Colorado, says that strikes necessarily cause hardships to the working people and reduce them for the time to a lower plane. Very few are willing to strike, but at times they find it necessary. If they submitted without striking to the conditions that their employers would sometimes force upon them they would be reduced to a state of gradual starvation. The strike is always a last resort. (348, 349.)

Mr. COATES considers that, though strikes may possibly produce bad conditions for a time, they tend to increase wages and otherwise better conditions, and to educate the men as to their real position. In the end, he says, the results of strikes are good to everyone except, possibly, the great capitalists. Without strikes neither organized nor unorganized labor would be receiving the wages they are receiving to-day. (246, 247.)

Mr. MITCHELL, president of the United Mine Workers, says that the miners have never lost anything by general strikes, although in sections they may lose, while the miners in competing districts gain, by supplying the demand left unsatisfied through the strike. General strikes, however, stagnate the business of the country and injure consumers. (36.)

Mr. MCKAY says that strikes in the country at large have been a blessing to all concerned, though for the time being both laborers and employers may suffer. In the coal mining trade it would be impossible to secure joint agreements as to wages with employers except by their fear of strikes. Trade unions do not order strikes except for good cause, nor merely to show the power of organization. (64, 65.)

Mr. DAVIS, vice-president of the United Mine Workers, says that the ordinary method of statisticians in calculating the losses from strikes is to estimate the number of days' labor lost, at the prevailing rate of wages, adding this to the loss to capital through idleness at the prevailing rate of profits. This method is highly inaccurate, at least as to the coal trade, since the days of idleness through a strike do not represent days which otherwise would have been working days, but days which would have been idle because of insufficient demand. Thus, during the great strike of 1897, the average number of days lost was 78; but the number of days worked in 1897 was only from 1 to 13 days less, in the different districts, than in the year 1896, when there was no strike. The amount of coal produced was greater than during 1896; so that probably neither the operators nor the miners lost by the strike. It simply resulted in a change of the time of shipping the amount produced. (126, 127.)

Mr. SMITH does not consider the method of estimating the effect of strikes by simply calculating the losses in wages during the strike, as compared with the gain sometimes secured in wages, to be satisfactory. The most important result in his opinion is the calling of public attention to the fundamental injustice of private ownership of land, and of other existing social conditions. The fear of losses from strikes also frequently prevents employers from lowering wages or resisting the demands of employees. (213, 214.)

5. *Methods of opposing strikes.*—Mr. COATES says that the methods of the capitalist side are very secret, and that they have a more perfect system than it is possible for the workmen, who must deal with a large mass of people, and who depend upon public sympathy, to have. The power of the employers is based especially upon their ability to give or withhold work, and so to destroy a man's credit, to make any little property which he may have valueless, and to separate him from his family and make him a wanderer. (248.)

Mr. MCKAY says that during the strike of 1897 a barrel of liquor was sent to one of the miners' camps on Turtle Creek, but was ordered to be returned to the sender by the witness. He does not know who sent it, but believes it was done at the instance of the employers, with a view to inciting lawlessness among the strikers. (66, 67.)

6. *Injunctions in strikes.*—Mr. ROSS, of the Illinois Labor Bureau, considers the use of the injunction as a means of punishment to be unfair and unjust. It deprives citizens of the right of trial by jury, and gives too much power to one man. It has practically never served the purpose of preventing crime in connection with labor troubles. (183.)

Mr. MITCHELL says that injunctions are regarded by miners as the most dangerous weapon used against them. The use of injunctions has done much to destroy their confidence in the judiciary, and their patriotism. Laws are sufficiently severe to punish crime, and it is no right to assume that miners or any others intend to commit crime. Injunctions have often been in "blanket" form, including all members of an organization, wherever found. They not only enjoin from performance of crimes by those who have shown no disposition to lawlessness, but also from holding public meetings, walking on highways or near mines, and speaking with men at

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work or seeking work. Persons have been imprisoned for months for violation of injunctions. (38-40.)

Mr. SULLIVAN, a metal miner of Colorado, thinks that the current use of injunctions is one of the most infamous systems ever practiced in what is supposed to be a republican form of government. He does not think that it prevents crime, or is intended to prevent it, or would restrain a man from committing crime if he really intended to commit it. (351, 352.)

Mr. PEARCE says that the injunction has been frequently employed against miners in time of strike. It is an injustice to presume that a man intends to violate the law, and the injunction has often been used with that presumption when there was no such intention. It is an injustice that miners should be compelled to spend money to defend themselves on trials concerning such injunctions. (96.)

Mr. STEPHENSON says that injunctions were issued extensively during the strike of 1897. That they even enjoined men from walking on highways and meeting other miners. They were, Mr. Stephenson believes, issued in blocks and filled out by other persons. There were some prosecutions for violation of them. (23.)

Mr. MCKAY says that the injunction is employed to intimidate miners in time of strikes, and has done much to shake the faith of the laboring people in the law. The witness himself and other officers of the United Mine Workers were enjoined during the strike of 1897 from going near the property of the New York and Cleveland Gas and Coal Company, or from talking with employees in that vicinity. Some agents of the organization were, the witness believes, arrested for violating injunctions, but the matter was settled in court by paying costs. In no case was violence intended or attempted. (66, 67.)

Mr. DAVIS believes that injunctions may be used to curtail the rights and privileges of American citizens. He went to Maryland during the strike of 1894 with the intention of addressing a miners' meeting. The meeting did not take place, but as he was leaving town he was served with an injunction against interfering with the working of the Consolidated Coal Mining Company's plant. He did not know where the plant was or anything about it, and his only intention was to address a public meeting of miners. (132.)

Mr. DALZELL knows of no reason why laboring men who are violating the law, or who are likely to violate it, should not be enjoined from doing so. He believes that most laboring men misunderstand the nature of injunctions and their purposes. (121.)

Mr. BEAMAN, secretary of the Colorado Fuel and Iron Company, thinks that the talk about "government by injunction" proceeds from demagogery or from the want of a proper understanding of the use of injunctions. Injunctions are the only effective means of preventing threatened wrongs. Their effectiveness makes them objectionable to the advocates of strikes. Even upon men who really intend to commit crime, the service of the writ would have some deterrent effect in that it would invoke reflection. No one has reason to fear the law unless he has committed a crime or intends to commit one. The objection that injunctions are now used in directions not formerly known to the law is equivalent to saying that the law must not grow to keep pace with the other elements of civilization. It is of course true that mistakes may be made in the issue of injunctions as well as in legislative and executive action, but this happens only in particular cases, and is not a good objection to the general exercise of the power conferred by the law. The witness admits, however, that it is probably the improper use of injunctions which has brought about the cry against them; and he does not think it proper to enjoin men from walking along the public highway or from holding meetings on their own property, unless the meetings amount to a riot or something of that kind. (275, 288, 289.)

7. *Remedies for strikes.*—Mr. BEAMAN does not think that fully cordial relations between employer and employed will come before the millennium. He does not believe that the sources of friction can be entirely removed. (266.)

Mr. COATES considers that there is only one solution of the warfare between the employer and the wage-earner, namely, "a complete change from the competitive system to the cooperative system, or public ownership; that is, the State placing the means of production and the means of enjoying that production in the hands of the individual citizen." Organized labor is working largely along this line; that is, its principal object is to eliminate the competition between the wage-earners, and remove them from the competitive state to cooperative state. (246.)

8. *Boycotts.*—Mr. COATES, president of the Federation of Labor of Colorado, considers the boycott a natural procedure. It is used in Colorado and known as a boycott. There is a law against it in the State, associated with a law against blacklisting; but neither feature of the law has been effective. Only one or two attempts have been made by organized labor, however, since the passage of the law, to enforce a boycott. (248.)

Mr. SULLIVAN, a metal miner of Colorado, says that the boycott is not nearly so effective a weapon for the men as the blacklist is for the employers. When the question is settled the boycott is off, but the blacklist remains. The witness seems to regard the antiboycott law as unjust to workmen. The boycott is not intended to work permanent injury, but only to secure the righting of a wrong by temporary pressure. (350, 351.)

Mr. CLARK, of the Western Federation of Miners, says that he regards the boycott as he does the strike, as a weapon to be used only as a last resort. "If I could not effect a settlement in any other way than by strike, then I would say that I would strike. If I could not make the strike effect a settlement with the employer, then I would apply the boycott." If corporations could be prevented from blacklisting, he would be willing to refrain from boycotting. (327.)

Mr. DAVIS says that the boycott has been attempted only once in a formal fashion by the United Mine Workers in seeking to prevent the sale of nonunion coal. Owing to the wide distribution of coal markets, its success was very questionable, but it was not tried long enough to prove its efficiency. The witness does not consider it wise for labor unions to defy the law, but, if it can be kept within the law, the boycott is justified in extreme cases. It is better to endure wrong than to violate the law. (128.)

Mr. STEPHENSON states that an attempt has been made to influence the public to buy union-mined coal in preference to nonunion-mined coal, especially the unfair product of West Virginia and parts of Virginia and Kentucky. (22.)

F. Joint conferences, conciliation and arbitration. (See also p. cxxxiv.)—1. *Generally.*—Mr. COATES says that conciliation and arbitration are two great principles of organized labor, and are always used to their fullest extent whenever there is a strike. In fully 75 per cent of the cases they are used with good results. Most of the differences, except those with great corporations, are settled by arbitration and conciliation between employers and the committees of the men. Mr. Coates sees little benefit in voluntary arbitration, although it has been used beneficially in some instances. He has not made up his mind whether he favors compulsory arbitration or not. (249, 250.)

Mr. BROOKS believes in conciliation between representatives of labor and capital. Where the parties once become inflamed in their disputes, it is too late for arbitration. Conciliation has usually proved successful in the anthracite region. The witness by reasoning with his men can show them the impossibility of paying wages higher than those of competitors. (165.)

Mr. STEPHENSON says the United Mine Workers seek to adjust differences with employers by meeting of joint committees. No permanent arrangement for such committees is made, but it is undertaken in each case as a temporary measure. Compulsory arbitration by State authority is advocated where joint committees can not reach agreements. (23.)

Mr. MITCHELL says that the United Mine Workers arrange with operators for settlement of disputes by joint meeting of representatives. The national executive board of the miners' organization has power to arbitrate. No difficulty has been encountered in securing acceptance of decisions by members. (35, 36.)

Mr. DAVIS says that the United Mine Workers make it a policy to negotiate with their employers by joint committees, and in default of success to arbitrate, the final resort being to strike. Their preference is for arbitration boards selected by themselves rather than for State boards. The witness knows of no instance where the miners have refused to comply with the orders of the arbitrators. (131.)

Mr. SULLIVAN, a metal miner of Colorado, declares that conciliation and arbitration are of no avail under existing conditions. The employers refuse to arbitrate, and when they do submit to arbitration, if the decision is against them, they refuse to obey it. In the Louisville, Colo., coal mining district such a case occurred a little more than a year ago. The witness does not know of any instance in which workmen have refused to accept the award of a board of arbitration. (349.)

Mr. JUSRI, commissioner of the Illinois Coal Operators' Association, declares that arbitration or conciliation ought under ordinary circumstances to be purely voluntary and to be carried on within the particular industry involved in dispute. Moreover, efforts at peaceful settlement of disputes should be undertaken before actual cessation of labor, rather than afterwards. Disputes should be settled as promptly as possible and as near their source as possible. Differences usually arise not so much because principles are in dispute, as because employers and employees misunderstand one another and conduct their negotiations in a bungling manner. It is a benefit to the employer as well as to the employee that wages should be fair and conditions satisfactory. If employers and employees would only get together in friendly conference 95 per cent of their differences could be peacefully adjusted. The witness believes that more and more industrial peace will supplant industrial strife.

The witness thinks that there should be a strong national organization of employers and employees whose purpose it should be to further conciliation and arbitration in all trades. A movement in this direction has already been begun. The National Civic Federation held a conference on arbitration in Chicago in December, 1900, and it was found that representatives of employers and employees were practically in accord in desiring the establishment of methods of conciliation and arbitration. A further conference was held at New York in 1901. A national organization of the sort proposed ought not ordinarily itself to arbitrate or conciliate, but it should endeavor to bring together the leaders of the workingmen and employers so that they could agree upon certain principles which could be followed by various other organizations. For example, they could form a public opinion which would be opposed to the use of the sympathetic strike. (686, 687.)

2. *State boards.*—According to Mr. Ross, the State board of arbitration of Illinois has accomplished much good, especially in the way of mediation and conciliation. It has hitherto lacked the power to compel the attendance of witnesses or the production of books, but a recent law has increased its power. It has also been provided that in case of agreement to arbitrate, the decision of the board shall be final, refusal to comply being punishable as contempt of court, although the punishment does not include imprisonment. The board consists of three members and is substantially nonpartisan. The witness thinks that arbitration by State boards is somewhat more effective than by joint committees, although that method is favored also. Compulsory arbitration is to be deprecated unless the interests of the community are endangered by the failure of the parties to agree. (182, 183.)

Mr. HAMMOND, secretary of state of Utah, says that that State has an arbitration law, providing for a board of arbitration and conciliation, whose members are to be paid for the time devoted to such service. The law makes it the duty of the board, whenever it hears of a contemplated strike, to try to adjust the matter. Their services have not been needed since the law was passed. (620, 622.)

Mr. WRIGHT, of the executive board of the Smelter Men's Union, states that in the smelter men's strike the men have submitted their case to the State board of arbitration. At the date of Mr. Wright's testimony the board was investigating the matter. The employers have not consented to arbitration by the board. (307.)

Mr. CLARK, of the Western Federation of Miners, mentions a case in which a demand for advance of wages was submitted to the State board of arbitration of Colorado, and decided in favor of the men, but the decision of the board was repudiated by the employers. This led him to think that the State board of arbitration is of very little benefit to the men, so long as the employers can not be compelled to abide by its decisions. He refers to another case, however, in which a decision favorable to the men was loyally obeyed by the employing company. (324, 325.)

Mr. MULLINS, an Ohio coal operator, says the miners and operators have sought usually to adjust differences by conciliation, and strikes have been resorted to only where this fails. A strike of 1894 in the Massillon district led to the intervention by the State board of arbitration, and finally the disputants agreed to form a local committee of 3 arbitrators. The settlement made, however, was unsatisfactory to the miners, and they did not immediately accept it. The miners are usually ready to accept the intervention of this Ohio State board. (167, 173.)

Mr. DALZELL, president of the Illinois Coal Operators' Association, knows of no case where the miners have agreed to arbitrate and have then refused to obey the decision. In the case of the recent Virden strike in Illinois, however, the operators agreed to submit the matter in dispute to the State board of arbitration, but when the decision was made they refused to comply with it, claiming that it did not cover the ground which they had agreed to arbitrate. (118.)

Mr. Dalzell thinks there is danger that State boards will be subject to political influences, and it would be preferable that the parties to labor disputes should themselves select the arbitrators. (118.)

3. *Enforcement of awards.*—Mr. DALZELL, president of the Illinois Coal Operators' Association, considers strikes injurious both to capital and to labor. They resemble methods of physical conflict and highway robbery. The employer loses on his investment, both by its lying idle and by deterioration, while the employees lose their time. The sensible way to settle differences is by arbitration. The best method perhaps would be to allow the disputing parties to choose their own arbitrators and then to provide for enforcing the awards, provided both parties had agreed in asking for the arbitration. The difficulty regarding arbitration is that the employers, being financially responsible, can be compelled to carry out the awards, while individual laborers and labor organizations can not be effectively held to doing so. The witness therefore advocates the incorporation of trade unions, with a capital stock, which he thinks it would not be difficult for them to subscribe. Unions

could then be punished by fine for failure to obey orders of arbitrators, and as a last resort their charters could be taken away. The witness would advocate compelling trade unions to incorporate, and thinks this would be just since they have many of the characteristics of trusts or combinations of capital. Incorporation of employers' organizations would not be necessary, because the individual employers are responsible. At present agreements as to wages, etc., are usually signed by the employers individually, but only by representatives of the trade unions. (116, 117.)

Mr. PEARCE, of the United Mine Workers, says that the agreements between the United Mine Workers and the coal operators provide for conciliation or discussion by joint committees as to points of difference, and for arbitration where necessary. The State boards of arbitration have worked satisfactorily, although the mine workers have not found it necessary to resort to them. Compulsory arbitration might be desirable where a strike of miners would interfere with the business of the country, but usually public opinion is sufficient to enforce the awards of the arbitrators. (96.)

Mr. MITCHELL thinks that State and national boards of arbitration should be established with power to investigate any dispute between employers and employees on request of either party, compelling testimony. Award should not be compulsory, but public sentiment would usually practically enforce it. Compulsory awards are objectionable because employees would have ultimately to be imprisoned to compel obedience, and because unwarranted demands on each side would be encouraged. (35.)

4. *Compulsory arbitration.*—Mr. CALLIS, county attorney of Summit County, and formerly a coal miner, says that Utah has an arbitration law, and that it was once put in force in a difficulty over some public works, but he has never heard of its being used in any difficulty among the coal miners. He does not believe that compulsory arbitration is desirable at the present time, though he shall gradually come to it. It would be a good thing, in case a mine owner said he could not work his mine at the wages fixed by an arbitration board, that the court appoint a receiver to see if the court and the people could not work the mine at a profit. The conditions are probably not ripe, however, for such a step. (634, 635.)

Mr. SULLIVAN, a metal miner of Colorado, thinks that compulsory arbitration would save strikes, lockouts, and large expense and hardship to the employees. If the award was against the employer, and he took the ground that he could not run his mine at a profit, and therefore closed it down, the State should take the property under the right of eminent domain and run it for the people. (351.)

Mr. CLARK, of the Western Federation of Miners, thinks that "even if it does interfere with our individual liberty a little, we ought to be willing to have a law passed compelling employee and employer to submit their differences to a board of arbitration and to compel them to abide by the decision." He seems to have chiefly in mind the desirability of compelling employers to submit to the award of arbitrators. (329.)

Mr. SMITH, deputy State labor commissioner of Colorado, declares that strikes are a form of warfare and involve the destruction of wealth, or at least cessation of production. The interests of the general public are almost always involved, and the witness sees no reason why the parties should not be compelled to submit their differences to an impartial tribunal and abide by its decision. No person is privileged to do exactly as he wishes. Although compulsory arbitration might at first tempt one side or the other to make frivolous complaints, the established tribunal could refuse to consider such complaints altogether and would thus ultimately check them. In the last analysis compulsory arbitration means the settlement of wages by law; but Mr. Smith thinks this would be acceptable to organized labor. (215, 216.)

Mr. JUSTI, commissioner of the Illinois Coal Operators' Association, says that the conferences on arbitration held under the auspices of the National Civic Federation have been opposed to compulsory arbitration, and have also preferred the work of trade boards of arbitration and conciliation to that of State boards. The decrees of State boards under present laws can not be enforced, and are therefore of little value. These boards are not respected as trade boards are. The Illinois board of arbitration has not had a single case referred to it by the joint action of employers and employees during the past year.

The witness thinks that ordinarily public opinion is powerful enough to compel the one party to a labor dispute to enter upon conciliatory measures or to submit to arbitration in case the other party shows itself willing to do so. In the case of quasi-public corporations, the interruption of whose service has a serious effect upon the public, some legislation may be necessary to compel the parties to endeavor to conciliate, or at any rate to provide for compulsory investigation as to the causes of disputes. In no case would the witness have compulsory arbitration with enforcement of the decision. (687, 688.)

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Mr. LEE, commissioner of mines of Colorado, is opposed to compulsory arbitration. The parties concerned understand the question at issue better than outsiders. A man who has a large investment does not want some third party who has no interest to decide for him what he shall do. (232.)

Mr. MCKAY, of the executive board of the United Mine Workers, declares that his organization favors arbitration by joint committees and by State boards, but not compulsory arbitration. (66.)

On the other hand, where many people besides the parties to the conflict are interested in a labor trouble, Mr. DAVIS, vice-president of the United Mine Workers, thinks it is justifiable to compel arbitration and also to enforce the award of arbitrators by compulsion. A penalty might have to be inflicted on men who refuse to work according to the terms prescribed. The witness knows of no case, however, where miners have not complied with the decrees of arbitrators without compulsion. (131.)

G. Hours of labor (see also *Hours of labor* under *Labor in Western mines*, p. LXXII, and under *Coal mining*, p. CXXX).—Mr. MITCHELL, president of the United Mine Workers, thinks that laws should be enacted establishing a universal 8-hour day. It would give workmen opportunity to develop and improve themselves and would give employment to many, thus preventing crime and other evils. The best method of accomplishing this result would be for the Government to limit the hours on all public work to 8, and to purchase only products produced under the 8-hour system. (47.)

Mr. WRIGHT, of the executive board of the Smelters' Union, believes that no question is now so important to the workmen as an 8-hour working day. He apparently considers that the 8-hour day should be obtained, if possible, even if somewhat serious concessions in wages are necessary. (321.)

Mr. TERHUNE regards a universal 8-hour law as one of the remedies for unemployment. (600.)

Mr. CLARK, of the Western Federation of Miners, believes that men ought not to work overtime unless in case of emergency. (330.)

Mr. SMITH, deputy commissioner of labor of Colorado, thinks that where workmen make a practice of working 7 days in the week it soon comes about that they get no more pay than if they work only 6. (220, 226.)

H. Employers' liability.—Mr. ROSS believes that there is need of uniform laws regarding the liability of employers, and favors their enactment by Congress. The development of industrial interests increases the need of protecting the laborers. The courts apply the doctrine of fellow-servants and of contributory negligence to such an extent that it is almost impossible to enforce liability under the common law. (189, 190.)

Mr. SCHLUEDERBERG, a Pittsburg operator, believes that at some future time it will be best for the employers or the people generally to be taxed for the payment of benefits to injured employees, but that the time is not ripe for this change. At present the situation in Pennsylvania is fairly satisfactory for the employees, since under the mining laws great precaution to secure safety must be taken by the operators, in default of which they become liable for injuries. (88.)

Mr. DALZELL, president of the Illinois Coal Operators' Association, deprecates any attempt to compel the employer to assume the ordinary hazards of employment, especially where accidents may be due to the neglect of the injured employee or to his violation of laws or rules. But laws for protecting life can not be too stringent. (114.)

Mr. COATES, president of the Colorado Federation of Labor, has not seen any great benefits coming from employers' liability laws, because the employer generally compels the workman to have himself insured at his own expense, and to relieve the employer from liability. This is a hardship on the employee. He should be allowed to insure himself in his own way. Many have insurance in fraternal organizations. Mr. Coates does not consider, however, that it is through a defect in the law that employers are able to escape liability. The experience of labor in various States has been that it is hard to make the law effective. Organized laborers, however, desire such a law. (258, 259.)

I. Cooperation.—Mr. COATES says that there is some industrial copartnership in Colorado, largely in retail stores. The results seem to be satisfactory, and such enterprises perhaps bring better conditions. The system is not operated to any extent in the State. He wishes it was. (257.)

According to Mr. SMITH there have been several cooperative experiments in Colorado, especially cooperative stores. There is at present a cooperative colony at Pinon which has met with fair though not perfect success. In the cattle business, although

there is no common ownership, there is considerable cooperation in herding the cattle. (221.)

Mr. CLARK, of the Western Federation of Miners, states that two coal mines have been worked on the cooperative system in Colorado with very good results. The miners did not own the land, but they leased it on a royalty. One of these mines was bought out, both the land and the lease, when the Northern Coal Company was formed. The other is still running on the cooperative plan. (334.)

Mr. ALLEN states that there is no cooperation in mining in Utah, except possibly in prospecting and developing a mine. There are stores in Utah which are called cooperative, but they are really stock stores. (572.)

Mr. SULLIVAN, a metal miner of Colorado, believes that it would be well if the workmen would cooperate with regard to everything that they use and handle. It would be more beneficial, however, if the Government would undertake it. There is not, he believes, a fair illustration of a cooperative enterprise in Colorado. (355.)

Mr. MITCHELL, president of the United Mine Workers, says that his organization has taken no definite ground in favor of productive cooperation, but it favors cooperative stores, and allows members of cooperative mining companies to retain membership in the organization. Miners have often established cooperative stores, but where they compete with company stores those who patronize them often find their conditions of employment made unfavorable. (44, 49, 50.)

Mr. BEAMAN, secretary of the Colorado Fuel and Iron Company, does not think that cooperation can be put on a practical and successful basis by making workmen either joint partners or stockholders, for three reasons: (1) The dividends are usually below the local interest rates, and would not be acceptable to small capitalists; (2) there are times of loss when loans can not be procured and owners must put up their own money to save the business; (3) Nearly or quite 90 per cent of business enterprises result in failure and either total or partial loss of the capital involved. Hence it is too risky. Cooperation would be a good thing for the employer if it were practicable. (281.)

J. Profit sharing.—Mr. ROBINSON is inclined to believe that there will come more general arrangements for a division of profits with the laborer. The Campbell's Creek Coal Company has such a system, and it works well. (17.)

K. Labor-saving machinery—general effects (see also pp. XLII, LXI, cxvi).—Mr. WRIGHT, of the executive board of the Smeltermen's Union, says that the smelter workmen have not received any benefit from labor-saving devices, either in the improvement of their health or in the lessening of their burdens. Machinery reduces the labor, but it is not always a benefit to the laboring men. It reduces permanently the chances for work. The witness admits that the demand for products, and so the demand for labor, is increased by the cheaper production which machinery makes possible, and that in the end the tendency may be to shorten the hours of labor and to raise wages. He thinks that profits must be increased by labor-saving machinery, but that the men are not receiving their proportion of the benefits, except as to the higher skilled labor required to run the machinery. He seems to attribute the advance of wages, which he admits to have existed upon the whole, chiefly to increasing education and skill. (314, 315.)

Mr. SMITH believes that machinery tends to throw employees out of work temporarily, and in most cases permanently, and also to make the individual much more dependent upon others. A reduction in the hours of labor should go along with improvements in machinery. (226.)

Mr. TERHUNE considers that labor-saving appliances diminish, on the whole and permanently, the demand for labor. (605.)

Mr. ROSS believes that the larger use of machinery increases employment and wages and tends to decrease the hours of labor. He speaks especially of the effects of improved printing machinery. The cheaper cost of production by machine methods creates a great demand for products and increases employment in the industry itself and in the subsidiary industries dependent upon it. The United States census shows a marked increase in employment and wages from 1880 to 1890. (186, 189.)

L. Drunkenness and the liquor traffic.—Mr. MARCY, an independent anthracite operator, says that it is hard to get work done for a day or two after pay days and holidays. He has known drunkenness to be so general that it has been impossible to operate the mine. It is more noticeable among the Hungarians and Slavs and Poles, because they are more numerous; he is not prepared to say that they are more given to it in proportion to their numbers than other nationalities. He does not know that the irregular hours of work promote drunkenness. It depends on the man. If a man wants to get drunk, he will. Drunkenness is more

characteristic of the inferior class of miners whose annual earnings are very low. Lost time and inability to work keep their wages low. A man who earns only \$300 a year, though he has a family to support, may go on three drunks a month. The children of these shiftless miners generally work to help out the family expenses, and often the wives also. They may have a boarder or two. (671, 672.)

Mr. BEAMAN, secretary of the Colorado Fuel and Iron Company, states that though the habits of the miners do not greatly differ from those of other laboring men, or even of the population as a whole, the temptations of the saloons are the cause of much idleness and loss, and of much suffering to the families of the men. If the legislature would prohibit the sale of intoxicating liquor at or near the mines, it would do more to promote the general welfare of the miners than any other law that could be passed. (276, 277, 289.)

M. Remedies for unemployment.—Mr. TERHUNE suggests as a chief remedy for unemployment a universal 8-hour law. He would also diminish the number of acres of public land that can be entered under the free homestead law. He thinks that the increase of the Army has contributed to diminish unemployment. (600.)

N. Small value of legislation.—Mr. CLARK, of the Western Federation of Miners, has no faith in legislation as a means of benefiting workingmen. He believes that the only way for the laboring people to get anything is through organization, and that through organization they can succeed in enforcing their demands. (334, 338.)

O. Workmen in public office.—Mr. CALLIS, county attorney of Summit County, and until recently a coal miner, says that the miners and laborers have had a very fair representation in the two last legislatures of Utah. He himself was a member two years ago. (632, 634.)

VII. MISCELLANEOUS QUESTIONS.

A. Industrial combinations (see also *American Smelting and Refining Company*, p. XLIII; *Colorado Fuel and Iron Company*, p. XLVI; *operations of the Standard Oil Company*, p. XLVII; *Combinations, under Conditions of the coal trade*, p. CXII). 1. *Effects generally.*—Mr. TERHUNE, a mining engineer, believes that a great industrial combination like the smelter trust, if freed from competition, might lower the wages of labor, and would not offer the same incentive to improvement and invention as competing concerns. He is unfavorable to any condition that prevents competition and artificially raises prices, but does not think that all consolidations have done these things. The growth of large businesses is an element of progress, and we can hardly forbid a man to do a large business instead of a small one. The great combinations can effect the same production with less expense and with less labor. If men are thrown out of employment by them, make the 8-hour law universal, and absorb the men again. (599-601.)

Mr. Terhune states that the cause of the formation of the smelter trust was extreme competition. Rates for the treatment of ore had been so reduced that they would hardly cover the expenses. (600, 601.)

Mr. GRANT, of the smelters' trust, in connection with his discussion of that organization, declares that combinations generally are likely to be beneficial to capital and to labor as well. Combination is the economic tendency of the age and can not be prevented. It is necessary to avoid ruinous competition and to enable capital to get a reasonable interest. Where competition is unduly active, expenses have to be reduced on all sides; labor and the producers of raw material suffer. Economies can be made by combination, and to some extent prices can be regulated, although not necessarily increased to the consumer. (195, 196, 201, 202.)

Mr. NEWHOUSE, manager of the Philadelphia Smelting and Refining Company, states that the consolidation of an industry to the exclusion of all competition would be bad, but that he considers a consolidation of from 60 to 70 per cent of the production very good. It does not wipe out competition, and at the same time it cheapens production. A concern controlling 70 per cent of an article is not in a position to control competition. The other concerns, which use the other 30 per cent of the raw product, are in the market and operating continuously, and if prices go up they will increase their plant; so that there will be a prompt and effective competition to restrain excessive charges. The Standard Oil Company, the sugar trust, and the whisky trust are regarded by the witness as instances of combinations that have had such favorable effects. It is true that these trusts have crushed competitors out of business; but in those cases there has been no margin in production, and the rest of the people have had the benefit of the lower prices. "As soon as the trust crushes

out all opposition and raises prices, so that there is a better margin and a good investment, competition starts up again, and the prices consequently go down." Besides, credit must be given for the enormous amount of capital invested, for the time lost in building up the business, and for the brains and intelligence of the people who control trusts. "All that a trust demands, as a rule, and under proper conditions, is a certain interest on its investment, and when it gets that it is satisfied." (301, 303, 304.)

The most important combination of capital in the mining business in Colorado is the Colorado Fuel and Iron Company. Mr. SMITH, deputy State labor commissioner of Colorado, has no doubt that it has closed mines less advantageously situated, and that to some extent competing producers have been unable to operate their plants on account of the superior advantages of the combination. Generally speaking, the witness thinks that combinations are likely to enable their managers to control the prices of products and to depress wages, while the conditions under which workmen get employment are made more difficult. It is undoubtedly the duty of the State to control trusts and all forms of monopoly. (225.)

Mr. BEAMAN, secretary of the Colorado Fuel and Iron Company, thinks that the current denunciation of trusts is largely insincere and the result of political ambition. The trusts are organized and carried on by the political leaders whose platforms condemn them most severely. The witness mentions various combinations, including those of the potato and melon growers of Colorado, whose products have declined in price since the combinations were formed. It is true that trusts buy up concerns and close some of them and throw people out of employment; but since 90 per cent of business enterprises have failed from overcompetition and overcapitalization, not only throwing men out of employment but leaving them and their creditors unpaid, he thinks that the closing of some establishments by the trusts is not the worst possible disaster. Nor is the increase of prices invariably or generally bad. Too low prices mean correspondingly low wages and consequent hardship for the workmen and inability to buy supplies, so continuing the chain of evil around the circle of business. The witness does not claim to know and does not believe anyone knows whether in the long run the trusts will work for good or evil. (282.)

Mr. HILL, a smelter operator and oil refiner of Colorado, regards the control of vast industries by a few as extremely dangerous to the general welfare. The purpose of it is to increase profits, and he believes that the effect is to raise prices, to lower wages, and to increase the congestion of population in great cities. (373, 374.)

Mr. Hill believes, however, taking the city of Denver as an example, that street railways can be better operated by one company than by two. (388.)

Mr. DALZELL, president of the Illinois Coal Operators' Association, deprecates the attempt to form any combination or trust in the coal-mining business. He believes that all combinations tend ultimately to throw many men out of employment, especially accountants, salesmen, and managers, and also common laborers; to destroy competition, and raise prices. They are a danger to American institutions. (114.)

Mr. COATES, president of the Colorado Federation of Labor, says that every present tendency is toward concentration of wealth in the hands of a few, and that trust combinations have a tendency to increase this concentration. He does not consider concentration of ownership bad in itself. If ownership were concentrated in the State, he believes that such concentration would be beneficial to the whole people. There would be the same concentration of management that we have now, but an equal and beneficial distribution of the product. The evil is in the ownership of the product by a few individuals. (255.)

Mr. ALLEN, a Utah mine manager, believes that the formation of trusts lowers the cost of production and is a forward step in commerce and industry. The important question is, Who shall control the trust, and for whose benefit? Regulation might control the material evils of trusts, but would not affect the greatest damage which they do under existing conditions, namely, the closing of opportunities for superior men. Mr. Allen holds that in order that all the people may have a chance to rise in these lines of industry, as well as that all the people may share the benefits of the economies which the trusts effect, it is necessary that the people as a whole own the industries and the trusts. Only in this way can they be managed for the benefit of all, instead of, as now, for the benefit of a few. The people will reason in this way in time, though Mr. Allen hardly expects the change to come in his day. (574, 575.)

2. *Effects on labor.*—In connection with a discussion of the existing strike against the smelters' trust, Mr. GRANT, its general manager, expressed the opinion that combinations generally are beneficial to labor, since they prevent the undue competition which forces economy by the cutting of wages. He admits, however, that the general policy of combinations, as of other employers, is to pay the lowest wages possible

for a given quality of service. Of two men equally skilled the employer will take the one who will work for less wages. The witness also admits that the combination is probably strong in meeting its employees and more able to dictate to them than individual employers. The tendency is to consolidate production in large plants, for the most part in cities. To meet the combination of capital combinations of labor are perhaps necessary, and, if reasonably conducted, the witness inclines to approve of them.

On its being pointed out that the tendency of combination under the conditions described would apparently be injurious to labor, both by depressing wages and by increasing the prices of articles of subsistence, Mr. Grant declared that after all employers do give some consideration to the feelings and the welfare of other men and do not fix wages strictly on a competitive basis. This, he thinks, was notably true in the case of the smelters during the long period of depression after 1893. Wages were reduced only 10 per cent, although the smelters were making nothing. (197, 202, 203, 206.)

Mr. WRIGHT, of the executive board of the Smeltermen's Union, states that he believes the smeltermen's strike in Colorado in 1899 would not have happened if the American Smelting and Refining Company had not been formed, consolidating the ownership of the greater part of the smelters. It was only with this combination, and not with individual smelters outside of it, that trouble existed. Mr. Wright thinks that the trust smelters could run on the 8-hour system, as other smelters are doing, and that they would have done so but for the trust. His experience has always been that the owners of individual plants are accessible to their men and habitually manifest a desire to meet their wishes. It is much more difficult to treat with a great combination, whose heads are beyond reach. Even the managers upon the ground seem to be less accessible than they were under the system of individual and separate ownership, though they are the same men. (311, 312.)

Mr. COATES, president of the Colorado Federation of Labor, thinks that it is much more difficult for workmen to deal with very large concerns than with smaller ones. They can usually reach the head of the individual concern, and when they can get a conference of that kind it is only a question of time when a satisfactory settlement can be made; but the heads of a great trust are usually at a distance and can not be reached. The officers on the ground will only say that they have certain instructions and can not depart from them. Labor is left almost powerless. Friction in one place is likely to spread through the whole body of employees of the combination, and Mr. Coates thinks that many strikes and controversies have grown out of these conditions. (256, 257.)

Mr. Coates thinks that the formation of the smelters' trust will not have beneficial results to anyone but the stockholders. He believes that great combinations in general are disadvantageous to the employees. If a man becomes distasteful in one plant he can not get employment in any other. He thinks that this organization even brings influence to bear upon outsiders whom it has business relations with—for instance, upon the railroads—to prevent them from employing the distasteful employee. In the case of the smelters' trust probably 50 per cent of the men know no other trade. To dismiss them would be to reduce them to the position of common laborers. A considerable proportion of the smelter workers in Pueblo have built permanent homes; more than in any other vocation. If the Pueblo plants should be closed by the trust these men would be reduced to common laborers, and if they could not get common work in Pueblo they would have to move. The formation of such combinations, with their tendency to close particular plants, is a great discouragement to the building of homes by workmen. The power to close particular plants gives the trust an advantage over their men and enables them to exert influence on business men.

Mr. Coates mentions the town of Overton, which was built up a few miles from Pueblo by the placing there of an oil refinery and oil tanks after the discovery of petroleum in the Arkansas Valley at Florence. It was a flourishing little town of several hundred people. The independent oil company was forced into the Standard Oil Trust, and its plant was closed for purposes of economy. The value of the property in Overton was destroyed; all the inhabitants had to move away. Mr. Coates has no positive knowledge that the Standard Oil Company controls the company which operated at Overton, but says: "It is in the combination; there is no question about that."

The formation of combinations tends also to hasten and increase the concentration of wealth in the hands of a few individuals, a concentration to which all the circumstances of the time are tending. (254-256.)

Mr. CHAMBERS, a Utah mine manager, fears the result of combinations of mines and smelters, and thinks that there should be some national legislation upon the subject. In the absence of effective legislation, he fears that there will be a gradual encroach-

ment upon the well-being of the employees of the mining districts, and that a tendency to anarchy will follow. (589.)

Mr. JOHNSON, a Colorado oil producer, believes that the tendency of industrial concentration is to the congestion of laboring people in great centers, and that the social effect of such congestion is bad. (344.)

Mr. LEE, commissioner of mines of Colorado, thinks that combinations have tended to lower wages and injure labor. He believes that it would be desirable to have Government inspectors to examine their accounts, and that watering of stock should be restricted. (241.)

3. *Overcapitalization—Evils and remedies.*—Mr. CHAMBERS, a Utah mine manager, thinks that laws should be enacted to prevent the overcapitalization of corporations. It should not be possible for companies to conceal in this way the ratio of their earnings to their actual investment. (590.)

Mr. ALLEN, a mine manager, considers that the only serious harm that results from overcapitalization is the compelling the people to pay the interest on the excessive amount. A corporation that is earning 30 per cent on the capital invested should not be permitted to issue fictitious capital and reduce its apparent earnings to 6 or 8 per cent. If the company's earnings are exorbitant, the people ought to know it. Capitalization ought to be controlled by law. (579.)

Mr. HILL, of the Argo smelter, thinks that if a company is interested only in the conduct of its business, and not in stock dealing, it makes no great difference to it or to the people what its capitalization is. For purposes of stock dealing a high capitalization seems to be found advantageous. But in the case of a smelting company, or even in the case of a street-car company, Mr. Hill does not see what difference it makes to the man who deals with the company whether the stock is a million or ten millions. On the street cars the fare is 5 cents anyway. A railroad company has the power to impose such rates as may be for its interest, regardless of its capitalization. He has been accustomed to think that competition is the force that should be trusted to secure fair and reasonable charges. He admits, however, that watered stock would tend to put a pressure upon the management of the company to increase its income for the purpose of paying dividends. The existence of watered stock is likely also to deceive the public as to the reasonableness of the dividends. A dividend of 5 per cent looks reasonable and a dividend of 50 or 100 per cent seems exorbitant. The average man will not consider the actual basis upon which the dividend is reckoned. It is said that the dividends of the Illinois Central, nominally 6 to 8 per cent, have been 22 to 36 per cent on the actual investment. But those who build a railroad take the chance of loss, and if they succeed it would hardly be fair to restrict them to ordinary interest. (372, 382-385.)

Mr. Hill points out that the phrase "watered stock" may convey very different ideas. For instance, the Western Union Telegraph Company has \$100,000,000 of capital, which represents no investment at all. The witness believes that \$100,000 was originally invested by the company, and all the rest has been accumulated out of the earnings, in addition to good dividends. This large amount of stock may, therefore, be said, in one sense, to be water. It is not water in the sense that the property is not worth it. (382, 383.)

Mr. Hill thinks it would be difficult to prevent stock watering by law. A mine may be worth \$10,000 or \$1,000,000; no one can tell. A company can not be prevented from taking a mine at a valuation of \$1,000,000 if it chooses. The case is different with things whose value is fixed by actual expenditure. It would seem possible, for instance, to prevent the issue of watered stock by a railroad company. He would like to see companies prevented by law from issuing capital stock beyond the money actually invested in the business. (383.)

Mr. Hill would be glad to see a trial of a system of Government inspection of corporations, similar to the inspection of national banks, with provision that if any corporation was found to have watered stock its stock should be reduced. (384.)

Mr. GRANT, of the smelters' combination, does not believe that overcapitalization of combinations is especially injurious. No one is deceived, and if too much overcapitalized the combination will simply not pay dividends. Legislation to prevent abuse would not perhaps be injurious, but speculation could not be stopped by it. There is no way of keeping people from buying stock. Moreover, the witness believes that it is justifiable to capitalize future possibilities. Just as there is an unearned increment of value in real estate, so a corporation which has an advantageous situation or a growing business will find its property increasing in value. This has been the case with railways. In most cases the common stock did not originally represent value, but frequently with the development of the country it has become valuable. The corporation itself often builds up communities, and is entitled to the increment in value which comes with population. (200-202.)

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Mr. SULLIVAN would have corporations taxed upon the basis of their capitalization. He regards this as one remedy for stock watering. (363.)

4. *Remedies for evils of combination.*—Mr. HILL is not prepared to suggest any general remedy for the evils of industrial combination. Combinations in the narrower sense might be prevented by law, but it is hard to see how a man or a company could be prevented by law from buying up all the plants in a given industry. (374.)

Mr. TERHUNE, a mining engineer, believes that the large consolidations have come to stay, and that the chief remedy for their evils is to be found in competition. Large businesses are not in themselves injurious, and competition may be depended upon to rise to prevent abuse of their power, provided railroad discriminations do not prevent it. (600, 601.)

Mr. HAMMOND, secretary of state of Utah, says that that State has a law forbidding combinations to control the prices of the necessaries of life. There has been one prosecution in the State relating to the combination of the coal dealers to control the price of coal. The witness is not certain whether the prosecution was under State or Federal law. (620.)

Mr. CHAMBERS would approve of a law to prohibit the selling of products at a price below the cost of production for the purpose of driving a rival out of business. (590.)

Mr. GRANT, of the smelters' trust, thinks that legislation against combinations is undesirable. It is impossible to regulate any line of business without either injuring the smaller producers or making open discrimination and legislating against large capital as such. The witness admits, however, that corporations are artificial persons created by the legislative power, and that therefore it is not radical for the legislative power to seek to control and inspect them. He admits also that in certain cases legislation is perhaps desirable, although he thinks it unnecessary in connection with the smelters' combination. (195, 196, 201, 202.)

B. Freight rates.—(See also *Discriminating freight rates on mining products*, p. XLIX; *Freight rates*, under *Coal mining*, p. CXI.)—Mr. TERHUNE considers that a carload shipment ought to be carried at the same rate as a train-load shipment, though it is to be recognized that there is a little more clerical work and a little more train service connected with carload shipments than with a train-load shipment. The carload man should be recognized for the safety of our institutions. (599.)

Mr. HILL would go to any extent in strengthening the law to prevent discriminations. He would make a carload the unit, and would not permit railroads to charge any company more or less for hauling goods than it charged anybody else, no matter how great the shipment.

Mr. SULLIVAN does not believe that discriminations in freight rates can be stopped except by Government ownership of railroads. The Government, owning the roads, should carry 100 pounds of freight at the same rate as a carload. (362.)

Mr. CHAMBERS would be glad to see the Interstate Commerce Commission given absolute power to prevent freight discriminations. (590.)

C. Government ownership of industries.—1. *Telegraphs and railroads.*—Mr. HILL, a former member of the United States Senate, states that he believes that the Government of the United States should own the telegraph system. An investigation by the Post-Office and Post Roads Committee of the Senate, under his leadership, established clearly, he believes, that a Government telegraph could send messages throughout the United States at a uniform rate of 10 cents for 10 words, just as letters are now sent at a uniform rate of 2 cents, and be self-sustaining. When Mr. Hill found that he could not get support in Congress for a Government telegraph, he introduced a bill for Government control of the service, with transmission of messages by private companies. Just as the mails are actually transported by railroad companies, so the bill proposed that telegrams should be actually transmitted by the telegraph companies, but should be collected and delivered, as the mails are, by the Government, and at charges fixed by the Government. There was strong competition at the time between the Western Union Telegraph Company and what is now called the Postal Telegraph Company. Mr. Hill proposed that the transmission of telegrams should be done under contract at rates to be determined by competitive bids, but not exceeding a certain fixed maximum. The bill was favorably reported to the Senate, unanimously, and put upon the calendar. But it was late in the session, a fact due to men who are very skillful in the business of defeating bills; so it never came to a vote. Mr. Hill remarks that there is not a single country in Europe where the telegraph is not controlled by the Government, and states that in France there is a 5-cent rate for 10 words, and that 10 cents is the maximum and that the system has been made self-sustaining. (383, 384.)

Mr. CALLIS believes that Government ownership of railroads and of the telegraph service will be established. (635.)

Mr. TERHUNE would regard the Government ownership of railroads with apprehension, though he admits it might work well. (598.)

2. *Industries generally.*—Mr. SULLIVAN, a Colorado metal miner, believes that the Government should establish postal savings banks, and should own the railroads, the telegraphs, the telephones, the coal mines, and manufacturing plants of all kinds. Cities and towns might very properly own their electric and gas plants and water works and street railways; but it would be well for the General Government to own all these things, at least in cases where cities and towns can not afford to provide them. Indeed, there is no industry which the Government could not take up with advantage. (361-363.)

Mr. CLARK, of the Western Federation of Miners, believes that "a man is entitled to all he produces." That is, the coal miner is entitled to the full market value of the coal he brings out. A man can not get it under the present system, but things would be different if the State operated the coal mines and everything. The equipment of industrial enterprises would still have to be maintained out of the product; but Mr. Clark would be willing to submit to necessary deductions from his full product if the majority of the people reaped the benefit. Production would be cheaper under State operation of industry, and the consumer would not be charged an exorbitant price. The State would produce cheaper, because it would not demand the exorbitant profits which the operating companies now collect from the public. (330, 331.)

D. Schools and educational facilities.—1. *Effects of education.*—Mr. PRADCE says that the public schools are improving the character of the rising generation so that it will be less servile. There should, however, be provision for night schools, since many older boys work in the mines during the day, and in any case would not be willing to go into schools with younger children. (101, 102.)

Mr. TERHUNE says that universal education will bring many things to the common level. It results in less dependence upon manual labor and more dependence upon the forces of nature. There will be a tendency to lower salaries and lower wages. The exceedingly high salaries of the most efficient men will not cease to be paid, for education can not create genius. Mr. Terhune does not wish to be understood as supposing that the inequalities of the distribution of wealth will be increased by general education, but rather that there will be an improvement in the distribution of the products of labor. (593.)

Mr. WRIGHT, of the Smelters' Union, has known some young men who went through manual-training schools and improved their chances by it. Manual training is the most valuable branch of education for laboring people. He believes, however, that education in the democratic public schools is going to bring all classes of society together in time; "that it will take the poorer classes up to the highest." He implies that the majority of the laboring men's children quit school with the fifth or sixth grade. Many get through the grammar schools, and even the high schools, but this is not the rule. (308, 315, 316.)

2. *School facilities.*—Mr. WRIGHT, of the executive board of the Smelters' Union, Denver, states that smelter laborers exhaust every means to have their children go to school as regularly as the children of any other class of citizens. The witness thinks that Colorado has the best system of schools that he knows of. Schoolbooks are not free in Denver. Mr. Wright thinks that the education of laborers is improving. (308, 315, 316.)

Mr. SMITH thinks that the schools in most Colorado towns are equal to the best, and are very beneficial in their effects upon the education of the working classes. He believes, however, that manual-training schools, which have as yet been established in few places, should be made general. He also believes that every city should have free libraries and reading rooms. (222.)

Mr. COATES says that if children were not forced to go to work to maintain themselves and their parents the present school facilities of Colorado would be inadequate. As it is, they are generally sufficient, and the school system of Colorado is on a high plane. Much that is taught to the children in school, however, is of no use to them, and much that would benefit them is left untaught. (258.)

Mr. SULLIVAN, a metal miner of Colorado, believes that the school system might be improved by building more schools and lessening the crowding of the children. He also believes that more attention ought to be given to the dispositions and capacities of the individual children, with a view to giving each the particular training which is best suited to his particular abilities. To this end he would have every child examined by a competent professor of phrenology. (355, 360.)

Mr. LEE says that Colorado prides itself on having the best school system of any State of its size, although he thinks there should be more manual and mechanical training. There are also public libraries and reading rooms in many towns, and miners, even in the remote districts, read a great deal. (235, 243.)

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Mr. BRAMAN, secretary of the Colorado Fuel and Iron Company, says that at all the company's mines there are schoolhouses of a character corresponding to the number of the population, some of them being the best in their counties. The company gives the lots and furnishes a large proportion of the cost of building, both by taxation and by donation, and always encourages the building of sightly and commodious structures. The witness quotes at length a newspaper item giving a very flattering account of the appearance and work of the schools at the mining town of Sopris. (278, 279.)

Mr. NEWHOUSE, manager of the Philadelphia Smelting and Refining Company, Pueblo, Colo., states that the workmen do not greatly care whether they send their children to school or not. There is a school near the works. There is no accessible library except the city library. (298.)

Mr. HILL states that there are excellent schools in the vicinity of the Argo smelters, and that the children of the workmen attend them almost without exception. (377.)

Mr. HAMMOND, secretary of state, of Utah, says that that State collected a little over \$1,200,000 in 1898 for school purposes, besides the expenditures for the State university and the agricultural college. School attendance is compulsory for children between 8 and 14 years of age for 20 weeks each year. There are a few private schools to which parents may send their children. Children between 6 and 18 may attend the public schools without tuition fee. In the principal cities the necessary books and apparatus are supplied without charge. Mr. Hammond estimates that 90 per cent of the children attend the public schools. (621.)

Mr. TERHUNE says that the public schools of Utah are of a high standard, and that the miners and smelters generally send their children to them. He attributes to the schools a marked influence in raising the general social condition of the workmen. He has some faith also in the democratic tendencies of the common education of the rich children and the poor. (592.)

Mr. CHAMBERS states that there are good schools throughout his mining district in Utah, and that the miners' children generally attend. He believes that the school system has exerted a marked influence in bettering the moral and social condition of the mining communities. (585.)

Mr. HANAUER states that in former times his company contributed outside of taxes to the support of the schools in the Bingham district. It does so no longer. It appears that the school tax in Utah is now distributed pro rata throughout the State. (611.)

Mr. THOMAS, State coal-mine inspector of Utah, states that there are good schools near the coal mines generally, and that the children of the miners usually attend. The education of the children of all classes of society together has a good social effect. (626.)

Mr. HAMMOND says that the manual-training department of the State Agricultural College of Utah is usually taxed to its full capacity. (620.)

Mr. ALLEN states that there are schools at all the Utah mining camps, and that the miners' children attend. (576.)

Mr. ROSS thinks that the public-school facilities of Illinois are about as satisfactory as anywhere else, although there has been some overcrowding in Chicago. (188.)

Mr. STEPHENSON says that in most districts of West Virginia the school year lasts only 5 months, which is insufficient. In some instances coal companies unduly influence the appointment of teachers. Public night-schools should be established. (26, 29.)

Mr. MITCHELL says that in the North Central States facilities are sufficient, but not in the South, in West Virginia, and west of Iowa, the standard being lower. Night schools for adults should be established. (53.)

Mr. VEITH, a mining superintendent of the Reading Coal and Iron Company, says that the children of the Hungarian and Italian miners employed by his company generally go to school, and those that work by day attend the night schools that are provided for the purpose. (657.)

Mr. DAVIS says that in some mining communities the schools are fairly satisfactory, but in others, especially in the South, the school term does not exceed 6 months in the year. The witness believes that no boy or girl should be employed until graduated from a common high school. (134, 135.)

3. *Libraries.*—Mr. SULLIVAN states that many of the larger mining towns of Colorado have school libraries. There are very few public libraries in mining towns. There are a few reading rooms, but not many. The educational opportunities for the young men and women are fair, if they can afford to go to school. (356.)

Mr. TERHUNE does not know of any library in the Utah mining camps. He considers that the lack of mail facilities is one of the great reasons for the scarcity of reading matter there. (596.)

Mr. CALLIS, county attorney of Summit County, Utah, says that there is a library at Park City, but no other town in the county possesses one to which the miners have access. (631.)

Mr. VEITH, a mining superintendent of the Reading Coal and Iron Company, says that his company does not provide libraries or reading rooms for its employees, but the men provide them for themselves. There are very few, even of the foreign miners, that can not read and write. (658.)

E. Foreign capital—Laws restricting investment.—Mr. ALLEN says that the law restricting the investment of foreign capital in the Territories may be of questionable advantage, but he is inclined to believe that it is better not to have English or French or Dutch capital drawing away the profits of American industry. (572.)

F. Irrigation—Distribution of water.—Mr. HAMMOND, secretary of state, of Utah, says that the early Territorial laws of Utah provided for the formation of irrigation districts, and the later laws provide for irrigation corporations. On each irrigation system there is a water master, who allots the water to the different persons who are entitled to use it, fixing the amount they can take, when they shall take it, and how long they can use it. This rotation of water supply is a custom, probably enforced under the general powers of the corporation or the district. It works satisfactorily. (619.)

G. Political action of corporations.—Mr. BEAMAN, secretary of the Colorado Fuel and Iron Company, denies that corporations have tried to procure any legislation antagonistic to labor, or that they commonly interfere in legislative matters. Their main efforts have been to prevent hostile legislation advocated by demagogues for hold-up purposes. For every law passed within the last 20 years beneficial to corporations alone two or more have been passed beneficial, or intended to be, to labor only. (286.)

H. Patents for invention.—Mr. TERHUNE believes that genius ought to receive the highest possible rewards, and that the patent system is a great stimulus of progress. It is true that love of science is also a great stimulus to advance, and that the inventor does not generally get the material benefit of his invention. He would think it desirable to shorten the terms of patents. (605.)

I. Taxation of franchises.—Mr. HILL holds that everything that can fairly be called valuable property should be taxed, including franchises. If a company is not earning anything above its expenses and the interest on the cost of construction, its franchises can not be said to have any value; but if its franchise has an actual value, it should be taxed. (388.)

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