INQUIRIES MADE BY THE COMMISSIONERS

(Continued from Page 1.)

pany, who continued the cross-exami- right of every man to sell his labor, nation until a few minutes before 12.30, if he can, and be protected in selling it the recess hour, when W. W. Ross, rep- cannot be arbitrated any more than resenting the Delaware, Luckawanna his right to breathe. and Western company, took it up. Mr. Mitchell was still under cross-examina- that Mr. Reid would have made the tion by Mr. Ross when adjournment Clintock, representing the Lehigh and Wilkes-Barre Coal company; John B. Kerr, representing the Ontario and Western company, and Simon P. Woland Reading company, will take turns at questioning Mr. Mitchell. It is ex- the two or three hundred other workpected, however, they will not examine him at any great length and that he will be relieved from the witness stand this afternoon. Judge Gray mildly sugyesterday morning that the cross-examination of Mr. Mitchell was becoming rather protracted.

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

Those having business inside or present by special invitation were admitted through the judges' doorway. Others were compelled to line up in two rows, the judiciary on the part of labor extending along the corridor, and wait unions was made the subject of a their turn to get in. After the room was filled, no one was allowed to enter witness. Mr. MacVeagh contended until some one else had come out to that whether the decision of a court make room for him. Many miners were among the spectators and laughed with duty of the witness and other labor great heartiness when Mitchell made leaders to continuously preach that the some witty remark. Once there was welfare of all classes depended on a some mild handclapping in applause of growing respect for the judiciary. Mr. some mild handclapping in applause of growing respect for the judiciary, Mr. of discontent, and f understand a num-Mitchell making a telling answer, but Mitchell indicated he would hesitate ber of local strikes. That is the rule was so subdued it attracted no attention from the commissioners,

Bishop an Onlooker.

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

distinguished visitors.

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

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

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

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

the names that you speak of." Then the cross-examination of Mr. Mitchell by Mr. MacVeagh was resumed. Referring to the list of strike 'outrages," enumerated at Monday afternoon's session, Mr. MacVeagh afternoon's session. Mr. MacVeagh would work 240 days, eight hours a da asked the witness to give his opinion or 2,000 hours, and he would receive \$480. of their reflex influences on the men Q. Now, you are assuming, are you not committing them, which he said he that under existing conditions, or under of their reflex influences on the men hoped to be able to prove were members of the miners' union.

After remarking that he did not propose to assume that the statement propose to assume that the statement give these men an increase of wages, is of these outrages as presented was it not? A. No, the breaker runs the number of church-goers in the anthra-cite region was comparatively as large greater number of days. as in any other community. When

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

patches. Growing Spirit of Lawlessness.

"What I am trying to show," said Mr. MacVeagh, "is that there is a growing spirit of violence and disregard of your organization; that its members are becoming more and more reckless of reinfluence over them is insufficient to keep them law-abiding and peaceable as you have described them to be. So that, if a community-that was my question-is ings of the men whose time will be rearoused to a great pitch of excitement duced. A. Yes, sir: it would increase it and violence, and murders are committed | twenty in consequence of the assertion of your or their living, then I say the conse quences are upon your head whether your men committed the murders, or somebody else, and whether your motives are

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

A. I say that has been said of me.

Here Mr. MacVeagh quoted from an

Mr. Mitchell's comment on this was same statement about the right of peowas had for the day. Today, A. H. Mc- | ple to sell coal wherever they choose which freedom he claimed does not exist. Some operators, he alleged, are compelled to sell coal where others direct. A man has no right, he added, verton, representing the Philadelphia to sell his labor for a dollar a day at a mine if that would tend to reduce ingmen's wages to a dollar a day.

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

Disrespect for Judiciary.

The alleged growing disrespect for lengthy discussion between lawyer and was favorable or adverse it was the some time before he would preach to that requires a man to have a certain people to have a growing respect for Judge Jackson.

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

sent it.' Mr. Gowan began his cross-examination, as did the attorneys preceding him, by eliciting from Mr. Mitchell an admission that he knew nothing specific of the wages or other conditions at the mines of the company he was repre- of topping on the car when it reaches the senting. Mr. Mitchell explained he had only a general knowledge, but that data would be presented later giving specific information supporting the conentions he makes.

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

Q. Now, coming to the question of th eight-hour day, what class of labor do you regard as the most exacting and laborious in the anthracite mines? A. Well, I presume that the work of a miner himself is the most difficult—the most responsible. Possibly, it is not quite as laborious as that of the man who show

That would necessarily follow. The eighthour day would come to them as the result of the eight-hour day for the mine

Would Receive No Cars

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

have to that question? A. Yes, sir, directly. When we asked for the eight-hour day and specified the laborers, or parti ularly specified them, we did it in orde to secure to them an increase of pay We expect the contract miner and bi aborer to work only eight hours a day, Q. How do you expect to secure a increase of pay for the man working by the month or by the day, by limiting bi hours of labor to eight hours? A. Well if a man worked in one of your mine now 200 days in a year, and was paid \$2.00 m day, he would receive in the entire year \$400. He would work 2.000 hours If you put him on an eight-hour day, he conditions which have lately prevatled that the mine is not run full time, are therefore the breaker time can be in creased? That is necessary in order to true, Mr. Mitchell said he believed the same number of hours that it has run any

Q. Take a man who has worked every day last year that the breaker ran, ten Mr. MacVeagh insisted upon having a hours, how is he, at the end of the year, response to his question, the witness to have more money in his pocket by said he would agree the influence was having the hours reduced from ten to eight? A. He would not have more money

> work to do. Q. Have you not once stated. Mr. Mit-chell, before the industrial commission, that one of the main objects of the eight hour law was to becrease the number of men employed? A. That has been the idea, in general terms, that the eight-hour day absorbs the unemployed labor, Q. And that is one of the great advantages, is it not, from your point of view.
>
> A. I find that in the coal fields it has not had that effect, because it has increased the intensity of labor so mu that it has not taken up or absorbed very many of the unemployed. In other words, it has developed in the coal fields

that men do as much work in eight hours as they formerly did in ten. Q. But unless the breaker time can be increased, the reduction from ten to eight hours will not increase the annual earn per cent. Q. The annual earn ings? A. Yes, sir.

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

Q. Well, I will leave it there. Now, Mr Mitchell, coming to the question of the weighing of coal, your constitution has something to say, has it not, on the subject of weighing or determining the method of paying for coal mined? A. Yes, sir. Q. Do you recall what it says? Here Mr. MacVeagh quoted from an A. The declaration of principles provides address by Hon. Whitelaw Reid, in for a proper system of weighing or measurable the declaration is made that the uring the earnings of the miner. Q.

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

Q. But still payment by the car is payment by measurement, perhaps not as to be docked for it, not the man who ment by measurement—perhaps not as you construe the constitution, but it is, A. No, and I might say that that was also intended to have application in the

case of the thick veins, where they ac-tually pay by cubical or lineal measure-Q. How many of the mines in the anhracite field are so equipped as to enthracite field are so equipped as to enable them to weigh the coal? A. You mean with scales? Q. Weigh it in any way? A. I think that every mine in the anthracite field in which the coal comes to the breaker as it is loaded by the miners, the coal could be paid for by weight. Q. I am not asking you pat. I am asking you how many of the mines today are so equipped? A. I don't know. I understand that several of the companies are weighing coal now. I refer to the Erie and some of the others. Q. Do the Eric and some of the others. Q. Do you now know that they are a very small proportion? A. Very small; yes, sir. Q. And you do not know the expense that would be entailed in adapting the mines to the changed conditions? A.

I do not know how much it would be. I

do not think it would be any very great

By Mr. Gowan: amount. Q. Are you not aware that to do that in mines not originally adapted to the method of weighing would reduce the output of the colliery materially? A. No. sir. Q. It would not hold back the loading? A. I think very little. The scales may be placed at any place before the coal reaches the breaker, and scales are constructed so that a car may be

weighed while moving. Matter of Topping.

Q. Now, Mr. Mitchell, I did not quite clearly understand your objection to the method of paying by the car which is in vogue in so many of the mines in this egion. A. Well, there are many objecparticular, that has caused a great deal amount of topping on a car when the car reaches the breaker. It may be no fault of the miners that it has not the re-

quired amount of topping on it. Q. But is not that a matter of agreement; that the miner is paid by the car with a topping of six inches? And what difference does it make to the miner. supposing that the rate of pay is adjusted accordingly, whether he loads the car to the top of the side or whether he loads it with six inches of topping? What difference does it make to the miner? A. It the agreement with the company you repesent was that there must be six inches breaker, it is absolutely impossible for the miner to tell how much coal he must put on the car when he loads it to make six ches on it when it reaches the breaker, He may have put six inches on it in ood faith when it left the place he baded it; but by reason of the long haul, and the rough haul, the shawing, and so forth, or possibly, an accident en route, that knocked the topping off or settled it down, when it reached the breaker there was not six inches on it, and then the miner is docked for light loading. Q. Have you never heard of miners louding cars in such a way as to leave an undue amount of space between the lumps? A. Yes, sir. Q. You do not think that is an impossible thing to be done? A. No. it is not an impossible thing. I understand it has been done. Q. And therefore if the coal were started with els coal, but the responsibility is much six inches topping, but reached the surgreater.
Q. Why is it, then, that in the demands which you have not asked for an eightmission, you have not asked for an eightit might not be. Q. But it might be? A. might be, but you can see that under the weighing system the miner would have no incentive to be dishonest. He would not want to "crib" the car, as e paid for the amount of coal he put

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

topping on. He ought to be paid for the Matter of Agreement.

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

Mr. Gowan, before you leave the subject of weighing coal, I should like to have Mr. Mitchell explain to the commission how he would provide, in case he company paid for the coal that was in the car on the basis of 2.240 pounds to the ton, how he would provide for an allow-ance for the impurities. A. I think the company and the men should both select representatives and 1 think a person should be docked for impurities. That is

mount, as I understand, of twenty-seven hundred to thirty-two hundred pounds, to mines now the miners have what is called cheek docking boss who with the company's docking boss determine the amount they shall be docked for impurities, where appears to be an excess amount. By Commissioner Watkins:

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

The Evil of It.

A. It could not be a fixed amount, and it is the fact that it is a fixed amount now that makes the system so unjust. now that makes the system so u Will you pertait me to explain it? pose that two men were working in ad-joining breasts, and one of the men was to load 2,500 pounds of clean coal in his car and send it out to be weighed. He would receive 74 cents for it. The man Q. working right beside him might send out

a car containing ten hundred pounds of refuse matter in it. He would be paid 74 Commissioner Spaiding:

cents for his twenty-eight hundred pounds. In other words the man who does not load impurities is penalized for the man who does; in order for the company to obtain from all sources a twent two hundred and forty pound ton of mar ketable coal, they are compelled under this system to inflict a uniform penalty on all of the men regardless of whether they load impurities or not. Now the man who loads impurities is the one who ought ew men. By Commissioner Watkins: Well, could

Q. How will you avoid that in the future by this system of paying for a ton of 2.240 pounds?

A. Now, I should say that it would be just as easy to make 2.240 pounds the basis of payment as it is to make 2.89

pounds the basis of payment. Then deduct whatever docks are necessary to protect the company against matter that they cannot sell. The miners, of course, are not entitled to payment for matter that cannot be marketed, but I think it would be more satisfactory to all the try for that to be done either by a laminers to have the ton 2,240 pounds. I bor organization or by an organization miners to have the ton 2,240 pounds. I bor organization or by an organizatio am free to say that the grievance may be of capital. more apparent than real with them, but it is everlastingly there. They see it pend, after all, on the old economic prin every day but they are required to mine a ton of coal of 2,800 pounds or 3,100 pounds, and they cannot understand why a ton of coal of 2,800 pounds or 3,100 to uplift and carry on social advance-pounds, and they cannot understand why ment and civilization depend upon the they must give that much coal for a ton average desire of individual man to betwhen the companies are selling the coul always on the basis of 2,240 pounds. It may be that there is not a great wrong done the men and on the whole, taking them altogether, the man may receive

load, but the fact remains that the man who loads the impure coal is paid a part

Some System Necessary. Q. Mr. Mitchell, I understand we a paid for by weight or not, some system of allowance must be made to represent Under the present system, an arbitrary figure of 2,700 or 2,800 pounds is estab-lished. Under that condition, it is assumed that a ton of 2.240 nounds of clean coal will be produced, and that the resis refuse? A. That was originally true. Q. I may say that is the theory now whether it is in point of fact true or not do not ask you? A. Yes, str. O. Now. oounds, you have still to make some al owance for impurities, have you not? A. For the actual impurities. Q. For the actual impurities? A. Yes, sir,

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

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

An Interesting Colloquy.

It was at this juncture the members of the commission began their question teresting colloquy occurred between

By Commissioner Watkins:

Q. You asked Mr. Mitchell a question about this organization. The answer, I believe, was that it was the purpose er in the country into the organization. That was it, was it not? A. I answered that proposition affirmatively, that the desire was to have every miner in the United States a member of our organiza-tion. That is not its sole purpose, how-Q. Would it not be possible, then, for you to tie up all the fuel interests of the

country? A. It would hardly be possible, with the proposition that is now submitted to the commission. We make an annual contract in the soft coal fields. This commission has power to fix a contract for a longer period. That will pu us in the position that if we had any such intention we could not carry it out be two or three years, or something like in West Virginia, I believe, and if you tention, we would not permit a contract me in my action. I simply call attent to be made that would remove our power tion to it, because those thoughts are in

to do anything like that, but it is one of the things that we have to consider on he commission. I would like to have your views on that subject, as to whether t is not possible. Suppose, for instance, limited to 2. 3. 4 or 5 years, it is possible then for your organization to force the Q. I do not want to be misunderstood operators in the bituminous region into You know there are a large number o a condition where all the contracts soft coal operators that do not like the would terminate at a certain time, so methods of some of your leaders and orthat they would all terminate at the end ganizers and are still opposed to doing

place in the hands of any one organiza-ion, without some restrictions in the

ontracts? A Dangerous Power.

A. I should think it would not be a dan gerous power, because they could do the same thing if they had separate organizations. If there were twenty organizations of American coal miners, they might all strike at the same time. They could make a coalition, but it seems to me that he larger and more powerful a labor or

does, but an organization like ours can-

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

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

the operators really do that? The laws would prevent their doing what your or-ganization could do, not being incorporated. They would come under the head of the monopoly laws, and the trust laws, and that sort of thing, if they sought to control the fuel supply of the country, while you would not? The Witness: I do not know any law

that would prevent them from shutting down their mines. I mean there is no statutory law to prevent them from doing it that I know of. However, I do not think it would be possible in our coun-

The Chairman: Does not society deciple that all the great forces that tend ter his own condition and to work for wages, and for the man who has property to utilize it and get work from it. Isn't that it, after all? The Witness: I think that that princi-

The Chairman; If you can imagine all men ceasing to work at once, the so-cial machine would stop, would it not?

A. Yes. sir.

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

A. Well, I do not know that I quite

grasp the point. Chairman: I do not want to go back to the discussion between you and Mr. MacVeagh, which has been so in-teresting and so protracted, as to wether it does not become very important to ulated to restrict that principle of action n achieving the individual desire of man work to support himself, although fo he purpose of contributing to the com on weal, and that of the owner of prop rty utilizing it to get an income from it It is very important, I say, is it not, to consider how far any agencies that are n being or possible should restrict that

Ought to Be Limitations.

The Witness: Well, I think that that is rue; that there ought to be limitatio upon it, and there is one thing it would ossibly be advisable to know about our abor movements in America, that in the ery rare instances in which they seek to limit the amount of physical energy a man may expend it is done only by re-stricting the hours of labor that he may vork. We do not do as they do in Grea

Britain. The report is probably very much exaggerated, but it is charged that the trade union movement there has set a limit as to the number of bricks a man may lay, the amount of plaster a man may put on, the number of laths he would nail to the wall, and all such things as that. In our country the trade union movement does not stand for such restrictions. It asks restriction of the hours of and ther, not only permits but expects a man to work as hard as he i able. They are not only permitted to do all the work they can do in the hours of work, but they are expected to do so. Commissioner Wright: To avoid recur-tence to this later on, do you consider it ustifiable for the employers in a certain ndustry, to resist the demands of a labor union, to paralyze that industry or any group of industries?

The Witness: No. I do not think it is Commissioner Wright: Would the same answer be made if I should substitute mions in stead of employers? Would e justifiable for a union to paralyze at industry or a group of industries in order to enforce its demand?

The Chairman: Yes Commissioner Spalding: Without pub lie sympathy, do you think your union

ould maintain itself? The Witness: No, sir; I do not. Commissioner Spalding: No. kins contemplates in his question. you think you could continue to held the sympathy of the country?

The Witness: No sir: I think mion would immediately disintegrate. Commissioner Watkins: Q. Th thought occurred to me, in connection with the statement you made the other day that the president of the organiza ful points in your constitution. That gives to one man a rather dangerous power, does it not? I am simply calling your attention to that thought which oc

Change of Rules.

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

encroachments of your organization is based upon fears and doubts as to its possible action in the future, and you also know that that is the situation over large section of the bituminous field, as well as the anthracite field. For instance, two or three years, or something like in could throw any light on your attitude to that. The contract here might expire in could throw any light on your attitude to wards those subjects that would prevent the tying up of the fuel industries of the country, it would help me personally as complex of this commission, and guide to do it.

Q. But that is a possible danger, is it not, under unwise leadership? I do not assume that you would be unwise enough should have light on that subject, and

want it particularly.

A. I think there is no possibility of the entire coal industry being paralyzed, al-though, under our law, it is within the it is not possible. Suppose, for instance, power of the board to do it. I might say, that this commission gives a decision that however, that the executive board will is satisfactory for any term of years, never inaugurate a strike except by the vote of the members themsleves.
Q. I do not want to be misunderstood

that they would all terminate at the end of five years, if that is the length of time fixed upon by our decision."

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

Q. Yes, That is a dangerous power to place in the hands of any one organize. and Western railroad ships targely?
A. Yes, sir.

Q. And along the Chesapeake and Ohio raffroad; there shipments have been restricted to fifty per cent this summer, And in Western Pennsylvania, you have had quite a number of strikes. My ob-servation is that their opposition is due to the same reasons which exist in the anthracite region; they may misunder-stand the motives, but they do oppose the encroachments of your organizers, stand the motives, but they do oppose ganization is, the more conservative and safe it becomes, because it is held to a One of the reasons there is, they claim, you are collecting a fund to force them to these contracts; collecting from individuals working for them a per centage theld to an accountability for what it of their wages, sometimes amounting to

three per cent., out of which the check weighman is paid—and that may amount to one-third of that three per cent.—and the other two per cent. going into your treasury; that that is for the purpose of raising a fund to fight them in the fu-ture. And there are quite a number of other reasons that you know of.

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

By Commissioner Watkins: Q. Have you or your representative prepared any data that gives exactly the number of days in which the breakers or mines work eight hours, seven hours of ten hours, during the year 1901, for in-A. No, sir.

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

They needed the conl? A. Yes, but they only worked an aver age of 196 days last year. You see, if they worked eight-hour days they would

have worked more than that.

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

Did Not Average Eight Hours. A. I agree with you. We have not the

data as to the number of hours the breakers ran, but I am in accord with you that a great many of them did not work eight hours, on the average.
Q. And that they did not work ten hours many days? A. I think you are quite right: I think a great many comfar as the Delaware, Lackawanna and pantes did not work ten-hour days. Q. And in making a change to eight hours, the question is, whether it not work out an injustice to the miners. That is a question that comes up in con-

to me that you or your officials might have that information A. No. we haven't it; but the companies have it.

Mr. Brownell: We will give it to you,

nection with that, and it has occurred

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

Mr. Brownell: We have all that data. By Commissioner Wright: Q. Will you tell the commission what

you mean, from a trades union point of The Witness: I think either side should as I understand it, means that the em-ployers shall make agreements regulatig the hours of labor, wages, etc., with the unions, and that the union, as such, shall be held responsible for the rigid

ompliance with that agreement.
Q. That is different from the popular idea of recognition of the union, is it not? A. It is very much so, indeed. It rare instances where parents may be inalso means that employes shall select human. chomever they choose to represent them in their meetings—that they shall exer-cise their own judgment about it. The ployes will adjust grievances; but where they cannot do it, rather than strike, we prefer the officials of the unions going in and adjusting the differences. Q. That is what you mean by recognition, from the trades union point of view. A. Yes, sir.

For Disciplining Members.

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

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

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

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

Q. Will you explain to the commission what is the difference? A. There is practically no difference;

they are the same weapon. If anything the black-list is the more baneful. I do not know whether the black-list is used new in the anthracite fields, but many of the miners believe it has been and believe it is. If a man loses his job in one mine he may hunt all over the anthracite region for another job and be unable to get one, without any reasons being assigned by those from whom he seeks employment. He is not took took took there is anything against him, but he is a reduction from ten to eight hours there is anything against him, but he is a reduction from ten to eight hours unable to get work. Many years ago that yes, sir; we would not make it otherwise.

Q. That means that ft is fair for the Q. That means that ft is fair for the gent hours. man might go all over the country hunting for work in the coal fields and would not be able to get it. I do not think would that that is so now, and I do not think that has been done to any extent in the anthracite field during recent years. Q. You condemn both the boycott and the black-list, do you? A. Yes, dr. I do; except as I modify the boycott to where

t is legal and lawful. Mr. Gowan then brought out the dec

laration of Mr. Mitchell, made at the ime of the last Indianapolis convention, in which the miners president spoke in apprehensive tones of the dread possibility of all the miners

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

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

Examined by Mr. Ross.

Mr. Ross began the proceedings with in inquiry into conditions in the Illinois coal fields, with a view of showing that the conditions here are comparatively good. Mr. Ross is closely nterested in some Illinois coal operations, and consequently in a position to ask some very particular questions. In response to Mr. Ross' questions, Mr. Mitchell told in detail of the work,

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

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

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

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

The witness could give no specific in-Western collieries were concerned. He said other witnesses would tell of those

No Company Stores.

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

ered with mortgages. By Mr. Ross: Q. Mr. Mitchell, you ave given us a reason why we should increase the rate of wages to our miners, that "the wages of the anthracite mine Commissioner Watkins: I wish we could have something that would be workers are so low that their children are prematurely forced into the breakfairly representative of the average conditions; perhaps you could agree with the companies as to how that would be and educated upon the earnings of their parents." A. Yes, sir.

Q. Can you cite to me any specific instance of that kind among our employes?

A. Yes, sir, your breakers are full of little bits of boys, and the mills around here view, by the recognition of the union? have got many little girls working in A. Yes, sir. The recognition of the union, Q. Are they forced in there by reason of the fact that their parents cannot make sufficient wages to prevent them from doing that? A. I can imagine no other reason that would induce any parent to send his little children to work instead of to school, except that they re-

Q. I wish, Mr. Mitchell, if you can before this hearing is over, you would cite some specific instance where our unions themselves prefer that adjust-ments should take place between the employes themselves and the companies, if dren into the mills or into the breakers, that can be done, that the actual emin improving the conditions of our emloyes, and if you can cite any instance of that kind. I want to assure you tha we will do the best we can to remedy the

conditions and bring that about. Q. Now, Mr. Mitchell, do you take the osition before the commission that the niners' helpers are entitled to as high arnings as the miners themselves? A

No. sir; I do not.

Q. Why not? What is your reason for that? A. They do not require the skill that the miners do. They have not the esponsibility that the miners have and do not require the degree of training the miners do. Those are reasons hat the miners do. why the wages should not necessarily be Q. As a matter of fact, they are mere

pprentices, are they not? A. Well, they are laborers. Are on the Way.

Q. What is that? A. They are laborers. do not know that they are apprentices although they are on their way goal where they finally get to be conract miners.
Q. Yes, and is it not a fact that very

ew helpers work as helpers after they have been working in that capacity for two years? A. I presume that most of them try to get a certificate and become Q. As a matter of fact, they do, in this

territory, do they not? That is, in pros-perous times like these, when there is a lemand for coal? A. Thirty-six thousand niners have managed during the last fifteen years to get to be contract miners. Q. Coming down to your second de-mand, Mr. Mitchell, I want to see it I understand that right. I take it that your meaning is that the hours of labor should be reduced from ten to eight

hours, and the result of this is an increase in the rate of wages, by the eight-hour day. Is that the final conclusion of that demand? A. That is what would be the result; yes, sir. It to an increase of 20 per cent. Q. I believe it amounts to an increase of 25 per cent, when actually worked out.

would not amount to as much as a 20 per cent. increase to the companies, likely, Q. And by making that change, grantwhat your view is, from a trade union ing this demand which you made, the in-noint, of the black-list and the boycott; crease in wages would be 25 per cent. and the output, that is the production would be how much? Twenty-fi cent.? A. I should say not. I think that it would decrease your annual production at all.

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

> Q. Have you any idea how many hours we do work? A. I have some data upon it, but I have not got it right here.
>
> Q. Do you think that is a fair demand a day, for six days in the week? A. Yes,

Question of Earnings.

Q. If the rate of wages baid to miner for mining a car of coal was fair you would not be making this demand for paying by weight, would you? If the was paid a sufficient rate of wagefor mining each car, so that his earnings

(Continued on Page 5.1