

COAL MINE OPERATORS DEFY THE PRESIDENT.

(Continued from First Page.)

coal to be mined until their demand is complied with.

In spite of this defiance, however, it cannot be believed by sane and conservative men in Washington that the persons who yesterday denied the right or privilege of the President to interfere in the public interest will continue the strike.

On the contrary, the conviction is deepened and widespread here that they are only bluffing and that within a few weeks—maybe a few days—they will yield and thus avert a more serious form of trouble than is now annoying them.

In fact, it is suspected in some well informed circles that there is behind most of the men, particularly the railroad managers called into conference by the President yesterday, hidden influences that they cannot ignore and that control their astonishing conduct.

What these supposed influences are or who directs them are questions which probably will be exposed in the developments of the near future.

ACTUATED BY POLITICIANS. It is no secret, however, that in the minds of most men who watched closely yesterday's proceedings at the White House the attitude of the railroad managers was determined by the wishes of a group of persons of wide influence and vast financial interests who are determined to defeat President Roosevelt's nomination to succeed himself, if that is possible.

This belief is based upon the supposition that in the opinion of the conspirators the President's failure to bring the hostile elements together in a temporary truce, if not a permanent arrangement for peace, will weaken him before the country and that thus the first important step in the movement to defeat his nomination in 1904 will have been taken.

A part of this alleged scheme, of course, is that when the country becomes fully aware of the President's failure-influences antagonistic to him will assert themselves and settle the strike.

If this accounts for the position in which the coal road presidents have placed themselves, and if President Roosevelt has been made aware of the motives which control them, there is not the slightest evidence that they have frightened him. Indeed, he is more determined than ever to put an end to what he regards as a national menace and an intolerable condition.

NO SECOND STATEMENT. It had been understood all last evening that the President would reply to the addresses of the coal road managers in which he would more fully define his position, together with some indication of further action contemplated by him.

Just before midnight, Secretary Cortelyou, who was on duty all day with the President, gave out a pamphlet containing all of the addresses, which had been given to the newspaper men early in the evening by the President's visitors.

In this pamphlet was reported everything that was said or done at the conference. At least that is what it purports to do. It was printed at the Government Printing Office, and represents one of the quickest pieces of work ever turned out by that establishment.

The only portion of the pamphlet, not contained in other statements given out, was a response of John Mitchell to an inquiry from the President whether he could add anything. Mr. Mitchell responded:

"The charge made by the gentlemen that twenty murders have been committed in the anthracite coal regions during the present strike is untrue. If they will name the men, and will show that they have committed the murders, I will resign my position. That is a fair proposition.

"Mr. President, that is a fair example of how our organization and our people are maligned. The truth of the matter is, as far as I know, there have been seven deaths, unfortunately. No one regrets them more than I do. Three of them were committed by the Coal and Iron police, and no one else has been charged with them. God knows the miners do not escape being charged with everything done there. They speak about burnings.

FEELS THE ATTACKS KEENLY. "There was a reward offered for burnings. I can bring affidavits of a hundred people, if necessary, that the lightning caused one burning that they charged to the United Mine Workers. Mr. President, I have admitted on more than one occasion that there has been some lawlessness, but I will say that a large portion of such lawlessness has been provoked by criminals who have been brought into the anthracite regions to recruit the Coal and Iron police. I want to say, Mr. President, that I feel very keenly the attacks made upon me and my people, but I came here with the intention of doing nothing and saying nothing that would affect reconciliation."

IGNORE MR. MITCHELL. The President then asked the representatives of the anthracite companies whether they would accept Mr. Mitchell's proposition. They answered "No." In response to a further question from the President they stated that they would have no dealings whatever with Mr. Mitchell looking toward a settlement of the question at issue, and that they had no other proposition to make, save what was contained in the statement of Mr. Baer, which in effect was that if any man chose to resume work and had a difficulty with his employer, both should leave the settlement of the question to the judge of the court of common pleas of the district in which the mine was located.

At about 5 o'clock the conference was brought to a close without agreement.

WHAT PRESIDENT MAY DO. Secretary Root was plainly hopeful yesterday morning that some good would be accomplished by the President's characteristic entrance into the fight, but Attorney General Knox has all along been known to have held that the President has no legal right under the Constitution and the laws to take any

part in the controversy, beyond expressing his individual desire for an agreement between the miners and the operators.

Judging from what the members of the Cabinet and others say, the President cannot now go further than to convene Congress in extra session and ask for the necessary authority to operate the anthracite coal mines by the force and power of the United States Government. But the lawyers among the President's advisers are clearer in their minds that even Congress has no power to send the troops of the United States into the State of Pennsylvania unless by the request of the Legislature or governor of that Commonwealth.

The governor of Pennsylvania has made no request for troops and has never intimated to the Government at Washington that a state of lawlessness exists in the State of Pennsylvania. To the man up a tree, therefore, it looks as if the President of the United States had exhausted his power in his effort to bring the coal operators and the miners together, and that he can go no further.

WILL NOT HESITATE LONG. It is not at all certain, however, that this is the President's view of the case. President Roosevelt believes that the people of the country will back him up in his attempt to force the owners of the mines to operate them, and he professes not to be afraid of any chances of political defeat that he may take in championing the cause of the people.

It is thought that the President will not be long in making up his mind to take some definite action. After having learned the sentiment of the people with relation to the proceedings at the White House yesterday, he is expected to make some move in the direction of carrying out his implied promise to the people to see to it that the mining of coal shall be resumed, and the famine ended before the approach of cold weather.

All Washington is waiting with bated breath to see what the President will do next, and undoubtedly the whole country is in the same state of painful suspense. In the opinion of those who know the President best, the people will not have long to wait. It is possible that he may, after reflection, decide to do nothing. This is the opinion of some of the wisest heads in his Cabinet.

BUT ONE CABINET MEMBER ATTENDS CONFERENCE. Attorney General Knox and Commissioner Carroll D. Wright Present as Mr. Roosevelt's Advisers.

Attorney General Knox was the only Cabinet officer present at the conference. He, with Secretary Cortelyou and Carroll D. Wright, the Commissioner of Labor, acted as the President's advisers. They remained with the President several minutes after the conference came to an end. It was important that Attorney General Knox should be present, because any future action on the part of the Administration might fall under his department.

Although it has been declared by many lawyers an absurd proposal to appoint receivers for the railway companies and coal trust on the ground that their business has proved disastrous to commerce and industry in general, it is still held by other able legal talent that inquiry into the Federal laws may develop a feasible and legal process by which the district attorneys in Pennsylvania could take charge of the coal mines and force transportation.

Attorney General Hopeful. Comments on the future action of the Administration are generally withheld, especially because officials have hopes that a settlement of the strike arranged by the representatives of the employers and the employees is now only a question of a short time. Attorney General Knox said that he had hopes of a settlement. Beyond this he would volunteer no expression, except that the disputing conferees had failed to reach an agreement, the meeting had closed, and there was no reason to believe that the men present today would again consult the President at a formal conference.

Further aggressiveness on the part of the President is at present only a subject of conjecture. He established the following: That the railway companies and the mine proprietors are willing to submit each controversy between individual miners and employers to the judge of the court in the district where the disputants live, and that, by the proposal made to the President, the laboring men are willing to submit the dispute to a board of arbiters or a tribunal appointed by the President. In a sense both of these schemes amount to arbitration.

Mitchell Well Treated. Reports were spread broadcast yesterday forenoon that Mr. Mitchell had departed from the White House indignantly on account of the treatment of the operators. But with authority this has been contradicted, it being added that the personal interchange of opposing views was as cordial as possible, and that each man bade the President good-by with a hearty handshake.

Carroll D. Wright, United States Commissioner of Labor, arrived in Washington early yesterday morning. He traveled 500 miles from Massachusetts to comply with the wishes of the President. Having been assigned to investigate and report upon the coal strike several weeks ago, the President felt that Commissioner Wright would be a valuable adviser at the conference.

A. J. Cassatt, president of the Pennsylvania Railroad, and R. M. Olyphant, president of the Delaware and Hudson Railway, were the only men originally invited who did not attend the conference. They sent excuses that unusual business demanded their attention. Mr. Olyphant was represented by David Willcox, vice president of the Delaware and Hudson Railroad.

In his talk with the President prior to the conference Commissioner Wright told a number of things which are not contained in the written report he made of his investigation of the anthracite strike.

Colonel Wright, it is understood, scored both sides of the pending struggle vigorously. He declared that it would be a great mistake unless this strike were settled in such a way as to bring about a complete reorganization of the anthracite mining industry.

It was, he said, little short of an outrage that the operators had attached to their pay rolls, piece basis, almost twice as many men as they needed from among the swarms of European immigrants. This redundancy of the labor market was doubtless intended to avert labor troubles, but instead of that, by reducing the annual income far below what it might normally be and by its invitation to idleness, it had brought about the trouble.

Inferior Labor. The low average of income from this system has resulted in a class of labor far inferior racially to that which had once operated the mines and had exhibited itself in the brutality and violence of the recent weeks. The mechanical equipment of the mines themselves is not up to date, the Commissioner said. There has been too much of the spirit on the part of the operators to see how much could be made out of the property without sufficient regard to broader obligations or ultimate results. Colonel Wright is inclined to believe, however, that there was not such a combination among the operators as to bring them within the pale of the trust proceedings and that a legal investigation of this point would find the operators pretty well entrenched.

The objections which they had to the "recognition" of the Mitchell union were not, the Commissioner pointed out, wholly fanciful. There was a danger in the union of hard coal with soft coal miners. Proper discipline in the mines was threatened by too much unionism, he thinks.

SAYS RECORDS SHOW PURPOSE OF UNION. David Willcox, of the D. & H. Road, Reviews Strike and Position of the Miners.

Vice President David Willcox, of the Delaware and Hudson Railroad, submitted the following to the President: "Mr. President, The United Mine Workers of America is an association composed of a large number of miners and laborers engaged throughout the country in mining anthracite and bituminous coal, and employed by the owners of the mines.

"It has divided the whole country into various districts, each of which is represented by a so-called president, and embraces local unions, and it seeks to compel everyone engaged in the industry to join the organization.

"The affairs of the association are managed by an executive committee having its headquarters at Indianapolis, and by conventions called from time to time representing the entire organization. The object and practice of the association are so far as possible to regulate the supply of labor engaged in the occupation of coal mining throughout the country and the terms of employment thereof.

One Central Body. "It thus consists of one central organization which restrains and controls the production of fuel everywhere throughout the country and monopolizes the labor engaged therein. These are its purposes and results. Its ultimate object is to control the entire fuel supply of the country.

That was an effort to organize a universal association of railroad employees covering the whole country, for the purpose of controlling interstate commerce.

Regulars Were Used. "The Government instituted suit by injunction and when the injunction was disobeyed enforced the same by the use of the United States Army. This quick disposal of the matter, and the action of the Government was upheld by the courts.

"The true course for the National Government is, therefore, to proceed in accordance with the precedent in the Debs case. These considerations were called to the attention of the President and the Attorney General last June.

Trying to Mine Coal. "The anthracite coal companies are making every effort to mine coal as rapidly as possible. They are obstructed by the failure of the State authorities to fully protect those who desire to work for them and by the failure of the National Government to enforce the statute under which the Mine Workers' Association has been already held to be illegal.

"As soon as action of that sort is effectively taken there can be no doubt that the supply of coal will be ample. The question at present is merely whether an unlawful association shall be permitted in this country by means which are illegal to decide who shall be allowed to work, what shall be his hours of work, and what he shall be paid.

"This is contrary to the spirit and the letter of our laws. If they are enforced such an effort will cease at once, well entrenched.

Operators Are Busy. "While the United Mine Workers have been endeavoring ever since the strike began to prevent the production of coal, the operators have been actively seeking to increase the same, and are now actually producing about 15 per cent of the normal output.

"This company now has about 1,000 men engaged in the business. The production is steadily increasing, and the rate of increase would have been more rapid, but for the failure of the State and National Government to protect the lives, liberty and property of those desiring to work for the operators, and to protect the operators from the onslaught of this illegal combination to restrain and monopolize the entire fuel supply of the country.

"If the functions of government in this regard were efficiently discharged, production would be rapid enough to supply all necessities. Grave as are the matters mentioned in the President's memorandum, the questions fundamentally involved are even more serious.

"They are whether freedom of life and property are to continue in this country or are to exist merely in accordance with the will of combinations and conspiracies which are prohibited by the Constitution and the statutes and the common law, and whether this company's faithful employees are to be delivered to the destruction which surely awaits them in the case of the triumph of the Mine Workers' Association.

Pea for Relief. "This company respectfully and earnestly urges upon the President the use of his lawful powers in the premises, which was made in the Debs case by one of his predecessors, and which was sustained by all the courts. If the National Government would now enforce the law with equal promptness the strike would end next week.

"The representative of the United Mine Workers has now stated that its members are willing to return to work and he has recently said that he did not demand official recognition of the union, notwithstanding that the Shamokin convention of March last resolved that the employment of non-union men should be a cause for striking.

"The condition of returning to work which he makes is that a commission be appointed by the President to investigate existing conditions and that the mine workers and the operators agree to abide by its recommendations. The personal of such a commission is uncertain; its action would be without authority of law or precedent, and it would be without knowledge of the varying conditions in the different collieries and regions.

"This company has no power to commit the welfare and existence of the property to such uncertainties. Moreover, as already pointed out, the mine workers is an illegal body and has no lawful control over its members.

"This is shown by the fact that after the settlement of 1500 local strikes were more numerous than ever and that its representative is now constantly counseling against violence while nevertheless outrages and murders are of constant occurrence. He must, therefore, be powerless or insincere and any assurances as to the future would be without value.

"These are the local officers of the law having knowledge of the facts. It is willing, therefore, in case of a resumption of work, to add to its notice already posted a provision to that effect, and similar to that in Mr. Baer's contract. This would be as follows: "If the employer and employees at any particular colliery cannot reach a satisfactory adjustment of any alleged grievance it shall be referred to the judges of the court of common pleas of the district in which the colliery is situated for final determination."

COAL OPERATORS' SIDE OF THE GREAT STRIKE. John Markle Briefly Outlines Their Position and Pleads for President's Aid.

At the afternoon conference John Markle presented the following statement: "Mr. President: 'I have listened with deep interest to the remarks that you made, and do

thoroughly appreciate the seriousness of the situation in the anthracite coal field of Pennsylvania. As you disclaim any right or duty in this way to intervene in your official capacity, but are using your personal influence, and as you admit this matter is beyond the merits of the issue between the coal presidents and operators on one side, and the miners on the other, and you express the fact that the 'situation has become literally intolerable,' and as you further state, 'The evil possibilities are so far-reaching, so appalling, that it seems to me that you are not only justified in sinking, but required to sink for the time being any tenacity as to your respective claims as to the matter at issue between you. In my judgment, the situation apparently requires that you meet upon the common claim of the necessities of the public. With all the earnestness in me, I ask that there be an immediate resumption of operations in the coal mines in some such way as will, without a day's unnecessary delay, meet the crying needs of the public.'

Points to Anarchy. "I fully indorse these remarks from you, and as an American citizen, and a citizen of the Commonwealth of Pennsylvania, I now ask you to perform the duties vested in you as the President of these United States; to at once quell the anarchistic condition of affairs existing in the anthracite coal regions by the strong arm of the military at your command.

"A record of twenty-one murders, a long list of brutal assaults, houses and bridges dynamited, daily acts of violence now taking place, and several washeries burned down, are actual evidences of this condition of lawlessness existing there.

"Are you asking us to deal with a set of outlaws? I can hardly conceive of such a thought. The respectable citizens of these United States will insist upon the officers in power giving to the citizens of Pennsylvania law and order, and the right to work if they so desire.

Plea for Workmen. "Mr. President, I represent the individual coal operators, and in addition thereto we represent, far better than Mr. Mitchell does, a majority of the anthracite coal workers, including some seventeen thousand men who are now working, endeavoring against great odds to relieve the public of the possibilities of a coal famine, in making this appeal to you.

"Mr. Mitchell's organization is a small majority of the total number of workers in the anthracite coal field, and he is holding a large majority by intimidation, coercion, and attempts at bodily harm. If you desire anthracite coal to be placed in the market quickly, take the necessary steps at once, and put the Federal troops in the field, and give to those desiring to work proper protection.

"By proper protection is meant that the men desiring to work shall not only be allowed to do so, but shall be protected while doing so; at their homes, while going to and from their work, and at the operations where they are employed; and in addition to this, while the men are absent from their homes at work their families in their homes must also be protected.

"You do this (the citizens of the United States whom I represent seem to feel that they have a right to ask this of you), and I will assure you that anthracite coal will be rapidly placed in the market to relieve the seriousness of the situation.

Idle Class of Men. "Please remember, Mr. President, that there is a large idle class of men now in the anthracite coal fields, taking every kind of unlawful act to prevent those who desire to work to relieve the situation in the anthracite coal market. Please remember that in the field now are only three thousand National Guard, please remember that the total National Guard of the State of Pennsylvania is only about ten thousand.

"Mr. President, a condition exists, not a theory, in the anthracite coal field, between a set of professional agitators and their co-workers on the one side (anarchistic in their acts), and the operators and a majority of the working men on the other, who are endeavoring

(Continued on Third Page.)

DIED. MOORE—On Friday, October 3, 1902, at his parents' residence, 423 South Lee Street, Alexandria, Va., ALTON, son of Harry Moore, aged thirteen months. Funeral Saturday afternoon at 3:50 o'clock from his parents' residence. ml

IN MEMORIAM. In loving remembrance of ELIZABETH NEWMAN, who died October 2, two years ago yesterday. When she was by a angel led To the bright world on high. She saw what joy awaits the dead When up to heaven they fly. By her daughters, Mrs. J. Proctor, and Mrs. J. Murray.

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HON. GEORGE M. SHARP, LL. D., (Associate Justice of the Supreme Bench of Baltimore City.) On the Law of Insurance.

RALPH C. MINOR, LL. D., (Professor of Law in University of Virginia.) On the Conflict of Laws.

WILLIAM C. WOODWARD, M. D., LL. M., On Medical Jurisprudence. Court of Appeals: HON. JOB BARNARD and HENRY H. ROBINSON and HOLDSWORTH GORDON, Clerk of Courts; HENRY W. HODGES, LL. M., Examiners; and HENRY W. SOHON, Quiz Masters; R. ROSS PERRY, JR., A. M., LL. M., and RICHARD H. COFF, LL. B., SAUPEL, M. W. KEATMAN, A. M., Secretary and Treasurer. HENRY W. HODGES, LL. M., Assistant Secretary.

The thirty-third annual session opens on WEDNESDAY, OCTOBER 1, 1902, at 6:30 p. m., in the Law School Building, 200 and 202 E Street northwest, at which time announcements will be made for the ensuing term. All interested are cordially invited to attend. The Secretary will be in his office in the law building daily from 6 to 7 p. m., for information, enrollment, and other matters. Students proposing to connect themselves with the school are earnestly requested to enroll before the opening night.