

### OPENING OF OPERATORS' CASE

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ever, came from the commission on "recognition."

#### Have Had Hard Luck.

In addition to stating that the earnings they received were divided among four men instead of two, as represented by the company, the fathers of the little silk mill girls, who had been criticized for allowing such small children to work nights, told of having had extremely hard luck, as a further excuse for their seeming lack of natural parental feeling. John Demko told of burying six children in five years and having had his wife in an asylum. Peter Shicach told of having an invalid wife and large family of small children. His little girl wanted to work in the mill and gave up a day job to go on the night shift. Judge Gray suggested to both fathers that they ought to take the little girls out of the mill. It would be better, he said, to get them positions as domestics, if it was really necessary to have them work.

Major Warren disputed the claim of the other side that the places of these miners were worked four-handed, as the system in vogue at these collieries was to work a place two-handed.

Judge Gray invited General Manager May to the stand to throw what light he could on the question in doubt. Mr. May said the company keeps no record of how many men work in a place, under a contract miner. It may be possible, he admitted, that in the instances in question the places were worked four-handed, but the likelihood, he said, that it was two-handed, because the two-handed system prevails at this colliery. The matter would be looked up, he said, and the commission informed. He thought it would be very difficult to determine this, as the company has no record of any kind of how many men work on a contract.

Judge Gray expressed much concern over this matter, as it raised a question about the adequacy of all the Pennsylvania company's figures. He particularly requested that the commission be informed as to whether or not the earnings set forth in the statistics applied to two men or four men.

Mr. Darrow was disposed to characterize as unfair the action of the company in giving it out that the wages represented the earnings of two men when it was not sure but that it might be for four men. Major Warren remarked that Mr. Darrow was questioning the good faith of Mr. May. Mr. Darrow replied that he was directly challenging Mr. May's good faith, and repeated his assertion that the action in question was unfair and unjust.

#### As to Factory Laws.

Earl W. Bishop, deputy factory inspector in this district, was the first of

the commissioners' witnesses to be called to the stand. Judge Gray conducted his examination. He told that his district comprises the counties of Lackawanna, Wyoming and Wayne, and gave an outline of what his duties consist of under the law. Judge Gray asked him particularly about the law requiring those between the ages of thirteen and sixteen working in factories to be supplied with a sworn certificate showing their ages and setting forth that they can read and write English. Mr. Bishop said that when he goes into a factory he demands those certificates and looks them over. If he finds a boy or girl between thirteen and sixteen who has been employed without first producing a certificate, he takes the employer to task. Under the law it is his duty to prosecute, but it is within his discretion to forego prosecution if the employer gives assurance he will not offend again. He told of one instance in which he prosecuted an employer for permitting a girl to work without first presenting a certificate.

The certificates are, as a rule, made out before some alderman or justice of the peace, he said, and admitted the statutes are, in some instances, apparently very lax in issuing them. The inspector is bound by the certificate, the witness declared. Even though the inspector is satisfied in his own mind that the boy or girl is under age, he can do nothing. He can go behind the certificate.

In looking over the Pennsylvania statutes on child labor, Monday, Judge Gray found a law providing that no person between the ages of thirteen and sixteen shall be employed in a factory or mill for more than nine calendar months of any one year, and then not unless he or she has attended school for three months of the year. Judge Gray read the law to the witness and asked him if he knew of its existence. Mr. Bishop said he had no knowledge of any such law. He produced a circular from the state department of labor containing a digest of the laws pertaining to the duties of an inspector, and no such law was mentioned among them.

Judge Gray and a number of the lawyers discussed this matter at some length, and came to the conclusion that this law must have been repealed by provisions of the new general factory inspector law and the compulsory education law.

#### Retrospective Legislation.

The judge said he hoped the legislature would re-enact this law, if it is a fact that it has been nullified. He did not want to appear critical, but it looked to him as if this was retrospective legislation.

There is nothing in the law, it developed, forbidding young children or females from being employed at night. The judge thought this would also be a good matter for the legislature to take up.

The attention of Inspector Bishop was called to a clause of the factory laws providing that not less than forty-five minutes shall be allowed em-

ployees for their "noonday" lunch, and Judge Gray asked him if this was strictly enforced. He answered that if two-thirds of the employees petition for a shorter period, he permits it. They frequently petition, he said, that they may shorten the time they will be in the factory.

In the counties of Lackawanna, Luzerne, Wyoming and Wayne, which formerly constituted his district, Mr. Bishop stated there were 1,240 boys and 1,688 girls between the age of thirteen and sixteen employed in mills and factories. He had not at hand the figures in his present district.

Edward Roderick, of the First district was the first of the inspectors called to the stand. He is often accompanied by a boss he said, when making an inspection. It is desirable to have the boss along that defects can be pointed out to him and suggestions made for improvements. The inspector does not visit all the working places in a mine on each inspection, as it would be a physical impossibility. He uses his own judgment as to what parts of the mine he will inspect and what mines he will inspect most often. Some mines are inspected once a year and some fifteen times a year.

It was probably true, he said, that some miners don't see the inspector very often because they are out of the mines before the inspector reaches the place. He has met men coming out at 5 o'clock in the morning, with their day's work finished. The miners of his district do not average five hours' work a day. The miners talk to him

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