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The Cherry Mine Disaster

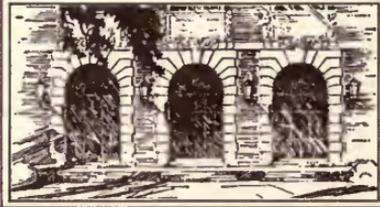
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STATE OF ILLINOIS

# Bureau of Labor Statistics

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REPORT ON

## The Cherry Mine Disaster

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ISSUED BY

The State Board of Commissioners of Labor

David Ross, Secretary

Springfield

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- I. THE CHERRY MINE DISASTER.
- II. THE PUBLIC'S RESPONSE TO THE NEEDS OF THE VICTIMS.
- III. THE SETTLEMENT WITH THE ST. PAUL COAL COMPANY.
- IV. INDUSTRIAL ACCIDENTS—COMPENSATION VS. LITIGATION.

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# THE CHERRY MINE DISASTER.

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## INTRODUCTORY.

The appalling loss of human life caused by the fire in the coal mine at Cherry, Ill., calls for something more than a mere recital of the number and names of those who perished. Experience prepares us to expect death at any moment in the mines. Its dangers are so obvious, and seemingly inevitable, that the results in dead and disabled can be figured almost with mathematical precision. Our casualty lists, extending back as far as we have any authentic history of the mine industry, attest the awful toll in life and limb inexorably exacted as a penalty which those who pursue such employment must sooner or later pay. Here at least is one sphere where the rules of immunity have no application. The record shows that with every so many tons of coal, there is lifted to the sunlight the bruised or lifeless bodies of men.

We have in a sense become accustomed to the annual loss of hundreds of mine workers distributed quite uniformly through the working days of the year, lives that are separately but regularly offered as a sacrifice to the demands of the industry, and the slaughter proceeds without exciting any special public comment. Comparatively, it is the great things that impress us, the extraordinary events that compel attention, and the extinction of two hundred and fifty-nine lives in a single accident constitutes a calamity unprecedented in the annals of mining in this State, fully justifying a report, giving somewhat in detail the cause and consequences of the catastrophe; the manner in which a sympathetic public rose to meet the necessities of a suddenly stricken people, and the commendable attitude of the St. Paul Coal Company, as evidenced by the money settlement it has made with the members of the bereaved families or their representatives.

In order to fully understand the conditions under which the fire originated, it is necessary to know the general plan on which the mine was being operated. A first seam was struck which was not operated. Two seams of coal were being mined, the second at a distance of 320 feet from the surface, the third or lower seam at a depth of 485 feet. The lower seam was in process of development. Substantially all the coal mined from the time the shaft was sunk until the day of the disaster had been taken from the second level. While the main hoisting shaft extended to the bottom vein, the cages in that shaft did not descend below the second level. All material intended for use in the bottom vein was lowered in the main shaft to the bottom of the second level and from there transferred to the escapement shaft where, by a

separate engine, operated from the surface, it was lowered to the bottom seam. So also in the matter of coal or other material hoisted from the bottom seam, the escapement shaft was used to bring them up to the second seam where they were transferred to the bottom of the main second level and from there hoisted in the main shaft to the surface.

The illustration on page 11 indicates the general plan of hoisting, showing also the emergency cage from the bottom to the second level in the main shaft.

Immediately after dinner on the 13th day of November, 1909, a car loaded with baled hay, intended for the use of the mules in the lower seam, was let down the main shaft.

Upon reaching the landing of the second seam, which was the destination of the cages in the main shaft, the car and its contents were taken off, transferred by means of a runabout and started in the narrow passageway leading to the airshaft, from which point, in accordance with the practice, it was to be sent to the seam below. A like operation had been performed successfully on all other occasions, but on this one it failed. Fate, utilizing all the agencies of human frailty, was evidently busy arranging the scenes for a great tragedy, and circumstances, seemingly simple in themselves, combined to create a situation involving the imprisonment and ultimate death of more men than ever before occurred at one time in the history of the State.

Associated with all great calamities are some simple, curious, or mysterious causes. The burning of baled hay, the initial cause of the Cherry disaster, has never been fully explained or clearly understood. Under ordinary circumstances, compressed hay will not burn. It has been the practice in some mines to construct stable partitions of that material and in instances where stable fires occurred everything combustible except the partitions was consumed. It has frequently been exposed to intense fire and heat with the result that only the broken ends on the surface were scorched and blackened.

The facts as developed by the testimony in this case are that the car containing six bales of compressed hay in its journey to the airshaft had stopped immediately at the side of, or directly under, one of the burning torches temporarily used to illuminate that portion of the underground workings. Its detention at that point was of short duration but long enough to permit the hay catching fire, a condition that some suppose was made possible by its becoming saturated with oil dripping from the lighted torch. Open lights in the connecting passageways and about the shaft bottoms had been used for several weeks prior to the fire. Before that time electric lights were employed. Some delay was experienced in filling the order to replace the destroyed electrical wiring, the new supply having reached the mine on the morning of the fatal day.

From the moment the burning hay was discovered, until the car containing it was finally dumped down the airshaft, not to exceed thirty minutes elapsed, during which time the cagers, Alex. Rosenjack and his assistant, Robert Dean, and the others who aided, acted like men who had confidence in their power to control the situation. That the feeling existed that there was no real danger from the fire and that

it could be extinguished without peril to life is indicated by the testimony of men who, in passing it on their way to the surface, stated they could have put it out easily with their coats. One of them when asked why he did not do so said he had an important appointment in Peru and that he must take the 1:30 cage, otherwise he would have to remain in the mine until the next cage for men at 3:30 p. m. In the meantime the struggle with this new agency of death in the mine continued until the fire fiend closed the last avenue of escape and the country was startled with a report of the greatest mine horror of modern times. The following general description with plans of the mine, including the testimony given by certain witnesses at the coroner's inquest, are in part copied from a published report approved by Duncan McDonald and members of the Illinois Miners' Executive Board. Where reference is made to page numbers, it relates to the statement made by witnesses before the coroner's inquest. The record of the testimony taken fills 900 pages, and while it is all interesting it is not necessary for the purpose of this report to duplicate it here.

## DESCRIPTION OF THE MINE.

### MAP "A."

Map "A" is a cross-sectional view of the Cherry mine, looking to the northeast.

Above the main shaft is a steel tippie, which extends 90 feet above the surface.

Immediately back, or south, is the engine room which supplies the power for hoisting cages in the main shaft.

The fan is located a short distance south of this engine room.

The main shaft is 12-ft. 8-in. by 16-ft., and the depth of the shaft is 485 feet in all (pp. 29, 30, 73, 83, 261), the distance from the surface to the second vein being 320 feet, and from there to the third vein 165 feet.

The first vein was not in use, being of no commercial value.

The distance from the main shaft to the escape shaft on the surface is about 225 feet (p. 261).

The escape shaft is used for the down cast and the main shaft for the up cast (p. 261).

In the main shaft there are two cageways from the tippie to the second vein, in which there are two cages which act as a counter balance to each other. These are 6x16 feet in size.

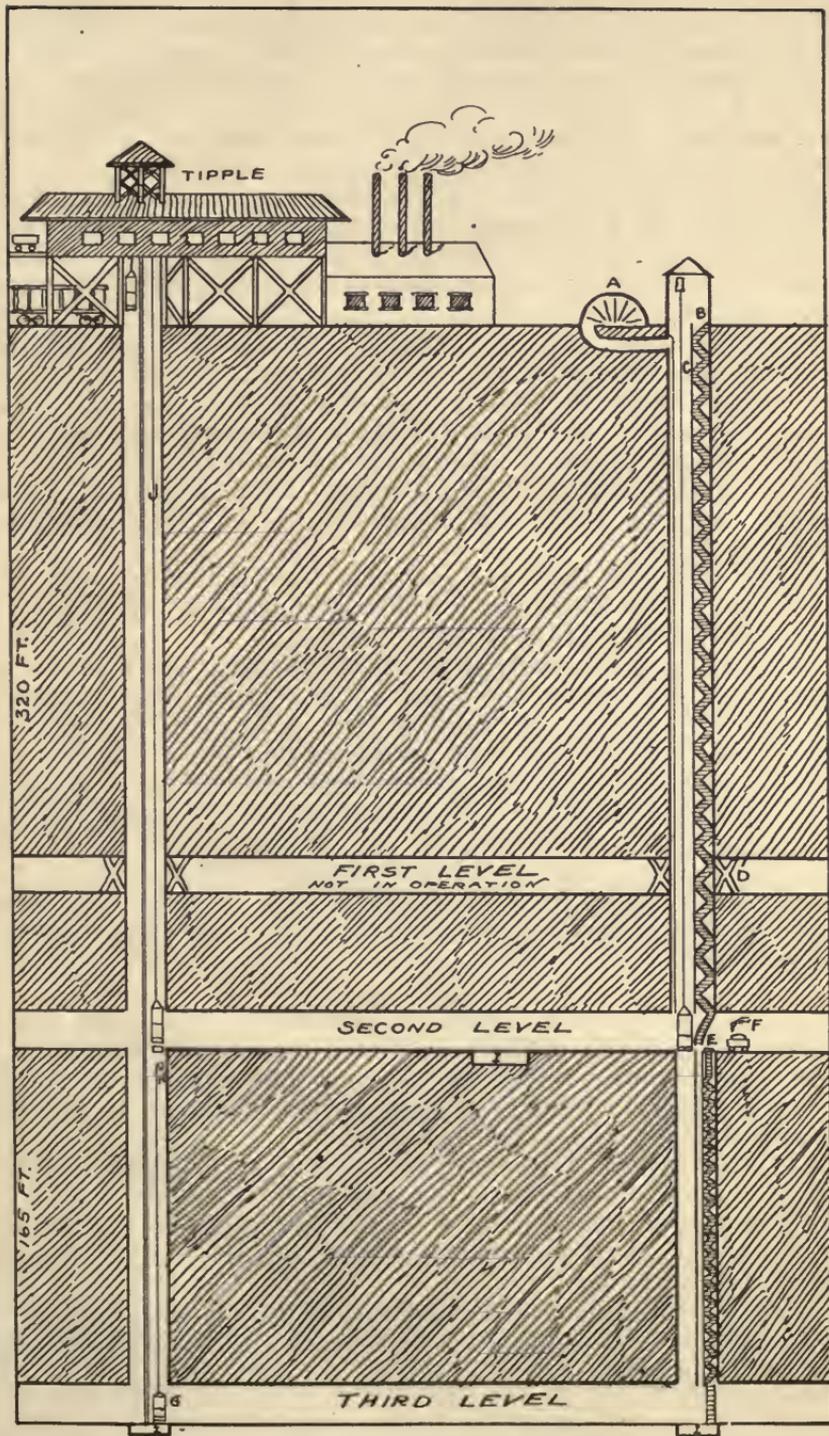
The cageways are separated by pine timbers 8x12 inches (p. 261), and running in length across the shaft.

At the bottom of the second vein there is a sump constructed of wood and iron; that is, a space under the cages, in which there are wooden doors lying flat, with a perforated iron plate or screen covering them, and which may be removed.

On the third vein bottom there is a small cage, 6x15 feet (p. 773), and a cable attached to a hook which, in turn, is hung upon a projection near the bottom of the second vein. This is adapted so that by removing the doors covering the sump below the main cages it may be attached to the main cage and hoisted from the third to the second vein. This cage was never hoisted but once, and that was at the time it was constructed by the carpenter (pp. 754 to 770).

This cage was so constructed that it was to be operated by being drawn up within about 10 feet from the bottom of the second vein. There the occupants were to get off on a platform, marked on the plat, and from

## MAP A.



*a* Fan. *b* Escape shaft. *c* Third vein hoisting shaft and air shaft. *d* Timbers closing first vein. *e* Trap door at the top of the stairway on second level. *f* Torch where hay caught fire. *g* Small cage to be attached to main cage above. *h* Hook for attaching to main cage. *i* Sumps. *j* Main hoisting shaft.

there go up on a ladder a distance of about 10 feet to the main bottom. This cage was constructed about two weeks before the date of the accident by Mr. Jones. (See Jones' testimony, p. 754.)

The escape shaft runs from the surface to the third vein, and is 12-ft. 6-in. by 7-ft. 10-in. (p. 261). From the surface to the second vein there were two compartments, in one of which was a stairway, the stairs running at an angle of 45 degrees, with a platform, as provided by law. This compartment was 3-ft. 5-in. by 7-ft. 10-in. Separated from this by planking was the compartment which was used as a down-cast or air shaft, which was 8-ft. 4-in. by 7-ft. 10-in. At the second vein the air parted, a portion of the current going to the southeast and a portion to the northwest.

From the second vein to the third, in this shaft, there were three compartments—one used for a stairway, one for a cageway, and between the two a chamber for the down-cast and the counter-balance for the single cage which was operated between the second and third veins (pp. 22, 23, 46, 37, 261). The cage here was operated by the escape shaft or third vein engine. The signalling for this shaft was operated directly from the second and third vein to the "third vein engine room" (p. 85).

On the third vein there was a sump or hole about 6 feet deep, below the surface of the bottom, with a floor over it about 2 feet below the surface of the bottom (pp. 51, 52, 71, 72, 73).

Referring to the stairway, at the third vein there was a ladder, with steps twenty-four inches across and about 3 inches wide, running up to the stairs a distance of about 10 feet. From there the stairs continued, until about six feet below the second vein bottom, at which there was another ladder which ran to the second vein bottom. The opening from this stairway was covered by a trap door, 2x3 feet (pp. 104, 239), and which opened up between the two rails of a track (pp. 67, 74). About 6 feet from there, was a ladder with hinges which could be swung up and hooked or let down (pp. 59, 131, 132), the lower step being 8 feet from the trap door referred to which led to the stairs running to the third vein.

#### PLAT "B."

Plat "B" is a plat of the second vein, showing the position of the main shaft, the main bottom, the east and west run-arounds, the main air course, the mule stable, the pump and air course, in the immediate vicinity of where the accident took place.

The main bottom is 14 feet wide, running northeast and southwest 250 feet in each direction from the main shaft.

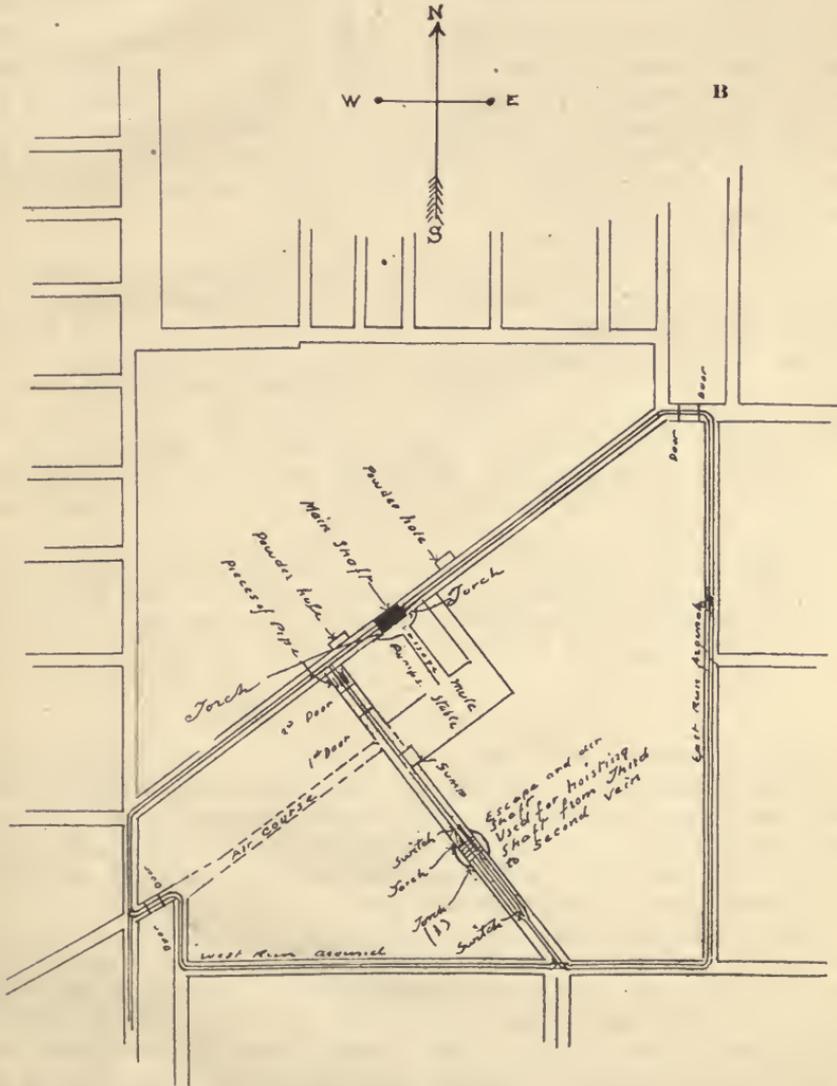
There were two powder holes, one 20 feet northeast and the other 20 feet southwest of the main shaft (pp. 63, 245, 248). They were about 12x8 feet in size.

There is a run-around to the southeast of the cage and about 12 feet of a passageway running into the mule stable (p. 261) and an opening into the pump room.

Fifty feet southwest of the cage is the main passageway or main air course, which is about 5 feet by 6 feet.

In this passageway 20 feet from the main bottom is a door, and 20 feet further is another door. Down this road to the southeast is the

PLAT B.

SECOND VEIN

mule stable, which faces on this main air course a total of 50 feet, with a sump which runs half way across the main passageway and is covered by boards; and from there a track runs up to the point indicated by a switch, and from that point two tracks run to the southeast. The

track southwest runs across the trap door at the escape shaft (pp. 67, 74) heretofore referred to, in the description of the cross-section map, which door opened between the two rails, the two tracks continuing southeast past the shaft to the point where they met at the switch.

At the north end of the main passageway there were thirty or forty pieces of pipe lying on the floor, from 2 to 4 inches in diameter (pp. 67, 68, 74, 98, 108).

The cars when sent to the third vein were drawn by mules around the east or west runway, as shown by the map. They were brought northwest through the main passageway on the southwest track, passing by the side of the cage to the southwest of it, and when a loaded car was brought up by the cage the empty car was placed against it, and in pushing the full car off from the cage the empty one took its place and was lowered to the third vein.

On the 13th of November, 1909, six bales of hay (p. 9) on a car were sent from the tippie about 12:30 p. m. They were taken in charge by Charlie Thorne (p. 219), who took the car round the west runway up through the main passageway, and there hitched his team to a loaded trip and took it southeast, leaving the car standing there, from which place it was later moved by "Bobbie" Deans and Matt Francesco to a point in front of where Torch No. 1 was hanging (pp. 7, 11, 24, 68, 95, 135, 136, 137, 147, 148, 153, 155, 224, 225, 226, 227, 230, 235).

The timber at the third vein bottom was about 7 feet high from the floor. It was upon one of these timbers that the torch was hanging which set fire to the hay.

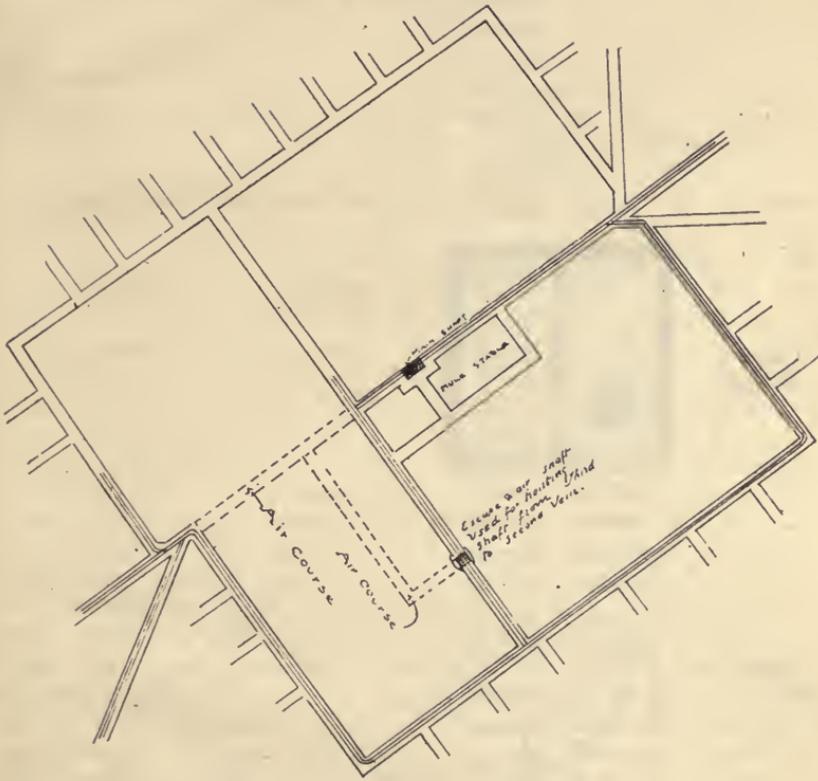
Electric light equipment had been used throughout this mine and at this vein for some time, but about a month before the date of the fire the main cable burned out, and torches were used generally in lieu of electric lights (pp. 4, 43, 7, 24).

#### PLAT "C."

Plat "C" shows the third vein. The bottom at the main shaft on the third vein is not used for any purpose. The mule stable is located near there, and tracks run around in the different directions to take the coal from the rooms into the different entries and from there to the third vein hoisting cage, which is operated through the escape shaft, as stated in the description of the second vein plat.

There was no fire equipment in the third vein excepting a hose which was used to wash mules with, and which was about 20 feet long (pp. 79, 106, 125, 130, 163), and which could be and was attached to the water pipe at the third vein bottom to extinguish (pp. 76, 77, 51, 52, 93) the burning car of hay (p. 122) when it was dropped down through the shaft to the third vein, as hereinafter described.

## PLAT C.

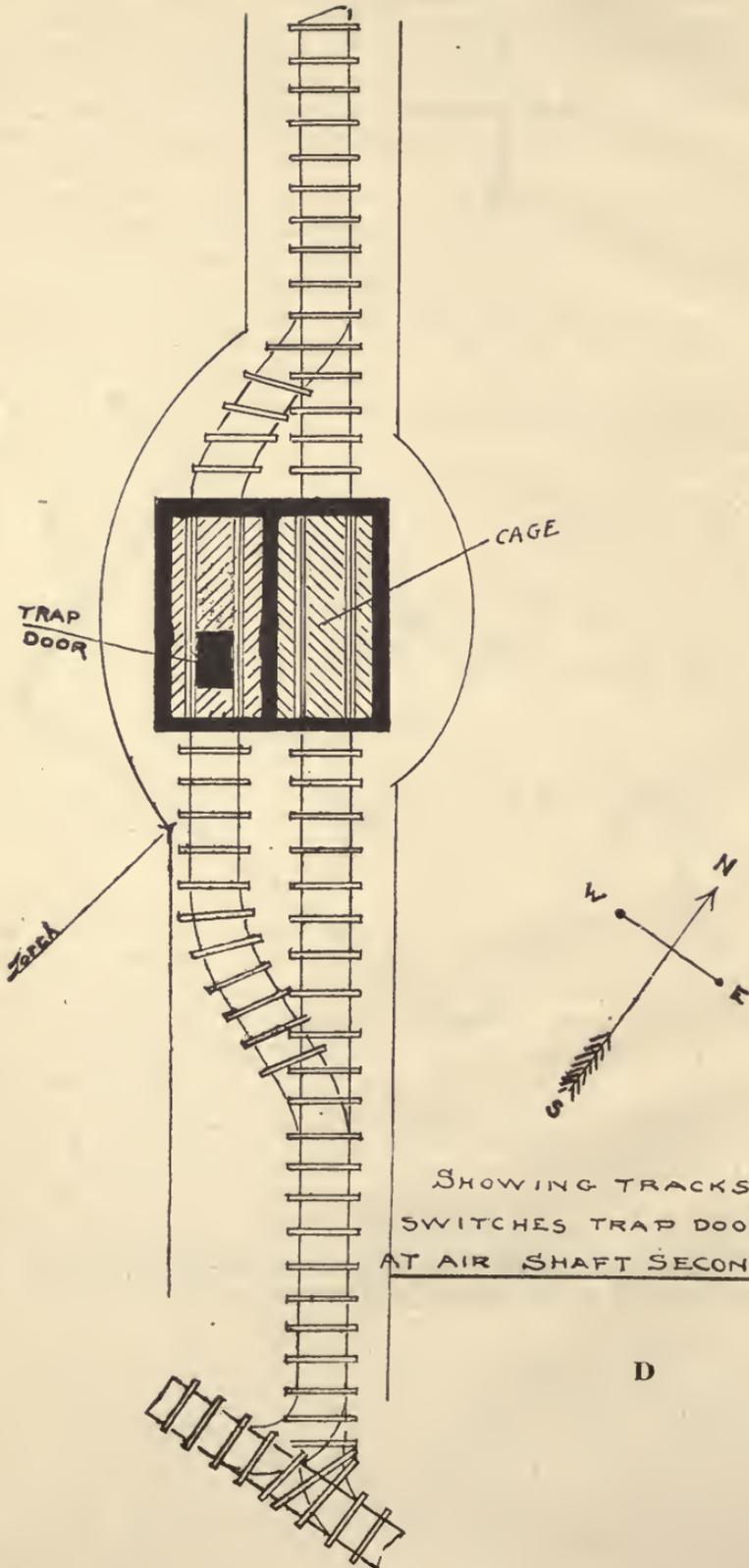


—THIRD VEIN.—

PLAT "D."

Plat "D" shows substantially the location of the trap door, marked in black, the cageway at the second vein bottom, where the fire started (p. 136).

PLAT D.



SHOWING TRACKS AND SWITCHES TRAP DOOR ETC AT AIR SHAFT SECOND VEIN

D

## THE COMPANY.

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The St. Paul Coal Company is a corporation organized under the laws of the State of Illinois under a charter dated Oct. 28, 1902. It is authorized to mine coal in the counties of Putnam, La Salle, Grundy, Bureau, Marshall, Stark and adjoining counties, to lease, purchase and own coal lands and other lands with coal mining rights and to control such works, buildings, improvements, etc.

The company owns two mines, one at Granville and one at Cherry. The mine at Cherry is operating 7,217 acres of land with 360 acres worked out. The output of the mine is about 300,000 tons annually. It has a daily capacity of 1,500 tons.

H. C. Hagan of 122 Judson avenue, Evanston, Cook county, is president of the company and Burton Hanson of 4637 Greenwood avenue, Chicago, secretary.

Those in charge of the mine were: W. W. Taylor, general manager and superintendent; mine examiner, H. C. Maxwell; mine superintendent, Joseph Steel; mine manager, John Bundy; pit boss, Alex. Norberg, deceased; engineer, main shaft, John Crowley; engineer, escape shaft, John Raisbeck; mine examiner or fire boss, George Eddy.

When the company sunk the shaft, five years ago, it found that the first vein was of no commercial value, so they continued sinking the main shaft and the escape shaft to the second vein, which was operated by the room and pillar system. This is geological seam No. 6. During the year 1908 the company commenced to work the third vein by the long wall system; this vein is 485 feet below the surface. This is geological seam No. 2. The coal of the third vein is not so easily reached but is better than that of the second vein.

## THE FATAL DAY.

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On the date of the accident there were 481 men employed including all occupations, diggers, drivers, company men, trappers, spraggers, etc.

The men entered the mine from 6:30 to 7:00 o'clock in the morning and there was a cage run, mid-forenoon, noon and at 1:30, at which time those who discontinued work at that hour might be brought up. The regular hour for discontinuing work was 3:30 p. m. At about 3:00 p. m. the diggers were permitted to fire their shots (pp. 192, 193). There were no shot-firers in this mine because there was usually less than two pounds of powder used for a charge.

On the 13th of November there were several men who discontinued work in time to catch the 1:30 cage and this in a measure accounts for the fact that there were only 259 lives lost.

Between 12 and 1 o'clock p. m. (p. 541) on the fatal day, six bales of hay, standing upright, were placed in a coal car, which was of the average size of cars, that is, 6 feet long and 3 feet wide (p.10), and were to be taken to the third vein mule stables. There were from sixty to seventy mules in the second and third veins. The hay was taken down on an average of once every twenty-four hours. The car in this instance was lowered from the tippie to the second vein and there it was drawn by mules in charge of Charles Thorne (who usually drove six cars with three mules), through the east runaround (pp. 218, 219) and up the main passageway over the switch immediately southeast of the third vein shaft or escape shaft (p. 219). It was left here by Thorne, who hitched his mules to some loaded cars and started on his run to the main bottom.

Robert Deans, the assistant cager, and Matt Francesco, pushed the car some distance up toward the shaft and right close to the torch (p. 136), which was hanging upon a timber (p. 224) near the bottom at the escape shaft.

The electrical equipment of the mine had been out of use for a month (pp. 7, 24, 443), which resulted from the short circuiting of the main cables due to being water soaked. The torches which had been placed at the main bottom and also at the escape shaft to which we have been referring, were constructed of pipe about 2 inches in diameter, 12 to 16 inches long, with a cap on one end and a reducer on the other in which a cotton wicking was placed. The torches were filled by the cagers with kerosene furnished by the company (pp. 68, 102, 132) and were attached with pieces of wire to the timbers (p. 431). The wire was around the center of the pipe so that the torch would hang horizontally, the burning end would be lowered as the oil was consumed, so the oil would run down

upon and against the wick (p. 225). Frequently the oil would seep through the end where the wick was inserted and drop. (Pp. 230, 367, 226.) The torch near which the car and hay were moved by Robert Deans and Matt Francesco hung so low that the lower end of the blaze was from 5 to 8 inches below the highest part of the baled hay (p. 137). After pushing the car to this point Francesco and Deans left that place and went to the other track and coupled some loaded cars (p. 138), after which they discovered that the hay was on fire, which was about 1:25 p. m. (p. 139).

The air current at this point was fanning the fire into a blaze and Rosenjack and Deans then started to push the car northwest through the main air course to the sump near the mule stable, intending to get water from that sump and to put out the fire. Upon being unable to push the car to the sump, Rosenjack and Hanney, who had just come up from the third vein, on his way home and whom Rosenjack called upon for help, got in back of the car and attempted to push it toward the third vein shaft. The air passing through the main air course fanned the flames into considerable proportions and the pine timbering, which was used generally in this mine, in the main air course, caught fire.

Albert Buckle, a boy of fifteen, Francesco and others were told to get their pails and go around to the main bottom and get some water.

In the meantime Rosenjack communicated with William Smith, the eager at the third vein bottom, and told him they had a car of hay on fire (p. 122) and that he, Rosenjack, wished to send it down to the third vein and inquired if they could take care of it. Smith responded, "Let her come." Rosenjack requested Vickers and Theo. Dehesse to put the car of burning hay upon the cage and that he, Rosenjack, would go down to the third vein and assist in putting it out. The car was drawn partly upon the cage, but the heat was so intense that the car was not accessible and the drivers and others assisting were only able to push the car a short distance upon the cage (p. 159).

In the meantime Rosenjack had come up from the third vein and as the woodwork at the side of the cage was on fire he signaled (pp. 122, 890) to hoist the cage, which was raised four feet, the car and hay falling under the cage down into the third vein sump (pp. 51, 52). Here Smith and Norberg were stationed and they attached the hose which was used at the mule stable in the third vein and put the fire out (p. 76). This was about 1:48 p. m. Some of the miners who had noticed that the air was bad and that there was smoke in it, left their rooms and came to the third vein bottom. They signaled for the cage and received no response and went up the stairs. Probably the last who came up from that vein was William Maxwell and his son. When they reached the third vein a man was ahead of Maxwell. He lifted the trap door and the smoke and flames were so intense that he said they could not get through. Maxwell, an old man, said, "We must," and he crept through with his son and went through the east runabout and was finally pulled on to the main hoisting cage and brought to the top insensible.

His story of their escape is given on page 29 of this report.

During this time several signals were given to stop and reverse the fan, etc. (pp. 218, 219, 890). The fan was first stopped, then reversed,

then stopped and then drawn in its usual course, then reversed until the flames which were drawn up the escape shaft, burned out the doors and disabled the fan.

When the fan was reversed it drew the flames up through the escape shaft from the second vein to the surface and cut off all means of escape from the third to the second vein through the third vein hoisting shaft or the stairway (p. 416).

At about 1:40 o'clock the last signal was received by the third vein engineer (p. 890) for hoisting the cage to the second vein. The probabilities are that whoever took the cage at that time were burned to death upon reaching the second level and there was no signal after that.

In the meantime the fire had been noticed by the cagers on the main bottom, but before referring to this, the attention of the reader should be called to the fact that for months there was no appliance for hoisting men from the third vein to the second vein through the main shaft. There was a bucket there which was attached to a rope, which in turn could be attached to one of the main cages. Two or three weeks before the date of the accident, a small cage had been constructed to take the place of the bucket. But this cage was not available. A rope was attached to this cage which was hanging on some cleats or a projection near the main bottom. This hook could be attached or hooked on the cage, and thus raised from the third vein to within about 10 or 15 feet of the second vein bottom. Most all of the miners working in the third vein were not familiar with the fact that there had been any change in the construction or method of escape through the main shaft (p. 435). Hanney, who was president of the local union, a man of more than average ability, did not know that such a change had taken place and was under the impression at the time of the accident that the bucket was still the only thing that could by any possible means be used for hoisting purposes from the third to the second vein in the main shaft.

The small cage that had been constructed (pp. 765, 766, 767) to be operated in case of emergency from the third to the second vein was of small dimensions and it was smaller than the compartment in which it was to operate, and when it was drawn up the distance between the side of the cage and the bunting or the side of the shaft was covered with planks which formed a platform. From this platform there was a ladder about 8 or 10 feet long which led to the bottom of the second vein. When this cage was used by the rescuers after the fire it stuck in the shaft and the rescuers were obliged to climb on top of the cage and then climb up 10 feet to the landing. The persons using this method were then obliged to come up through the opening left by a main cage when it was hoisted and could not get up when the cage was down on either of the respective sides where the cage rested unless they could crawl through the space between the two compartments occupied by these cages, which was about 8 to 12 inches in breadth.

At about 1:30 p. m. some miners (pp. 21, 42) became aware of the existence of the fire. The trapper boys came to the main bottom and asked to be permitted to go up. The cager at first refused, stating that they would get the fire out (p. 147) and commence to work again. Later he sent them up.

## AT THE MAIN BOTTOM.

---

The cagers at the main bottom were among the first at the main shaft who became aware of the existence of the fire. They continued to hoist coal for some five or ten minutes after they knew the fire was in existence, evidently under the belief that it would be put out. When the serious nature of it became apparent, several of the drivers and company men endeavored to give notice to the diggers, although the fire had burned for at least forty-five minutes to an hour before any such attempt was systematically made. The trapper boys near the main cage were taken up early (testimony of witnesses, pp. 410, 141, 552), and the cages were then continually operated for the purpose of taking the men up from the main bottom.

During the fire there was an attempt made to get into the mule barn, which had been filled with smoke and flames, to attach a hose, but the heat and smoke prevented; this hose was brought down from the surface. Being unable to get into the mule barn they made an attempt to attach it to a nozzle or piece of water-pipe near the main cage. The pipe was too small, the water was hot and the hose could not be held around or against the opening of the pipe.

Whether the cage at the third vein bottom was ever attached to the main cage does not appear very certain from the evidence taken. It is certain, however, that if it was it was immediately detached, for there is no evidence that the cage was used, that a rope was attached, or that any attempt was made to hoist the men from the third vein by using the third vein cage in the main shaft, which some have called the "emergency cage."

### TWELVE HEROES.

The condition of the main bottom at 3:30 or 4:00 o'clock was such as to indicate that all possibility of escape was rapidly disappearing. The flames were very intense. At about this time the cage was lowered (pp. 745, 832) with twelve men on it and word was left on top that the engineer should pay strict attention to signals. The signals he received were as follows: Three bells (meaning to hoist); four bells (meaning hoist slowly); then four bells (meaning to hoist slower); then signals to lower and no more signals were received. About fifteen minutes after that the rope was seen to shake. The engineer, after long and repeated pleading and begging on the part of many of the men

(pp. 745, 832), hoisted the cage and the rescuers were found, some in the cage and others on top of it, all dead. It happened that one who was rescued seven days after the mine was closed tells that he reached the shaft (p. 410) and found no cage there and using his cap to protect his hands, tried to signal for the cage to come down; that in a measure accounts for the confusion of signals received by the engineer.

This was one of the most unfortunate incidents in the history of this disaster. Here were twelve brave men that were willing to risk and, as it were, sacrifice their own lives in an attempt to save their fellow-townsmen from their peril in the mine.

The names of these men should go down in history as heroes in the time of the darkest tragedy that has occurred in the industrial field of this State. They had volunteered to go down into the mine expecting to be able to notify the miners and aid them in their escape, but they were too late. They were not all miners. Their names and occupations are as follows:

John Bundy, mine manager; Andrew McLuckie, miner; Harry Stewart, miner; James Spiers, miner; Mike Suhe, miner; Robert Clark, miner; Alexander Norberg, assistant mine manager; Isaac Lewis, liveryman; Dominic Dormento, grocer; John Flood, clothier, John Sczabrin-ski (Smith), cager; Joseph Robesa, driver.

This was the seventh time that the cage was lowered with rescuers upon it after the seriousness of the fire was realized, and each time they had succeeded in bringing up some men alive; each time those who ventured down encountered the smoke and came up almost asphyxiated. The fire was getting nearer and nearer the main hoisting shaft; but this last cage of men were doomed to meet their fate in a supreme effort. When the cage was raised eight of them lay on the floor of the cage. Their clothing was still blazing and their arms and hands were in convulsive postures, just as death had seized them and when they had tried to protect their faces from the awful heat. Four of the bodies were lying across the top of the cage where they had died in a frantic effort to climb away from the fire.

When they were hoisted to the surface it was a most pitiful sight. The relatives of these men were there and the scene witnessed was the most heartrending. Strong hearted men broke down. After all, the story of the twelve martyrs is but a phase of the great disaster.

The time that elapsed from the beginning of the fire until the last person came out shows that if there had been some system of notifying the men at work in the mine they could all have gotten out. Or if the serious danger had been realized in time by the cagers and others at the hoisting shaft the men could have been notified by messenger, as some were who escaped and whose stories we here publish.

We have selected from the testimony of those who were in the mine at the time of the fire and made their escape, and have transformed this testimony into a story or narrative, using their own words. Space will not permit us to give the account of all of them, as the testimony com-

prises nearly 900 pages, but we will give those which we think will best enable the reader to understand the conditions on that fateful day. Many others would be interesting, however.

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### AS TOLD BY THE DIGGERS.

The first is that told by James Hanney, who was president of the local union, and who testified that he was 56 years of age, born in Scotland, and commenced to work in the Cherry mine a year ago last June. He had worked in different kinds of mines before this one, and had worked in the third vein about a year. He says: "We were coming from the third vein and started through the main air course in the third vein. We had to hurry to get to the big shaft to get up at half past one. The shortest route is about 200 feet through the main air course. At the second vein we saw the car of hay on fire and the cager asked us to give him a hand to shove the car back. We gave him a hand and shoved the car back as far as we could stand it, about ten or fifteen yards, and then the heat and smoke were so bad we could not stand it any more, and I went out to get assistance to stop the fire. Nothing was said about notifying the men, for no boss was around. Some one had to get assistance and I went to get it. The cager let us go up because it was time. We took the cage to the top. When I first saw the flames they were probably 5 or 6 yards long. There was a great current of air in the main entry or air course, and the fire was reaching out to the shaft to where the barns were situated, toward the main shaft. Upon reaching the top I told the boss there was a fire down there and to stop the fan, and the fan was stopped. It was about 4:00 o'clock when they covered the main shaft on the surface and I don't know why they didn't cover the escape shaft, but I think the people would not permit it. The superintendent said, 'If I ordered the escape shaft covered the people in town would kill me.' I worked in the third vein since it opened—that is a year ago last August. There is no fire equipment there; none was ever pointed out. The doors and the entries there are about 5x5, and are timbered with white pine."

William A. Smith testified that he lived in Cherry and was a cager in the third vein on the day of the fire. He said: "The best I remember of it we were waiting at the bottom for what we thought was empty cars, because when they run out of cars often they would hold the cage until they got empties and then send them down to us. There were three bells rung and one of the cagers from the second level came down and the best I remember he told us that they had a car of hay afire up there; this was Alex. Rosenjack. It was shortly after half past one. Then I let up my half past one cage of men. He asked, 'Should I send it down or could we handle it down there.' I said yes send it down. Instead of going up with it he said, 'just bell it away one bell, for the boys up there.' I did so and waited down there probably five minutes, possibly eight, it might not have been more than four. I didn't look at my watch and couldn't say and the hay hadn't come down yet. Mr.

Norberg, the boss of the third level, came out to the bottom of the third level and wanted to know what was wrong. One of the boys told him there was a car of hay on fire up there and he hollered up for them to send that hay down. He got no answer; then he hollered again rather rough and loud and still there was no answer. Then he says, 'I will go up.' And he started up and I would not say positive but I think that cager Rosenjack went with him. They walked up the manway. We waited there sometime again and still no hay came down; one of the drivers said, 'I will go up and tell him if he can't get it on the cage to shove it into the shaft and we will take care of it.' We waited some more and then we started. This was Andy Lettsome; and Dave Wright says, 'I will go with you'; and the two went up. When they about had time to walk up the manway the bell rang four and one; that was to hoist and go ahead slowly and they hollered 'Look out'; the car of hay and all came down below like a flash in the smoke. I think both car and hay was all afire when it reached the sump. It had fallen 160 feet; we were ready with the hose and turned the hose on it and put it out. It didn't take long because we had the force pump and plenty of water. When it came down it was very hot and there was fire on the cage; also the protecting sheet of iron on top of the cage was red hot; we turned the hose on that and cooled it down. John Brown and Oley Freiburg had hold of the hose besides me. When the car came down there John Brown, the opposite cager to me, had the hose and I was standing at the water column; the hose is connected to the column and there is a valve on that that you have to open to let it flow out through the hose, otherwise it would go up through the column to the second vein or into the main sump. When the hay came down I opened that valve and threw the water right onto it and it flew back into my face; the water hit me and I could not see anything so I stepped back. I was not in the smoke and it didn't bother me where I was; then Oley Freiburg took the hose out of my hand and said, 'go and get some air and let me have it.' About the time we got the fire out Andy Lettsome came back down to see if we had gotten the fire out and he says, 'there is still fire in the timbers up there that I don't like the looks of, but I hurried back to see if you got this out.' I said some of us will have to go up and see about that. I don't know how many times we belled but we got no reply from the engineer so I said we will have to walk up. As soon as we got to the second vein we thought there was enough fire to be dangerous. I said we have got to get our men up from the bottom; he says, 'I will do that,' then I said one of us ought to go up and the other down; one should go up and tell the engineer to go up without signals; he says, 'you go on up and I will go back after Pa.' I asked, will you notify the men? He says, 'sure I will scare them out.' So I went up and he went down. That was all I saw of the fire. I went up the stairway in the escape shaft, when I got about half way the air was coming a moderate gait about as fast as a man reasonably would require but suddenly the fan stopped. I didn't think anything of it because it had stopped once or twice before for a time. In about half a minute I will say from a half to a minute and a half the fan started up again.

But they had reversed the fan and I knew that the fire and smoke would come up and catch me on the way so I climbed faster than I had ever climbed in my life before. The smoke overtook me when I got about half way up or a little more I don't know just how far for I was choking and climbing all the time; I don't know how I did get up the rest of the way.

William Vickers testified that he lived in Cherry four years, was married, and entered the mine on the 13th at about twenty minutes to seven. "Had worked in the third vein since 1908 and was working in Room No. 1 in the Southeast with his 'buddie.' At about twenty-five minutes to three he heard of the fire and heard hollering at the switch to 'Come out,' that there was a fire in the second vein, and he says I hollered into the straight East, 'Come out right away; the shaft is on fire!' The men were Italians, and did not understand English well. They said, 'What's the matter?' and I said, 'The shaft is afire; get out!' and one of the fellows understood English a little better and he says, 'What's the matter?' and I said, 'Fire in the second vein, come out quick; right away!' and I showed them out from the wall to the road ahead. The bottom is about 300 feet from where I was working. At the third vein bottom I saw a hose in a man's hand and he was fighting the fire, putting out the burning hay. You could not see the blaze, just the steam and smoke. The man was Ole Frieberg; he is down there yet. It was a short hose. There were twelve or fifteen men behind me, and I was at the escape shaft with my foot on the ladder to go up on the steps. I turned to my buddie and he was right behind me. I told him I was going to take the coal out of my shoes and I turned back and said, 'Go on up, and I will come up after you.' So I turned round to Ole Frieberg, who was standing there, and asked him if they were not running the cage, and he said 'No; it has been quiet for quite a while.' I got the coal out of my shoes and started up and went up the stairway and just as I got to the last step, there is a ladder there, four or five steps, we have a trap door to go through, and the trap door slammed down and knocked me down a flight of stairs. I got myself picked up. There were two men behind me, so I crawled up and went through the door and the smoke and flames were so thick I did not blame the fellow for letting the door fall on me; but I held it open to let the others go through. I don't know who they were. I started to holler to try and find out which way to go. I thought maybe some boss would have men stationed there to direct the men which way to go, because there were three roads out, the east and west runway and the main air course. I saw flames all over, but I did not know how far they extended. I thought maybe they would have somebody posted to tell us. Well, anyhow, when I hollered and could not get any answer from this side, I started up in this direction. I could hear men hollering and saw there were four or five cars, or whatever it was I can't say, were afire there right close to the bottom. When I got up there to this bunch of men, I said, 'Why don't you push through?' and he said, 'There are mules here.' I said, 'To hell with the mules; push through.' So we got over here to the left hand side, because it is the road that branches off, and I knew that if I went to the left-hand I would not miss my road.

I pushed ahead of them up to where the roads branch off. I saw some lights ahead of me and hollered for a light and they would not stop, and I started to run, and the faster I ran the louder I hollered for a light; I could not say how far I ran, but when I got pretty close to them the last man stopped and gave me a light, and I came back here to this turn in the road, and got right close to the left hand side, because the way the air was I knew I couldn't hold a light in there; I could holler to the men and showed the light the best I could round the corner. As soon as they came up they got a light, and an old man and his son came up. I gave the father a light first and then I gave the son a light and my own light went out. The son started to go on and I said, 'Come back here and give me a light,' because I was getting very weak myself, and I says, 'Johnnie, I can't stand here any longer, this smoke is getting the best of me; somebody else has got to stay here.' He says, 'I have two lamps.' So I took his lamp and pulled the wick away up and hung the lamp on the beam and hollered to come up and get a light and we could not hear any more voices, so we left. About half way up here both of us got in the dark again. His lamp went out during the time I was lighting the lamp hanging on the beam, and he says to me, 'You've got a good lamp there,' and just as he said that out it went; so we put our coats together and struck a match and got both lamps lighted, and got out here after running across a trip with a team of mules. We then went straight on and he says, 'Where are we?' I said, 'I don't know,' and started feeling round for the timbers. The timbers in the west bottom are square, and I could tell by them where we were. I says, 'We are on the bottom'; so we made down to the cage. When I came to the main bottom, Bundy and three or four more were standing there and he said, 'How is it?' and I said, 'The men can't get out of here, because they can't see. You should have lanterns strung along the road,' and he said, 'All right.' A cager had rung the bell to hoist the men. I got on the cage and went up. It was about twenty-five minutes to three when I was notified in my working place. It was a quarter to three before I got to the second vein at the bottom of the escape shaft."

John Stuckert, who had been a miner for thirty-five years, was secretary of the Cherry local of the miners, and who was working in the third vein, says: "At half past two we got smoke in our working place right off the air course. My partner is an Italian and I hollered to him, 'What are those fellows burning up there, anyhow?' So the smoke began to get thicker. He said in broken English, 'I guess we got to die like mules.' I paid but little attention. But after a while the smoke got thicker and I said, 'We better try and make the bottom and investigate what is going on.' We made toward the bottom, but we could not get on the bottom for smoke, the closer we got the stronger it was; we were driven back. There were six or eight of us going back and we got into my own working place. There were two entries, two roads and I went back to my entry. We waited a few minutes. One man said, 'I can see light on the bottom.' I said, 'If there is light on the bottom, it is clear; let us go out.' We went to the bottom and some fellow hollered down from the top that there wouldn't be any more doing today and we had

better try and get out. I climbed up the escape to the second vein and there was a bunch climbed ahead of me and when arriving there I found fire and smoke. I tried to light my lamp and it would not burn. I waited four or five minutes in the smoke, then there was a bunch came up after me. When the next men came they did not know which way to go, not knowing the different roads and everything full of smoke. So one of them said to me, 'What do you think?' I said, 'You have to judge for yourselves, I don't know,' and they attempted to climb up further; they rushed up the escape and I followed, two men behind me and a man in the lead and he hollered, 'For God's sake, get back quick.' I said, 'I am going to make for the old east runway,' where we go up in the evening. We hadn't got to the end of what they call the bottom when we were running into mules and empty cars and we had to crawl by the cars to get by the trip and there was a turn made then to the left; then we ran into another mule with empty cars. We traveled around until we came to the bottom. The smoke was awful thick. We had two doors to go through. When we got to the first door it was hard to open. I fell when I got the door open. One man came up and fell over us. He picked himself up and helped me up. And I stood back and I had hold of my own partner and he pulled me up to the next door and we got the next door open and got on the bottom. The smoke was so heavy there that it was like a vise holding you around the chest and taking your breath away. The man ahead held up and said, 'No further, boys, we are going to die here,' and he was trying to pull me back. I said, 'No, friend, don't go back; I see only one chance for us to make the big bottom; if we can't make the big bottom we are lost.' He got away from me and all I remember is that he made a couple of steps back, but who he was or where he landed I don't know. I stumbled across the bottom the best I could. I held myself up once by putting my hand on top of a railing which helped me a little. I heard mules coming and men hollering among the mules and I crawled along the right side till I got right close to the bottom, then I was completely done and fell. At last I got up again and crawled a little more and I just made the bottom and fell on the cage. I never lost my presence of mind until I reached the top. I walked home and everything was a blank to me. After recovering I went back to the shaft and there was a crowd around there, and the mine was closed."

Alma Lettsome testified that he lived at Cherry, was married, and was 26 years of age and had worked at the Cherry mine since the 19th day of August, 1908. On the day of the accident he was working in the third vein, his attention was first attracted when the cars had stopped coming and he went out to the bottom of the big shaft, saw a driver standing there and said, "'How is it they are not hoisting in the big shaft?" and he said, 'Probably they are waiting for the flats.' I paid no more attention and walked back in company with two other men to my working place. The three of us stayed down there together for I should judge about twenty minutes, when my son came along and told me the mule barn was on fire. He said, 'We have been up there and it is all afire.' I walked up the stairs and saw it and said we must get out

as quick as we can. We were then about 750 feet from the escape shaft; we gave the men the warning that were around us and started up to make our way out. There were other men standing at the bottom of the third vein waiting for us to come out and we all started up the stairs one man after the other. When we reached the top of the stairs there was a man standing against the trap door and he wouldn't go through it; he had lifted it up and seen the fire above and he said, 'We can't go through there, it is all afire.' I said, 'We can't go back, we have got to go through there.' He said, 'I can't get through,' and I said, 'Well, get out of the road.' I saw it was all on fire, in fact, all flames. We went through the door and south round the east way, reached the cage and went up to the top."

Among the many statements made, comprising nearly 900 pages of evidence taken, there were none more graphic, dramatic and clearer than that of Albert Buckle, a boy standing about 4 feet 6 inches high and who was 15 years of age, who worked as a trapper. Even his statement as to the number of cars of coal hoisted after the fire was discovered is corroborated by the check weighman, and the other incidents related by him are so completely corroborated that we give his story here as among the best, if not the very best, statement made of the affairs that took place on the main bottom.

His story is substantially as follows: "My name is Albert Buckle; my father's, Otto Buckle; he is dead; he died four years ago; my brother is 18 and he is in the mine; my sister, 12; my mother, Mary Buckle, is sick. My uncle is Richard Schwartz and lives in Norfolk, Neb. I will be 16 on the 28th of November. I was a trapper. We ate dinner and then my brother came down and took a car in. He got a trip and came out in the entries and I opened the door and Matt says, 'There is a fire.' I said, 'Where?' and he said, 'At the third vein shaft.' I was in the east runway when I heard of the fire. I took my pail and set it down and Johnson, the mule boss, said, 'Bring your pails,' and we tried to get into the barn for water and we could not get in there for smoke. We could not get any water in the sump, we were too late already. The fire was burning in the main air course. Matt tried to get water with me and we tried to go through the doors (main air course), but the fire was there; I saw a car of hay burning and the timbers were starting to burn. I saw Rosenjack come running out to the main bottom. He got a cage and went up. I saw Bundy, the diggers, cagers and spraggers at the bottom. I was sitting there playing and he said, 'Fire, come out,' and I said, 'Oh, there is plenty of time,' and he said, 'There isn't time,' and the boss told us to get our water pails and get water. After the fire started there was five or six cars of coal that went up. At half past one the diggers came along and I got my pail and went to get on the cage and the cager put me off and said, 'Get the pails and put the fire out.'

I think it was George Eddy who told the drivers, 'We are going to put the fire out and go to work again.' I remained on the bottom for half an hour. We stood around there and they still hoisted coal. I think it was half an hour from the number of cars that went up. Johnson was running around opening and closing the doors and the smoke was

getting strong. Dominic Christo told me that Andrew Timko would tell my brother and they went to tell the diggers to come out. My driver said, 'Bill, give us a cage; every one is going to die here,' and he said, 'No, we are going to put the fire out and start to work again.' I says, 'You ought to notify them diggers inside that is working in there,' and he says to me to run and tell them. It was after that that I told Dominic. They were hoisting coal then with the main cage. Some parties went up for a hose. They got the hose, then put something over their faces and tried to go into the barn to fasten it, but could not get in. My driver said, 'Bill, if you don't give us a cage, we are all going to choke,' but after that he gave us a cage for the smoke was too strong. As we were going up I hollered to McFadden to notify them diggers and he ran back."

William Maxwell testified that his home was in Spring Valley, but that he had been working for some time at Cherry, and that on the 13th of November he was working in the third vein in the southwest. He said: "I saw smoke coming in at the face and it got so mighty hot and thick that I got a little alarmed and came out to see the cause of it. I thought it was a sheet that had taken afire. I would judge that was about half past two; it was all of that anyhow. I came out to the bottom; the smoke got thicker all the way. I couldn't see anything because of it until I came to the bottom and I saw there was one man with a hose putting out some burning hay that had fallen into the shaft. The car and all was in the sump. As I started to go up the ladder to go home some one said that the middle vein is on fire, so I went back after my son; he had been with me at the face of the entry. I went back to him and when we returned to the bottom there was nobody there then. We went up the ladder and up the stairway and when we reached the top at the second vein it took two of us to lift that door that you have to raise when you come up. After traveling that distance in that unlivable smoke you are not in a very good shape to lift a heavy door made of sheet iron which was about 2 feet square.

"After my son and I lifted it we came out, but two Italian men who followed us did not get out. They fell on the road between the ladders and the cage in the second vein. My boy dropped about 70 feet away from the cage; there were two parties that went down later and rescued him. I went on staggering to the cage and Mr. Rosenjack helped me on the cage and asked me if I could take hold of the bar myself and I said I could, so I came up alone on the cage. About six or eight minutes afterwards my son was brought up. I should judge that we were about the last that came out of the bottom vein."

Robert Shaw testified that he lived at Spring Valley, had been a coal miner for about ten years and that he went into the mine on the second Wednesday after the fire at about 2:00 o'clock. He said: "I went down in the cage to the second level and from there to the third vein. I had to slide down a rope 10 or 12 feet to reach the cage that took us to the third vein. There were four of us and when we got off the cage we stepped into water and walked for about 150 feet, I suppose. We went to the west side first, returned and hollered up and told them

we were going to the east side; we walked off and went to the first entry north, northeast is what they call it, I guess. We found men there; and also as we came in we found the canvass, all stuck up round the bottom and the rails stacked up to keep the air from going forward or so the air could get through it. We walked into three or four entries to the second switch and there found many dead men; beside them were three pieces of slate, one piece had marked on it the number of men that came up to this point in bunches. It was beside a fellow that was sitting up against the timber. There was one bunch of thirty-five; another piece of slate had marked on it twenty-three, etc.; that was the last bunch that came I think; the figures totaled on these pieces of slate 168. The men were all lying right along the road to the left, to the right and to the straight. They were about 500 feet from the hoisting shaft. We counted forty-nine men and merely looked over the rest. They had constructed a fan like the paddle of a little steamer for the purpose of furnishing air for breathing; it was made out of boxes they had down there for their tools. It was about 3 feet in diameter. We found one bucket on the west side of the shaft with a piece of bread and a piece of cheese in it. The bottom was fixed with canvas to keep the smoke or whatever it was that came there away from them."

George Eddy testified that he lived at Cherry, was 48 years of age and mine examiner for the St. Paul Coal Company. He said: "At about 1:30 in the afternoon of November 13th last I was on top of the shaft sitting down there on the third vein engine house steps, the first knowledge I had that there was a fire was when I saw the smoke coming out of the shaft; I went right down on the first cage; the first thing I did was to ask one of the drivers to loan me his lamp and he said he had only one lamp; I said, 'Well, lend me your lamp until I go to the cupboard,' and we have some there so I got a torch and went into the air shaft. Mr. Norberg was ahead of me; there was a car of hay on fire and it had caught the timbers in the lagging and Mr. Norberg says, 'George, the whole thing is afire.' I says, 'Yes, it is working on the roof.' So Mr. Norberg turned around and came back and I followed him out and before we got out somebody opened the two check doors. Then when we got through into the big bottom I went up on the west side to see if we could do anything about getting the fire out.

"I found some empty cars and a team of mules near the air shaft and hay on the other side; there was nobody in there but me and I came up to the big bottom to get some one to help me. There was nothing on the west side of the bottom, the flames were coming through there and I just took my torch and went inside to get all the men out I could. I went up on the second west to notify the men when I met the drivers on the parting and they asked me what was the matter; I told them to get out just as soon as possible, just as fast as they could and leave their mules and everything there and run. They all started out for the bottom and then I went into the sixth south entry. There are twenty-two rooms turned in that entry but they are all finished up to eighteen. That is the first room working; I notified them and got them all out, came out again to the main entry and met John Bundy and told him the

shaft is on fire, and he asked me where it was and I told him it was between the air shaft and the main shaft. I told him I had got all the men out there and he said I should go in and get these others to the south, so I went in and notified them and then I notified the men in the seventh and eighth south and then I met Mr. Waite and told him what was wrong and he said you finish this entry and I will go in the nine and ten north, so we did that and met on the switch and we waited there until all the men came out.

“When we got the men all out ahead of us and got down to near the mouth of the entry, we could not get out, we were blocked in on account of the black damp and smoke; there were twenty-one men with us; we went back up the entry and tried to go out another road and we found the black damp was stronger there than it was where we were, so we went back into the main entry again. Then we tried two or three times to get out on Saturday and Sunday, but we couldn't get out; every time we would try it we were further away from the bottom, so we saw that we were not going to get to the cage because the black damp was pressing us in from both sections and we knew it was going to fill up the face and that we would smother in there, so we went in and built a wall across the second west entry and we built across the first west entry of dirt and we were inside there seven days or until the rescuing party came for us.”

## RESCUE OF TWENTY-ONE MEN.

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The story of George Eddy is particularly interesting, for his experience is connected with the gathering together of twenty-one men who walled themselves away from the fire and smoke by closing up an entry and living therein for eight days, after which they were rescued by parties who had ventured to go into the mine for the purpose of getting out dead bodies, but not expecting to find any one alive.

These men were notified by Eddy on the afternoon of the fire, but after they had collected they could not reach the shaft and after one man had died they were compelled to retreat to a distance where they could find an entry containing a living atmosphere. George Eddy and Walter Waite persisted in the attempt to find their way out. They all then spent the first night huddled together at a safe distance from the main shaft hoping the fire would die out and that they would be able to make their escape; but the next morning they encountered black damp and had to retreat further back; George Eddy and Walter Waite made a desperate effort but were overcome in the attempt. They decided that their only safety lay in walling themselves in until a change in the condition of the mine took place.

Here they remained, with nothing to eat and very little water, for seven days. They had a light from Saturday, the day they were entrapped, until Tuesday, when their oil gave out. They were able with the aid of their picks to dig a few holes, into which there run some water, but it was of so poor a quality that it was not of much value. Here they lived in hope and in prayer that their lives might be spared and that they might be able to return to their families.

The suffering which they endured from hunger, suffocation and the thought of their most certain death is almost undescribable. Here they dwelt in darkness and despair, writing notes to their loved ones whom they had given up all hope of ever seeing again. At the end of a week's time they were getting in such a weakened condition that they knew they could not hold out much longer, so they agreed that the four who were the strongest were to make a last attempt to get out even though they should die in their efforts. This was on Saturday evening, November 20th.

It was in this attempt, as they struggled toward the escapement shaft finding better air than existed before, that they encountered the rescue party, consisting of David Powell, mine superintendent of the Braceville mine; Father Hanney of St. Mary's church of Mendota, Ill.; Captain

Kenney of the Chicago Fire Department and three other firemen. It was the greatest surprise to the rescuing party to hear voices of human beings in the mine, when they expected to find nothing but dead men. After coming in contact with these four men and after a most heartfelt and thankful greeting they lost no time in finding out how many there were and preparing for their safe deliverance and rescue. They soon run across four others who had followed the first four. Those who were left were not able to walk.

It would be hard for us to comprehend the joy and expectations that existed in Cherry when the news was spread that men had been found alive. Each one hoped that all would be found and that their own dear loved one was among the rescued. Those who were rescued were: George Eddy, Walter Waite, Thomas White, John Lorimer, Frank Waite, Thomas Brown, John Barnoski, John Semich, George Semich, George Stimez, Frank Sanerania, Q. Antenore, Daniel Holafcak, William Cleland, Fred Lauzi, Slivatore Piggatti, Josept Piggatti, Bonfiglio Ruggeri, Fred Prohaska and Frank Prohaska.

Daniel Holafick, the oldest man in the party, was not able to stand the ordeal through which he had passed and died the day after his rescue, Sunday, November 21st.

The meeting of these men with their families and friends was a bright spot in the history of the dark days around the little village of Cherry, for they had been mourned as dead.

It encouraged the rescuing parties to search for others that might have so protected themselves, but no more were to be found. The others had died in their attempts to reach the escape shaft.

### OPENING OF THE MINE.

Mr. McDonald arrived at Cherry on Sunday morning, November 14th, and says the main shaft was sealed up and the escape shaft partly sealed. The work of directing the relief and rescue was in charge of the State Mine Inspectors, and also mine experts from Urbana, and, later on, men from the United States Rescue Station at Pittsburg. Richard Newsam was directing this work. An effort was being made to enter the escape shaft, which was only partially successful.

On Sunday, the 14th, the main shaft was opened and two men with helmets were lowered to the second vein. They reported that with a sufficient supply of water and suitable hose they could have extinguished the flames, but the only available hose was so large and cumbersome and the supply of water, which was furnished by tanks on flat cars hauled from Ladd or Mendota, so inadequate, as to seriously handicap the work of fighting the fire, and the men with the helmets were soon driven out and the mine sealed again.

Two days later the main shaft was opened again, and with the valuable assistance of the Chicago and Ladd firemen, who displayed great courage, the mine was again entered and the fire placed under control, temporarily, and the work of taking out the bodies began.

On Saturday, one week after the fire, some practical miners took charge of the rescue work, and by noon some fifty bodies were taken out, and at 1:00 o'clock some men were discovered alive and twenty-one taken out.

On the east side of the shaft at the second vein bottom, where the fire had burned out the timbers, an immense fall had occurred, which had fallen some 40 or 50 feet high, and made it unsafe to get off the cage on that side as the rock was continually dropping, making it impossible to explore that side of the mine.

On the west side the entries were standing about as well as before, but the black damp was so bad it was impossible to enter many of them without helmets.

The partings were blocked with loaded cars and dead mules, which were in such a state of decomposition as to make it almost impossible to get beyond them.

After passing the first main parting in the south entry, we encountered a group of some ten bodies, one in the center in the attitude of prayer. From there on the sights were horrifying. Men's bodies singly and in groups were encountered, and the stench was such as to tax to the limit the strength of the rescuers.

A great deal was accomplished in rescue work during the day, but that night a number of the inspectors returned, and on Sunday a new mine manager was employed and the entire day was consumed in exploring certain sections of the mine and discussing theories among the so-called experts, and the work of rescuing the bodies was, by their orders, practically discontinued. Fortunately, the mine manager who was engaged in the morning resigned in the afternoon, and, after vigorous protests by the miners and the officials of the United Mine Workers, the work of rescue was resumed.

On the following day a meeting of the executive board of the Mine Workers of Illinois was held at Cherry, who selected a committee to visit the management and the inspectors to demand that steps be at once taken to explore the third vein, and to protest against the dilatory tactics employed, and volunteer their assistance in making the exploration. After some further delay a committee of miners were lowered into the third vein and reported finding all the men gathered in one group where they had met death together.

During the entire proceedings much valuable time was consumed by those in charge discussing theories, and there is no secret of the fact that harmony was a stranger between the State and Federal forces.

There were too many bosses, and apparently no one in authority. One of the experts made the statement a few days after the accident that the mine might as well be sealed up and abandoned entirely, notwithstanding the fact that twenty-one men were taken out alive some days later.

The miners' executive board finally appealed to Governor Deneen by wire to put some one in charge of the work, and registered a vigorous protest against the delay; but by this time the fire had again begun to burn more fiercely, and the mine was again sealed and remained sealed until Feb. 1, 1910.

On this date the concrete top that sealed the mine was broken and, after thorough tests by the officials and experts, it was found that the fire had been smothered out. A party of men, headed by Richard New-sam and Thomas Moses, made the first descent into the mine and found the fire entirely extinguished.

Work was begun at once at removing the débris, falling timbers and numerous cave-ins through the direction of the above men and State Inspectors John Dunlop, Thomas Hudson, Hector McAllister and mine officials; volunteers were called for and soon a large force of men were at work, but it was not until February 18th they could get far enough away from the main shaft to discern the bodies of the men they failed to reach before sealing the shaft. It was then that eleven bodies were found. On February 19th, four more were found and on the 21st two more. On March 2d two more were found and on the 4th day of March sixty-one bodies were found huddled together as if they had banded themselves together for mutual protection.

On April 10th thirty-one were found in a like manner, as it appears that they had met their death from the foul air and the poisonous gases. They had constructed fans out of 1x12 inch boards, mounted them upon mine props and they had turned them by the aid of mine machine handles. On one of the blades was written: "All alive—2 p. m., 14." Other bodies were subsequently found until in all 251 bodies had been discovered Aug. 1, 1910. There were probably eight remaining in the mine in some cave that has as yet been inaccessible.

The second vein of the mine has been abandoned by the company and they will continue to work only the third or lower vein. The mine is at this date, September 1st, about ready for operation.

#### NAMES OF THOSE KILLED.

We herewith publish the names of those killed, as reported to us by the company, their check numbers, occupations, wages, age, nativity, residence, conjugal relationship, together with the names of the children left, if any.

## CHERRY MINE DISASTER.

## VICTIMS.

Check No.	Name.	Occupation.	Wages.	Age.	Nativity.
547	Amider, Alfio	Miner		18	Italian
291	Agramanti, Foliani	.do		40	.do
510	Alexius, Joseph	.do		28	.do
240	Atalakis, Peter	.do		34	Greek
247	Atalakis, G	.do		39	.do
131	Adakosky, M	.do		18	.do
Co ..	Armelani, Chas.	Trackman	\$2 56	32	Italian
Co ..	Armelani, Paul	.do	2 56	33	.do
86	Burke, Joseph	Miner		31	Irish
155	Bauer, Milce	.do		43	German
110	Brain, Oliver	.do		40	Scotch
25	Burslie, Clemento	.do		34	Italian
289	Bolla, Antonio	.do		24	.do
108	Bastia, Mike	.do		28	.do
274	Brown, Thomas	.do		51	English
170	Bolla, Peter	.do		32	Italian
573	Bawman, Frank	.do		28	Belgium
538	Bawman, Lewis	.do		31	.do
536	Barozzi, Antone	.do		26	Italian
228	Bruno, Edward	.do		33	.do
210	Bredenci, Peter	.do		30	Lithuanian
191	Budzon, Joseph	.do		30	Polish
169	Boucher, Jerome	.do		39	Belgium
272	Bakalar, Geo	.do		25	Slavish
17	Bayliff, Thomas	.do		31	English
498	Bernadini, Chas	.do		26	Italian
208	Bosviel, Adolph	.do		33	.do
294	Budzon, Chas	.do		30	Polish
447	Bertolioni, Tonzothé	.do		22	Italian
569	Benossif, J	.do		34	.do
579	Butilla, August	.do		32	.do
309	Bordesona, Joseph	.do		35	.do
Co ..	Betot, John	Trackman	2 56	40	Lithuanian
Co ..	Brown, John	Cager	2 56	33	.do
Co ..	Buckels, Richard	Spragger	1 40		German
Co ..	Bruzis, John	Timberman	2 56		Lithuanian
Co ..	Bundy, John	Mine manager			.do
597	Costi, Angelo	Miner		23	Italian
489	Ciocci, Peter	.do		24	.do
479	Canov, Carivo	.do		33	.do
451	Cioci, Canical	.do		22	.do
415	Costi, Lewis	.do		22	.do
37	Camilli, Frank	.do		36	French
585	Casserio, John	.do		26	Italian
231	Castoinelo, Chelsto	.do		27	.do
36	Cagoskey, John	.do		56	Slavish
186	Chebubar, Joseph	.do		32	Austrian

NOVEMBER 13, 1909.

## VICTIMS.

Married or single.	Children—Name and age.	Residence.	Remarks.
Single		Cherry	
.do		.do	
Married	Teressa, 3; babe, 2 weeks	.do	Widow and two children
			No particulars
			.do
Single		Cherry	
Married	Albert, 5; John, 3; Edith, 2 mos	.do	Widow and three children
.do	Richard, 8; Marco, 7; Albert, 6; Rachael, 4; Caroline, 2		Widow and five children
.do	Joseph, 2	Cherry	Widow and one child
.do	Mary, 18	.do	.do
.do	Beatrice, 10; Winnie, 6	.do	Widow and two children
.do	Sidney, 6; Rolando, 3; infant	.do	Widow and three children
Single			
Married	Marlco, 6 mos	Cherry	Widow and child
.do			Widow
.do	Dowardo, 6	Cherry	Widow and child
Single			
Married	August, 6	Cherry	Widow and child
.do			Widow
.do	Josie, 9; Antone, 8; Teressa, 2		Widow and three children
.do	Annie, 2; Mary, 1	Cherry	Widow and two children
.do	Satislar, 3; Joseph, 2	.do	.do
.do	Amelia, 17	.do	Widow and one child
.do	George, 10 mos	.do	.do
.do	Rosie Pearl, 18; John Lincoln, 1	.do	Widow and two children
.do	Child, 2 wks.	.do	Widow and child
.do	Clatilda, 15; Bertha, 15	.do	Widow and two children
.do	Infant	.do	Widow and child
Single			
.do			
.do			
Married	Annie, 9; John, 5; Sophia, 4; Mary, 2	Cherry	Widow and four children
Single		.do	
Mother	Albert, 15; Lottie, 11	.do	Mother and two children
Married	Alfred, Amy, William, Florence, Herbert, Ethel, Lincoln, Edgar	Cherry	Widow and eight children
Single		.do	
.do		.do	
Married			Widow and two children in Italy
Single			
Married	One child	Cherry	Widow and one child
Single			
Married	Line, 3; Mary, 10 mos	Cherry	Widow and two children
.do	John, 16; Andrew, 11; Mike, 7	.do	Widow and three children
.do	Joseph, 7; Mary, 6; Phillip, 3; John, 1	.do	Widow and four children

Check No.	Name.	Occupation.	Wages.	Age.	Nativity.
572	Casollari, Elizio	Miner		29	Italian
470	Conlon, Henry	.do		21	French
203	Cohard, Henry	.do		34	.do
97	Cipola, Mike	.do		40	Slavish
105	Clark, Robt.	.do		28	Scotch
129	Carlo, Elfi	.do		28	Italian
436	Casolari, Diminick	.do		40	.do
530	Cavaglini, Chas	.do		45	.do
570	Compasso, John	.do		33	.do
Co ..	Debulka, John	Driver	\$2 56	27	Slavish
Co ..	Dovin, Andrew	Miner		49	.do
35	Donaldson, John	.do		46	Scotch
7	Dovin, George	.do		18	Slavish
38	Demesev, Fred	.do		29	French
58	Dumont, Leopold	.do		33	Belgium
269	Detourney, Victor	.do		36	.do
151	Denalfi, Francisco	.do		30	Italian
461	Durand, Benjamin	.do		26	French
236	Dunko, John	.do		22	Slavish
Co ..	Durdan, Andrew	Timberman helper	2 36		
Co ..	Davies, Jno. G	Trapper	1 13	17	
416	Elario, Miestre	Miner		24	Italian
241	Elko, George	.do		18	Slavish
487	Eloses, Peter	.do		23	Italian
554	Erickson, Chas	.do		55	Swede
Co ..	Erickson, Eric	Timberman	2 56	39	.do
153	Farlo, John	Miner		30	Italian
47	Fayen, Peter	.do		40	French
370	Forgach, John	.do		34	
Co ..	Formento, Dominick	Grocer		32	Italian
Co ..	Freebirg, Ole	Timberman	2 56	35	Swede
Co ..	Francisco, John	.do	2 56	48	Austrian
Co ..	Francisco, August	Driver	2 56	23	.do
Co ..	Flood, John	Merchant		49	Irish
204	Governer, Jno	Miner		42	Belgium
258	Grehaski, Andrew	.do		49	Slavish
187	Gugleilm, Peter	.do		34	Italian
528	Garletti, J	.do		29	
531	Guidarini, Jno	.do		41	Italian
586	Gialcoizza, Angone	.do		33	.do
493	Garabelda, Jno	.do		35	.do
486	Gulick, Joseph	.do		34	Austrian
575	Gwaltyeri, Jalindy	.do		28	Italian
14	Garletti, Jno	.do		19	.do
119	Geckse, Frank	.do		20	Austrian
189	Grumeth, Frank	.do		34	German
80	Gibbs, Lewis	Timberman	2.56	34	English
114	Halko, Mike	Miner		28	Slavish
221	Hadovski, Steve	.do		28	.do
184	Howard, Samuel	.do		20	French
66	Hudar, Jno	.do		45	Slavish
206	Hynds, William	.do		25	American
262	Hertzal, Jno	.do		39	German

Continued.

Married or Single.	Children—Name and Age.	Residence.	Remarks.
Single		Seatonville.	
.do		Cherry	Supporting three sisters; Minnie, 13; Laura, 10; Dora, 5.
Married	Henry, 7; Marcal, 4; Paul, 3	.do	Widow and three children
.do	Mike, 9; Annie, 8; Andrew, 4	Streator	.do
Single		Scotland	
.do		Cherry	
.do		Italy	
Married	Jennie, 13; James 11, Samuel, 8	.do	Wife dead; three children.
.do	Annie, 6; Frank, 5; Mamie, 4, infant 5 mos.	Cherry	Widow and four children.
.do	Infant.	.do	
.do	Annie, 16; Emma, 14; Margaret, 13; Joseph, 11; Susie, 9; Fransley, 7; Albert 4; Caroline, 3.	.do	Widow and eight children
.do	Flenan, 21; John, 15; James, 10.	.do	Widow and three children
Single		.do	
.do		.do	
.do		.do	
Married	Victor, 12; Julia, 9; Eddy 7.	.do	Widow and three children
.do	John, 6 mos.	.do	Widow and one child.
.do	Marsalle, 2	.do	.do
.do	Infant.	.do	.do
Single		Cherry	No particulars
.do		Cardiff	
.do		Austria.	
.do		Italy	
.do		Cherry	
.do		Cherry	
Married		.do	Widow, no children
.do	John, 8; Albert, 5; Andrew, 3; Louisa, 1.	.do	Widow, four children
.do	Mary, 4; John, 1.	.do	Widow and two children
Single		.do	
Married	Peter, 22; Matt, 15; John, 13; Zony, 12; Mary, 10; Willie, 8; Veronica, 7; Jennie and Joe, 3.	.do	Widow and nine children
.do		.do	
Single		.do	
Married	Clara, 18; Martha, 16; Theodore, 14.	Cherry	Widow and three children.
.do	Boy, 16; boy, 12; boy, 3; girl, 20; girl, 18; girl, 9	Streator	Widow and six children.
.do	Mary, 8; Annie, 4.	Cherry	Widow and two children
.do	Aldo, 11; Amelia, 9; Annie, 6; Antonia, 3.	.do	Widow and four children
.do	Minnie, 6; Phillip, 2.	Cedar Point,	
Single		Italy.	
Married	Johanna, 10; Josie, 5; George 1 mo.	Cherry	Widow and three children
.do		.do	Widow mother and six children.
.do		.do	Widow and two children in Austria.
Single		.do	
Married		.do	Widow, no children
.do	Child, 6 mos.	.do	Widow and one child.
Single		.do	Mother.
Married	Annie, 14; Mary, 12; George, 6; Susie, 4; Lizzie, 2; John, infant.	.do	Widow and six children.
.do	Marguerite, 2.	.do	Widow and one child.
.do	Mary, 19; Susanna, 18; Teresa, 14; Louisa, 11; John, 7; Martha, 5; Hanna, 3; August, infant	.do	Widow and eight children.

Check No.	Name.	Occupation.	Wages.	Age.	Nativity.
290	Halofcak, Dan..... Rescued Nov. 20; died 48 hours after.	Miner.....		45	Slavish.....
216	Harpka, Joseph.....	.do.....		52	Austrian.....
413	Hainant, August.....	.do.....		25	French.....
Co ..	Howard, Alfred.....	Trapper.....	\$1.13	16	.do.....
161	James, Frank.....	Miner.....		43	Scotch.....
485	Janavizza, Joe.....	.do.....			
Co ..	Jamison, James.....	Driver.....	2.56	20	
186	Klemiar, Thomas.....	Miner.....		55	German.....
4	Kanz, Jno.....	.do.....		42	Austrian.....
127	Kussner, Julius.....	.do.....		30	German.....
144	Klaeser, Jno.....	.do.....		41	.do.....
170	Klemiar, Richard.....	.do.....		24	.do.....
182	Kometz, John.....	.do.....		53	Slavish.....
72	Krall, Alfred.....	.do.....		15	Polish.....
73	Krall, Henry.....	.do.....		56	.do.....
94	Kroll, Alex. S.....	.do.....		23	.do.....
61	Kenig, John.....	.do.....		42	Austrian.....
197	Klemiar, Geo.....	.do.....		56	German.....
48	Korvonia, Joseph.....	.do.....		33	Austrian.....
56	Kovocivio, Frank.....	.do.....		38	.do.....
568	Korvonia, Antone.....	.do.....		21	Russian.....
444	Kutz, Paul.....	.do.....		33	Lithuanian.....
Co ..	Kliklunas, Dominick.....	Driver.....	2.56	24	.do.....
171	Love, James.....	Miner.....		26	Scotch.....
26	Leyshon, Chas.....	.do.....		24	Welch.....
288	Lukatchko, Andrew.....	.do.....		35	Slavish.....
193	Leptack, John.....	.do.....		26	.do.....
492	Lonzotti, John.....	.do.....		26	Italian.....
468	Love, Morrison.....	.do.....		31	Scotch.....
467	Love, John.....	.do.....		34	.do.....
472	Love, David.....	.do.....		24	.do.....
533	Leynaud, Urban.....	.do.....		37	French.....
512	Lonzetti, Seicomo.....	.do.....		32	Italian.....
567	Lallie, Frank.....	.do.....		21	.do.....
Co ..	Lurnas, Mike.....	Timberman.....	2.56		.do.....
Co ..	Leadache, Joseph.....	Trapper.....	1.13	16	Lithuanian.....
Co ..	Leadache, Frank.....	Driver.....	2.56	20	.do.....
Co ..	Lewis, Isaac.....	Liveryman.....		33	
133	Leadache, James.....	Miner.....		40	Lithuanian.....
91	Mumetich, Hasan.....	.do.....		20	Austrian.....
128	Miller or Malner, Lewis.....	.do.....		19	.do.....
134	Miller or Malner, Joseph.....	.do.....		39	.do.....
174	Miller, Edward.....	.do.....		33	
305	Mokos, Joseph.....	.do.....		43	Slavish.....
102	Meicora, Joseph.....	.do.....		36	Austrian.....
32	Mohahan, James R.....	.do.....		62	Scotch.....
60	Mills, Edward.....	.do.....		44	English.....
280	Mekles, Tony.....	.do.....		54	Austrian.....
549	Merdior, Arthur.....	.do.....		26	Belgium.....
599	Marchiona, Frank.....	.do.....		32	Italian.....
331	Marchiona, Archie.....	.do.....		52	.do.....
327	Maceoha, Jno.....	.do.....		26	Slavish.....
263	Mills, Arthur.....	.do.....		29	English.....
101	Mittle, Jno.....	.do.....		37	Lithuanian.....
139	Mayelemis, Frank.....	.do.....		27	.do.....
24	Masenetta, Anton.....	.do.....		25	Italian.....
34	Malnoski, Joe.....	.do.....		26	
63	McCandless, Robert.....	.do.....		27	Scotch.....
95	McGill, Jno. Jr.....	.do.....		17	.do.....
551	McCrudden, Jno.....	.do.....		25	.do.....
552	McCrudden, Peter.....	.do.....		48	.do.....
200	McMullen, Geo.....	.do.....		24	.do.....
172	Mazenetto, Jno.....	.do.....		18	Italian.....

Continued.

Married or single.	Children—Name and age.	Residence.	Remarks.
Married.....	Mary, 18, Annie, 16; Susie, 13; John, 12; Pauline, 10; Maggie, 7; Steve, 3; Geo, 1	Cherry.....	Widow and eight children.....
.do.....		Austria.....	Widow and seven children.....
.do.....	Dorica, 1.....	Cherry.....	Widow and one child.....
Single.....		.do.....	
Married.....	Daisy, 13.....	.do.....	Widow and one child.....
Single.....		Oglesby.....	Father.....
Married.....	Joseph, 6.....	Cherry.....	Widow and one child.....
.do.....	Kathrine, 13; Killian, 12; Marguerite, 7; Mary, 4.....	.do.....	Widow and four children.....
.do.....		.do.....	
.do.....	Teressa, 10; Peter, 7.....	.do.....	Widow and 2 children.....
Married.....		.do.....	Widow and no children.....
.do.....	Mike, 19; Mary, 17; Susie, 14.....	Streator.....	Widow and three children.....
Single.....		Cherry.....	
Married.....	Eugene, 17; Selma, 12; Bernard, 9; Edmund, 4.....	.do.....	Widow and four children.....
.do.....		.do.....	Widow and no children.....
.do.....		Austria.....	Widow and six children.....
.do.....	Charles, 14; Earnest, 10.....	Cherry.....	Widow and two children.....
.do.....	Joseph, 9 mo.....	.do.....	Widow and one child.....
.do.....		.do.....	
Single.....		.do.....	
Married.....	Barlico, 3; Powla, 3.....	.do.....	Widow and two children.....
Single.....		.do.....	
Married.....	Jeanette, 4; Christina, 2.....	Scotland.....	Widow and two children.....
Single.....		Wales.....	
Married.....	Amin, 12; Andrew, 6; John, 4.....	Cherry.....	Widow and three children.....
.do.....	Mary, 2.....	.do.....	Widow and one child.....
.do.....		.do.....	Widow.....
.do.....	Morrison, 9; Jennette, 3.....	Scotland.....	Widow and two children.....
.do.....	Morrison, 10; Katy, 7.....	Cherry.....	.do.....
.do.....	Morrison, 4; John, 2.....	Scotland.....	.do.....
.do.....	Bertha, 13, George, 3; Marco, 6 mo.....	Cherry.....	Widow and three children.....
.do.....		Italy.....	Widow and two children.....
Single.....		.do.....	
.do.....		.do.....	
.do.....		Cherry.....	
Married.....	Robert, 8; Lola, 6; Isaac, 2.....	.do.....	Widow and three children.....
.do.....	Katie, 22; Josephine, 17; Annie, 10.....	.do.....	.do.....
Single.....		.do.....	
Married.....	Mary, 17; Joseph, 7; Annie, 6; Eva, 4; Frank, 2.....	.do.....	Widow and five children.....
.do.....	Edmund, 7; Raymond, 5.....	.do.....	Widow and two children.....
.do.....	Mary, 17.....	.do.....	Widow and one child.....
.do.....	Joseph, 3; Cecil, 2; Mary, 3 mo.....	.do.....	Widow and three children.....
.do.....		.do.....	.do.....
.do.....	Edward, 9; Phillip, 7; Alma.....	.do.....	.do.....
.do.....		.do.....	
Married.....	Anton, 5.....	.do.....	Widow and one child.....
.do.....	Olga, 1.....	.do.....	.do.....
.do.....		Old country.....	Widow.....
.do.....	Doris, 6; Harold, 2.....	Cherry.....	Widow and one child.....
.do.....	Mary, 7; Annie, 6; Susie, 3.....	.do.....	Widow and two children.....
Single.....		.do.....	Widow and three children.....
Married.....		.do.....	Widow and two children.....
Single.....		Scotland.....	
.do.....		Cherry.....	
.do.....		.do.....	
Married.....	Marie, 11; Peter, 8; Kathrine, 4; Margurite, 2.....	.do.....	Widow and four children.....
.do.....	George, 2; Infant.....	.do.....	Widow and two children.....
Single.....		.do.....	

Check No.	Name.	Occupation.	Wages.	Age.	Nativity.
546	Mani, Joseph.....	Miner.....		56	Italian.....
Co ..	Mayersky, Jno.....	Timberman .....	\$2 56	39	Slavish.....
Co ..	McLuckie, Andrew.....	.do.....	2 56	31	Scotch.....
Co ..	McFadden, Andrew.....	Driver.....	2 56	22	.....
Co ..	Mazak, Jno.....	Timberman .....	2 56	.....	.....
Co ..	Matear (or Mactear), Wm.....	.do.....	2 56	30	.....
Co ..	Norberg, Alex.....	Mine mgr.....		37	Swede.....
Co ..	Norberg, August.....	Timberman .....	2 56	34	.do.....
1	Ossek, Donaty.....	Miner.....		32	Austrian.....
209	Ossek, Martin.....	.do.....		36	.do.....
157	Ondurko, Matt.....	.do.....		26	Slavish.....
541	Olson, Chas. P.....	.do.....		50	Swede.....
273	Palmiori, Albert.....	.do.....		50	Italian.....
227	Prusitus, Perys.....	.do.....		39	Lithuanian.....
118	Prusitus, Peter.....	.do.....		38	.do.....
182	Pavoloski, Jno.....	.do.....		27	.do.....
198	Pressenger, Joseph.....	.do.....		33	German.....
239	Prich, Joseph.....	.do.....		38	Austrian.....
476	Pearson, Alex.....	.do.....		30	Swede.....
488	Perono, Dominick.....	.do.....		32	Italian.....
226	Papea, Chas.....	.do.....		33	French.....
542	Pearson, John.....	.do.....		37	Swede.....
558	Perbacher, Peter.....	.do.....		49	Austrian.....
318	Packo, Andrew.....	.do.....		37	Slavish.....
513	Pete, Ben.....	.do.....		35	Austrian.....
Co ..	Pshak, John.....	Timberman .....	2 56	42	Slavish.....
Co ..	Pauline, Antona.....	Driver.....	2 56	26	Austrian.....
10	Repsel, Martin.....	Miner.....		36	.do.....
57	Repsel, Joseph.....	.do.....		29	.do.....
19	Rodonis, Joseph.....	.do.....		33	Lithuanian.....
64	Rolland, Victor.....	.do.....		18	.....
83	Rittel, Frank.....	.do.....		37	Austrian.....
299	Richards, Thomas.....	.do.....		21	Welch.....
414	Ricca, Cegu.....	.do.....		30	Italian.....
504	Riva, Joseph.....	.do.....		27	.do.....
423	Raviso, Joe.....	.do.....		.....	.....
321	Ruggesie, Gailamyo.....	.do.....		25	Italian.....
Co ..	Rossiman, Robert.....	Trapper.....	1 13	17	German.....
Co ..	Ruygiesi, Frank.....	Driver.....	2 56	21	Italian.....
Co ..	Rimkus, Joseph.....	.do.....	2 56	27	Lithuanian.....
Co ..	Robeza, Joseph.....	.do.....	2 56	.....	.....
55	Sopko, Cantina.....	Miner.....		24	Slavish.....
22	Speir, James.....	.do.....		34	Scotch.....
44	Stettler, Harry.....	.do.....		24	German.....
71	Sandeen, Olaf.....	.do.....		50	Swede.....
85	Seitz, Paul.....	.do.....		34	Slavish.....
111	Shermel, Antone.....	.do.....		36	Austrian.....
132	Stark, John.....	.do.....		35	.do.....
62	Stanchez, Frank.....	.do.....		30	Polish.....
473	Stefenelli, Dominick.....	.do.....		39	Italian.....
474	Sarginto, August.....	.do.....		25	.do.....
253	Siamon, Andrew.....	.do.....		24	Slavish.....
482	Semboa (or Sereba), J.....	.do.....		.....	.....

Continued.

Married or single.	Children—Name and age.	Residence.	Remarks.
Married.....	Katie, 20; Mary, 4.....	Cherry.....	Widow and two children.....
.do.....	Annie, 13; Susie, 11; Emma, 8; Joe, 6; George, 2.....	.do.....	Widow and five children.....
.do.....	John, 10; Jeannette, 5; James, 3; Andrew, 2; Wm. Tayter, 2 wks.....	.do.....	Widow and five children.....
Single.....		Spring Valley.....	
Married.....		Cherry.....	Widow and three children.....
.do.....		.do.....	Widow.....
.do.....	Mae, 6; Dorothy, 2.....	.do.....	Widow and two children.....
Single.....		.do.....	
Married.....	Benat, 8; Mary, 3; Albert, 1.....	.do.....	Widow and three children.....
.do.....		.do.....	Widow.....
.do.....	Mary, 6; Verna, 5; Annie, 4; Matt, 2; John, infant.....	.do.....	Widow and five children.....
Single.....		Cleveland, O.....	
Married.....		Italy.....	Widow and seven children.....
.do.....	Perys, 8; Tony, 6; Mike, 2; Infant 11 mo.....	Cherry.....	Widow and four children.....
.do.....	Pete, 8; William, 7; Blaygue, 6; Frank, 4.....	.do.....	Widow and four children.....
.do.....	Rosie, 6; Mary, 2; Susie, 10 mo.....	.do.....	Widow and three children.....
.do.....	Hilda, 6; Annie, 4; Walter, 3 mo.....	.do.....	Widow and three children.....
.do.....		Old country.....	Widow.....
Single.....		Cherry.....	Widow and four children.....
Married.....	Mary, 6; Joseph, 4; Annie, 2; Peter.....	.do.....	Widow and two children.....
.do.....	Lucy, 4; Kathryn, 6 mo.....	Sweden.....	
Single.....		Austria.....	Widow and six children.....
Married.....		Cherry.....	Widow and two children.....
.do.....	Andrew, 16; John, 14.....		
Married.....	Annie, 12; John, 10; George, 8; Mary, 4; Lizzie, 14 mos.....	Cherry.....	Widow and five children.....
.do.....	Antone, 1.....	.do.....	Widow and one child.....
.do.....	Martin, 8; Lucy, 4; Barbara, 3; Antone, 1.....	.do.....	Widow and four children.....
.do.....	Joseph, 2.....	.do.....	Widow and one child.....
.do.....	Peter, 15; Mary, 9; Mabel, 8; Joseph, 6.....	.do.....	Widow and four children.....
Married.....		Cherry.....	Widow and two children.....
.do.....	John, 12; Martin, 9.....	.do.....	Widow.....
Single.....		Italy.....	
Single.....		Cherry.....	
.do.....	Teressa, 13; Andrew, 10; Hannah, 8; Marguerite, 4; John, 2 wks.....	.do.....	Mother and five children. Father and mother not living together.....
.do.....		.do.....	
.do.....		.do.....	
.do.....		.do.....	
Married.....	Alexander, 12; William, 11; Jennie, 9; George, 7; Jas., 5; Elizabeth, 1.....	Cherry.....	Widow and six children.....
.do.....	Herman, 2; Maria, 4 mos.....	.do.....	Widow and two children.....
.do.....	Roy, 17; Edwin, 15; Jennie, 12; Evelyn, 6.....	.do.....	No widow.....
.do.....	Hattie, 3; Edward, 1.....	.do.....	Widow and two children.....
Single.....		Cherry.....	Widow and three children.....
Married.....		Cherry.....	Widow and two children.....
.do.....	Josephine, 2; Helen, 3 wks.....	Cherry.....	Five children.....
.do.....		.do.....	
.do.....	Andrew, 6; Martin, 4; Mary, 2 mos.....	.do.....	Widow and three children.....
.do.....		Cherry.....	Widow.....

## Victims—

Check No.	Name.	Occupation.	Wages.	Age.	Nativity.
455	Smith, John W.....	Miner.....		46	Scotch.....
225	Sublich, Charles.....	.do.....		32	Lithuanian.....
245	Suhe, John.....	.do.....		17	Slavish.....
181	Suhe, Mike.....	.do.....		44	.do.....
194	Suffen, John.....	.do.....		39	Austrian.....
146	Sukitus, Joseph.....	.do.....		30	Russian.....
308	Steele, Peter.....	.do.....		24	American.....
312	Sarbelle, Julius.....	.do.....		28	Italian.....
282	Stearns, James.....	.do.....		40	American.....
135	Seitz, Edward.....	.do.....		28	German.....
301	Scotland, William.....	.do.....		32	Scotch.....
251	Shemia, Jno.....	.do.....		40	Austrian.....
Co ..	Stewart, Harry.....	Laborer.....	\$2 36	28	Scotchman.....
Co ..	Szabrinski, Jno. (known as John Smith)	Cager.....	2 56	29	Lithuanian.....
Co ..	Stam, Antone.....	Timberman.....	2 56	44	.do.....
89	Staszski, Tony.....	Miner.....		33	Polish.....
16	Sestak, Jno.....	.do.....		25	Slavish.....
52	Tinko, Joseph, jr.....	.do.....		28	.do.....
212	Finko, Joseph, sr.....	.do.....		51	.do.....
315	Tinko, Steve.....	.do.....		24	.do.....
Co ..	Tinko, Andrew.....	Spragger.....	1 40	17	.do.....
Co ..	Teszzone, George.....	Timberman.....	2 56	28	Italian.....
516	Talioli, Eugene.....	Miner.....		38	.do.....
537	Tonnelli, Emilia.....	.do.....		30	.do.....
313	Turchl, Nocenti.....	.do.....		31	.do.....
431	Tosseth, Frank.....	.do.....		29	.do.....
478	Famashanski, Joseph.....	.do.....		28	.do.....
503	Tamarri, Pasquale.....	.do.....		25	.do.....
Co ..	Tonner, John.....	Trackman.....	2 56	47	Scotch.....
586	Ugo, Filippe.....	.do.....		28	Italian.....
29	White, Geo.....	Miner.....		54	English.....
113	Welkas, Anthony.....	.do.....		31	Russian.....
Co ..	Waite, Chas.....	Mine examiner.....	3 01	42	English.....
Co ..	Wyatt, Wm.....	Timberman helper.....	2 36	35	.do.....
149	Yurcheck, Antone.....	Miner.....		47	Slav'sh.....
211	Yacober, Frank.....	.do.....		32	German.....
477	Yannis, Peter.....	.do.....			
Co ..	Yagoginski, Frank.....	Driver.....	2 56	34	Polish.....
Co ..	Yearley, Joseph.....	.do.....	2 56	20	.do.....
5	Zlegley, Thos.....	Miner.....		27	Slavish.....
148	Zekuia, Joseph.....	.do.....		33	.do.....
497	Zacherria, Giatano.....	.do.....		40	Italian.....
265	Zeikell, Pat.....	.do.....		28	Austrian.....

Concluded.

Married or single.	Children—Name and age.	Residence.	Remarks.
Married	Arthur, 18; Roy, 12; Phyllis, 4	Cherry	Widow and three children
.do	John, 4; Charlie, 2	.do	Widow and two children
Single		.do	
Married	Tony, 9; George, 4	.do	Widow and two children
.do	John, 9; Annie, 5	.do	Widow and two children
.do	Joe, Annie, Mary	Russia	Widow and three children
Single		Streator	
Married		Cherry	Widow and infant
.do		.do	Widow and one child
.do	Henry, 5; Albert, 4; Willie, 2; Lewis, 2 months	.do	Widow and four children
.do	James, 9; William, 5; Andrew Craig, 3 months	.do	Widow and three children
.do	Mary, 12; Annie, 12; Susie, 9; John, 7; Andrew, 4; Emma, 2	.do	Widow and six children
.do	Henry, 7; Walter, 5; Helen, 4; Robert, 1 month	.do	Widow and four children
.do	Eale, 2	.do	Widow and one child
Single		Spring Valley	
Married	Antonia, 2 weeks	Cherry	Widow and one child
Single			
Married	Joseph, 6; Tony, 5; Mary, 3; Andrew, 2; George, 2 months	.do	Widow and five children
.do	Louis, 26; John, 14; Paul, 12	.do	Widow and three children
Single		.do	
.do		.do	
Married	Brogo, 6; Mary, 4	.do	Widow and two children
.do	Angel, 5; Dominick, 3; Annie, 2; Katie, 2 months	.do	Widow and four children
.do	Stella, 6; Jennie, 4; Charlie, 2; Amelia, 6 weeks	.do	Widow and four children
Single		.do	
Married	Armendo, 2	.do	Widow and one child
Single		Old country	
Married			Widow
.do	Rachael, 17; Rose, 15	Cherry	Widow and two children
.do		.do	Widow
.do	Stanley, 10	.do	Widow and one child
.do		.do	Widow and two children
.do	Joseph, 4	.do	Widow and one child
.do	Ruth, 14; Eva, 12; Annie, 9; Thomas, 4; Norris, 4	.do	Widow and five children
.do	Mary, 17; Annie, 12	.do	Widow and two children
.do	Barbara, 11; Frank, 8; John, 6; Mary, 4	.do	Widow and four children
Married	Frank, 16; Mary, 13; Marguerite, 11; Agnes, 5; Hannah, 3	Cherry	Widow and five children
Single		Spring Valley	
Married	Annie, 13; Mike, 11; John, 10; Mary, 8; Emma, 5; Joseph, 3; George, 3 mo	Cherry	Widow and seven children
.do	August, 8; Jennie, 2; Infant	.do	Widow and three children
.do	Antone, 3; Rudolph, 2; Infant	.do	Widow and three children

## NATIVITY.

The nationality of those killed ranges as follows: Italians, 73; Slavish, 36; Austrian, 28; Lithuanian, 21; Scotch, 21; German, 15; American, 11; French, 12; Polish, 8; Swede, 9; English, 8; Belgian, 7; Irish, 3; Greek, 2; Welch, 2; Russian, 3. There are sixteen nationalities represented; 161 were married and 97 were single. There were 607 persons dependent upon them. This large number of people left either destitute or without any means of support attracted the attention and sympathy of the nation. Three of those killed were not employés of the mine but had volunteered their services in rescuing those below and were burned to death on the cage in the attempt. They were: Isaac Lewis, a liveryman; John Flood, a merchant, and Dominic Formento, a groceryman, all of Cherry. They each were married and left a widow and children.

## AGES OF THE CHILDREN.

The following table shows the ages of the children by nationalities:

Nationality	Ages of children.														Over 14.	Not reported.	Total	Nationality of fathers.	
	Under 1 year.	1	2	3	4	5	6	7	8	9	10	11	12	13					14
American.....				1														1	1
Austrian.....	4	4	5	8	4	3	2	7	2	3	2		4	2			<i>a</i> 4	54	15
Belgian.....						1	1	1		1			1		1		<i>b</i> 3	9	4
English.....		1	1		3	1	1	1	1	2	1		1		1			14	6
French.....	2	1	1	2	2			1							1			10	6
German.....	5		2	1	4	3	2	2		3	3		1	2			<i>c</i> 4	34	11
Irish.....			1															1	1
Italian.....	11	3	8	7	9	3	9	1	6	3	2	3		2			<i>d</i> 2	69	25
Lithuanian.....	2	1	6	2	3	2	5	2	4	1	1						<i>e</i> 3	40	11
Polish.....	3		2	2	1	1				1			1	1			<i>f</i> 2	15	6
Scotch.....	4	1	5	2	5	4	1	3	1	3	4	2	2	1			<i>g</i> 5	43	15
Slavish.....	8	3	5	6	7	3	5	3	4	4	3	4	7	4	5		<i>h</i> 13	87	25
Swede.....			1			2							1				<i>i</i> 2	6	2
Not reported.....		1	1	1		1		2										7	2
Totals.....	39	15	39	31	38	22	29	21	22	18	16	13	17	12	9	38	11	390	130

*a* One 15, one 16, one 17 and one 22.

*b* One 16, one 17 and one 18.

*c* One 15, two 18 and one 19.

*d* One 15 and one 20.

*e* One 15, one 17 and one 22.

*f* One 16 and one 17.

*g* Two 15, one 17, one 18 and one 21.

*h* Five 16, three 17, two 18, one 19, one 20 and one 23.

*i* One 15 and one 17.

## REPORT ON THE CHERRY MINE DISASTER.

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By THOMAS HUDSON, STATE INSPECTOR OF MINES, SECOND DISTRICT, GALVA, ILL.

This report covers incidents and occurrences which took place at the St. Paul Coal Company's mine No. 2, located at Cherry, Bureau county, Illinois, from November 13, 1909, when the fire started, until the morning of November 25, 1909, when both main and air shafts were securely sealed, and covered with concrete, to more quickly extinguish the flames known to be raging below in close proximity to the main shaft.

From the most reliable reports to be obtained at the mine, the fire commenced at or about 1:30 p. m., on Saturday, November 13, 1909. The place where the fire started, was at, or quite near the landing place, in the airshaft, at the second vein, where the coal from the third vein is hoisted through said airshaft and taken off the cage at the second vein, and hauled around to the main shaft, recaged and hoisted to the surface.

The cause of the fire, from information gleaned at the mine, was, a pit car, containing five or six bales of hay, intended for the third vein was sent down the main shaft, and hauled around in the second vein to the air shaft landing above mentioned. This pit car, containing the hay, was placed near, probably directly under a blazing open torch, placed there to give light to the cagers, consisting of two men and a boy. The oil burned in this torch was quite likely kerosene, it is also very possible that some of the oil dripped from the torch and fell on the hay in the pit car, at all events, the hay is supposed to have caught fire from the torch, and certainly could have been easily extinguished, if immediate steps had been taken to do so. The car of burning hay, however, seems to have been pushed around from one position to another in an air current having a velocity of about 700 feet per minute, until it had fired the overhead timbers. The car containing the burning hay, was finally pushed into the shaft opening, and fell into the "sump" at the third vein, where it was quickly extinguished; but the heavy pine overhead timbers at the second vein were by this time on fire, and could not be reached because of the dense smoke; by this time the control of the fire was lost, and the result was the worst mine disaster of modern times.

Late Saturday night and early Sunday morning November 14, the mine inspectors of Illinois began to arrive at the mine. This force was augmented later by mine inspectors from other states; one came from Indiana, two from Ohio, two from Iowa and one from Missouri. Professional experts from Pittsburg and Champaign experimental stations, and about a dozen firemen from the Chicago fire department, were also on the ground. During the day, Sunday 14th, two men from Champaign with helmets, succeeded in reaching the second vein through the airshaft in a sinking bucket, but could do nothing more as the smoke and steam were too dense for exploration. Both shafts were covered over and remained so during the night.

Monday, November 15: Men with helmets again descended the air shaft, they reported the temperature fairly comfortable but smoke and steam still too dense for active work. It was then decided to case the fan temporarily as an exhaust (the fan casing having been destroyed and the babbitt metal

melted out of the journals, when it was reversed from a blower to an exhaust during the early stage of the fire) start the fan and attempt a descent into the mine through the main shaft. This was done, and the main shaft uncovered. The airshaft now became the upcast, and men wearing helmets went down the main shaft, the cages in this shaft being in good working order; when they got to the bottom, or second vein, they found the fire raging and were forced to return to the surface; the fresh air admitted by making the main shaft the downcast had started the partially subdued fire into a blaze. Both shafts were then covered over, and remained so during the night.

Tuesday, November 16: Both shafts remained covered over during the day, which was spent mainly in taking the temperature of the mine by lowering a thermometer to the second vein, and in every case, the bottom of the main shaft at this vein was found too hot for work of any kind.

Wednesday, November 17: Temperatures were again taken and found to be about the same as on the day previous. A conference was held by the Inspectors of Illinois with those from Ohio, Iowa, Indiana, Missouri and the mining experts from Pittsburg and Champaign also the representatives of the Coal Company. It was decided to again have men with helmets go down the air shaft; they descended about 9 p. m. and found the temperature more favorable and no fire in sight; of course men did not leave the sinking bucket in which they descended. During the night a "float" or temporary cage was constructed for use in the airshaft, should exploration work be again attempted from that point.

Thursday, November 18: The main shaft was uncovered late that day, and a line of hose put down to the second vein, and fire fighting in earnest commenced; this was done principally from the north cage as fire was blazing on the south and east sides of the shaft, which prevented firemen from leaving the cage. The men with helmets during the day went down the air shaft on the "float" and recovered one body that had been seen on a previous trip. Fire fighting was kept up constantly at the main shaft during the night.

Friday, November 19: Progress was made, advancing on the west side shaft parting at the second vein; four bodies were found and brought to the surface. The Chicago firemen were in charge of the fire fighting below. The east and south sides of the shaft bottom were inaccessible, owing to heavy falls of roof and burning timbers, the west side of the shaft only being open. During the day explorers got around on the south entry, and then east to a point not far from the bottom of the air shaft in the second vein, but falls of roof had to be cleaned up, and repairs made in the timbering, this was ordered done during the night. In the evening after a conference, the Inspectors from other states and seven of the Illinois Inspectors returned to their home; three of the Illinois inspectors remaining in charge. This action was taken because the inspectors considered that the company had a sufficient number of able men on the ground to take care of the situation.

Saturday, November 20: The fire was now seemingly under control, that part at least which was accessible from the bottom of the main shaft; the heavy falls of roof on the east side of the shaft, probably 35 feet high were loaded out and the smouldering fire quenched as it was reached.

At 10:30 a. m., the three Illinois mine inspectors remaining over from the day before left the mine, urgent business in other parts of their respective districts calling them away; one of them having a mine explosion that had occurred the previous week, to investigate, by which, two shot firers had been killed.

It was shortly after noon on this date, when an exploring party found 21 men alive in the first west off of the main south entry. The imprisoned men had built "stoppings" thereby shutting out the foul gases from the fire, and depending on the purer air in the inclosed space to sustain life; they were at once removed from the mine, all but one recovering.

Telegraph messages were sent to all the Illinois inspectors and they hurried back to the mine; several of them arriving within a few hours. During the night explorations were made in the east entries off of the main south.

Monday, November 22: The exploring of the south section of the mine continued through the day, about 100 dead bodies were taken out of that part of the workings.

Tuesday and Wednesday, November 23 and 24: On these dates the first northwest entries were explored, the face of the entries were reached but no bodies were found; it was learned later, that all of the men got out of this part of the mine; it was also found that there was no connection between the northwest part of the workings, where the exploration was made and the north part of the workings on the east side of the shaft, where many men were known to be at work the day the fire started.

While the explorers were in the northwest entries, smoke was found issuing from the main passageway which connects the west shaft parting with the air shaft, and which was closed by a fall of roof and a temporary stopping; the explorers in the northwest section were hastily recalled, when the temporary stopping was pulled down, and a stream of water from the fire hose turned in, and all signs of fire subdued at that point, and a more substantial stopping put in during the night.

About 2 o'clock, a. m., Wednesday, the 24th, a party of four went down into the third vein, on their return they reported from 3 to 4 feet of water covering the floor of the mine in the lower parts of the workings, and that they had found groupes of men in the dry parts, all dead. Pumps were being made ready in the meantime to remove the water, partially at least, from the third vein workings so that the bodies could be recovered.

During the succeeding few hours, however, it was noticed that the fire from the south and east sides of the main shaft, was slowly encroaching on the shaft itself. Holes were cut in the shaft lining as high as 30 feet from the bottom, and streams of water thrown in behind the shaft lining; but the steam and smoke continued to issue from the openings cut and also from the sides of the shaft, in increasing quantities; to offset this a board stopping was built around the south and east sides of the shaft, and as close thereto, as the working of the cages would permit, and a stopping closed tight, near the bottom of the airshaft. The object of this was to deaden, or partially subdue, the fire thought to be burning between those points; this, however, was not entirely successful as the smoke from behind the shaft lining, which formerly passed to the east and around to the upcast or airshaft, was now carried to the west side of the main shaft, and the rescuers there practically driven from the mine.

A strong smell of coal smoke was noted indicating that the coal pillars were on fire, and as the gases given off by burning coal were known to be dangerous, great caution became necessary. Sometime shortly after midnight on the morning of Thursday, November 25, a consultation was held, at which, the President of the State Mining Board, chief of the fire department; expert helmet men from Champaign, the Illinois mine inspectors and representatives of the St. Paul Coal Company were present. The situation was discussed from every possible point of view, and it seemed to be the unanimous opinion of all present, that all of the men in the mine were dead; and the best way, looking to the recovery of the bodies later, was to seal up both of the shafts while they were in this condition, to be entered as soon as the fire was extinguished.

The sealing of the shafts was commenced early Thursday morning November 25th. A two inch pipe was inserted in the concrete cover of the main shaft, so that the temperature, pressure and condition of the air from the mine could be obtained at short intervals, and the exact conditions of the underground workings of the mine understood.

## REOPENING OF THE CHERRY MINE.

Both shafts of the Cherry mine were securely sealed over with steel rails and concrete on the morning of November 25, 1909, and remained sealed until February 1, 1910.

During this interval, daily readings of the temperature in the main shaft had been taken, and were found to range from 123° on November 29, four days after the shaft was sealed, to 121° December, 1; 93° December 10; 84° December 20; 74° December 30; 70° January 10; 68° January 20; 66° January 29; and the same on February 1, when the shaft was opened; this was assumed to be the normal temperature of the mine under existing conditions.

In the opening up the main shaft, an aperture about three feet square was cut in the concrete covering, just above the cover of the north cage, which had been left suspended directly under the concrete cover when the shaft was sealed; the south cage had been taken off.

The same day this opening in the concrete cover, two men, Webb and Moses, wearing oxygen helmets, were passed on to the cage and lowered to the second vein. After an investigation around the bottom they were hoisted to the surface, and reported conditions just about as they were when the shaft was sealed up, except, no signs of fire nor smoke were visible, and the temperature at the bottom of the shaft normal and quite comfortable to work in. They descended a second time, and brought up a sample of air for analysis in which "black damp" or carbon dioxide predominated.

Late in the same afternoon, the concrete covers from both the main and the air shafts were removed, and the fan started up as an exhaust, that is, the fresh air was drawn down the main shaft and up the air shaft. It might be stated here that the Capell fan, which had been warped and twisted with the heat during the fire, had been taken away and thoroughly repaired and again put in position and cased in a substantial manner.

After a short interval, to allow the fan to clear the passage or west "run-around" between the main and air shafts, two of the State inspectors, with safety lamps, descended the main shaft, and found a good current of air passing from the main or downcast, towards the air or upcast shaft. They returned to the surface and reported the mine in a safe condition for workmen with naked lights to enter, which they did, and during the night repaired and reinforced the brattice around the east and south sides of the main shaft, also commenced to clean out the west passageway or "run-around" to the air shaft which was found in a very bad and dangerous condition, owing to falls of roof broken timbers, etc.

It was considered, that the best and safest method was, to employ only a limited number of men underground, a number just sufficient to open up the west passageway to the escape and airshaft. After this road is opened and the airshaft put in order to take men out of the mine, an escapement or two ways out of the mine will be available. This will make men working below feel more safe, as it is not likely that fire can break out at both shafts at the same time. The cleaning out and retimbering of the west passageway to the airshaft continued to be slow and dangerous work impeded as it was, by heavy falls of roof. By a good deal of hard and dangerous work, a small opening was made over, under and by the side of the falls in the west passageway to the bottom of the airshaft, and through this opening boards were taken and a "stopping" put in on the north side of the airshaft to prevent any sudden breaking out of fire from that direction.

Cleaning up and retimbering between the two shafts continued, care being taken to keep a close watch on all stoppings to prevent leaks or a sudden breaking out of fire.

The body of a man that was known to be lying at the second vein landing at the airshaft was brought to the surface February 14, in a sinking bucket.

February 5: A large steam pump was sent down the main shaft to the second vein. An extra covering of brattice was put around the east and south sides of the bottom of the main shaft at the second vein. The con-

crete was shipped away from around the collar of the airshaft, and a "float" put in, and suspended just below the surface, ready for carpenters to make permanent repairs to the burned out portion of the airshaft.

February 6: The west passageway from the main to the airshaft was now cleaned out and securely timbered and open for the passage of pit cars. An entry is being driven in the shaft pillar around the north side of the main shaft and the heavy fall of roof on the east bottom, to connect again with the shaft bottom on the east side, inside of the burned out timbers and fall. This entry will give access to the east and northeast sections of the mine and to the airshaft by way of the west passageway. Men were cleaning up the main south entry on the west side to recover rails, ties, pit cars and other material. The use of the cages in the main shaft were taken up most of the day by workmen making pipe connections for "steam jets" to throw water from the third vein to a tank located at the second vein, where it is taken up by the steam pump at the second vein and thrown to the surface. The emergency cage at the third vein, main shaft, was hoisted to the second vein and reduced to a size suitable to allow the steam jets to pass to one side of it.

February 7 and 8: Work in the mine was progressing slowly; cleaning up the south entry, west side; driving the entry around the main shaft and fall on east side, also fitting water and steam pipes in the main shaft for pumps and injectors.

February 9 and 10: When steam was turned on to the injectors and pump the heat caused the pipes to expand, they were thrown out of line and were struck and broken by a descending cage. A concrete stopping was put in on the second east entry, west side, near the bottom of the airshaft.

February 11 and 12: The pipe line was repaired and started up but was broken again but repaired, and at 8 a. m. the 12th both pump and injectors were working steadily and doing good work. The entry around the main shaft was driven in 120 feet and has about 70 feet more to be completed.

February 13 and 19 inclusive: The work done during the week consisted in holing the entry into the main bottom, east side, and putting a concrete stopping across the main bottoms inside of the east opening, to the mule stables; cleaning up heavy falls of roof on the main north entry, east side, and in the east passageway or runaround to the airshaft.

Fifteen bodies were recovered during the week; all were found near where the new entry connected with the main bottom inside of the large fall thereon.

The shaft timbers in the main shaft were again giving off considerable smoke and heat, showing quite plainly that the fire was smouldering behind them, and in dangerous proximity thereto. Pumping from the third vein was suspended until more brattice could be put around the bottom of the main shaft to keep back the fire.

February 20 and 21: The pump and injectors were still idle, as the steam given off prevents a close watch for fire being observed on the main shaft. Three more bodies were recovered on the 21st; they were found just outside of the second door going south in the east passageway to the escape shaft. The pumps and injectors were started again but shut down later, because of the smoke and heat from the shaft lining.

One more body was found on the evening of the 23d under a large fall of roof, on the main north entry, east side.

February 24: Good work was being done in repairing the burned out lining and partition in the airshaft; in two or three days the work of putting in the burned out stairway from the second vein to the surface will be completed. The east passageway to the airshaft is cleaned up and retimbered and in shape for the hauling of pit cars.

February 27 to March 5: During the week ending March 5th cleaning up of the north entry, east side was continued, and 65 bodies in that section of the mine were recovered.

It is quite probable that all of the bodies in the 2d vein have now been recovered, except perhaps some that may be covered up by "falls" on the shaft bottom or parting on the east side, or in the direct passageway, from the shaft parting on the west side, to the airshaft.

March 6 to 13: The northeast workings of the second vein, were quite thoroughly explored, and rails, pit cars and other material taken out; pumping water from the third vein was continued. An injector was put in at the airshaft, to raise the water from the third vein to the second and a pump was installed at the second vein to raise the water to the surface; both were working in a satisfactory manner. The water at the airshaft in the third vein was reported to be two inches below the "door heads" on March 9th; on this date the main shaft was again giving off heat and smoke, so much so, that all of the men also two mules were brought out of the mine, and carpenters again put to work patching up the brattices. A wooden form was put around the east and south sides of the main shaft, and about six inches of sand bedded therein to shut off the smoke. The sand packing proved successful, the smoke being practically shut off. The injectors and pumps at both shafts were in operation; the water at the bottom of the airshaft in the third vein was nine inches below the door heads March 13.

March 13 to 26: There was not much work during the past two weeks except the pumping of water from the third vein. March 26 two and a half feet of water was above the rail at the bottom of the airshaft.

March 27 to 29: The water was fairly well removed, a cage was prepared to hoist rock from the third vein to the second at the airshaft; large falls of roof were encountered both north and south. The pump at the third vein, bottom of the airshaft was started up and was working fairly well; this pump had been submerged since the sealing of the mine, November 25th.

March 29: Richard Newsam, president of the State Mining Board, and four State inspectors of mines some of whom had been on duty continuously since the opening of the mine February 1st, went down from the second and the third vein on the emergency cage at the main shaft. They found about two and one half feet of water at the cage landing; the shaft bottom, east and west, also the mule stables, where heavy, permanent timbering had been done were all found standing intact. After leaving the main bottom, however, large falls of roof were found; in fact, the entries around the shaft pillar, in every direction were practically closed. This condition required a great deal of time and labor, before the bodies known to be in the third vein were reached.

April 1 to 6: The work of cleaning up the falls in the north section of the third vein was continued. Connections having been made between the main and airshafts, at the third vein.

April 7: Mine Inspector McAllister, mine manager Frew and John Fraser, a shift foreman, by climbing over falls, broken timbers and other obstructions, located the bodies of the men in the third vein. They were found at the end of the north air course, running direct from the bottom of the airshaft, just at the north boundary of the shaft pillar. Workmen were at once started to clean out the aircourse, north from the main shaft bottom, as this was the nearest and quickest way to reach the bodies.

April 10: One body was recovered from the third vein; April 11, 35 bodies were taken out; April 12, 15 bodies were taken out, making 51 bodies in all taken from the third vein.

The bodies of these men were found comparatively close together within a radius of not more than about 100 feet. According to the record of F. P. Buck, the clerk in the office at the mine, 10 or 12 men are still missing; but as 5 men have been located, working at other mines, who were supposed to be lost in the Cherry mine, some of the missing men may be found in like manner. However, if any more bodies are in the mine, they will be found as the cleaning up process progresses.

The four State inspectors, who had been on duty by relays since the opening of the mine, February 1st, considering they could be of no further service, or not until the fire area should be broken into, left for their homes April 13, 1910.

#### OPENING OF THE FIRE AREA AND SECURING THE SHAFTS IN THE CHERRY MINE.

After the recovering of the bodies from the third vein April 12, about 30 days were consumed in removing the pit cars, track, timber and everything of value from the interior workings of the second vein, it having been decided by the company to abandon that seam permanently.

May 14: After a narrow entry had been driven through the shaft pillar on the west side, to connect with the pump room an opening about 12 feet wide, and 70 feet in length, running from the south end of the main shaft to the stable in which the fire was known to be burning; another opening was made into the pump room, where a good deal of fire was in evidence, especially the coal "ribs" which were actively burning; but with an abundant supply of water, under a 300 foot head, and the necessary hose connections, the fire was easily kept under control, and the shale roof which had fallen to a height of fully 30 feet, was loaded into pit cars and sent out of the mine.

As soon as a sufficient space was cleaned, two sets of heavy timbers were set up, and on top of these "cogs" were formed and built up to the top, and the roof secured.

The building of the "cogs" was most difficult and dangerous; difficult, because of the intense heat, which was more intense as the "cogs" were placed higher; and dangerous because of the unreliable nature of the roof, large slabs of which fell or were liable to fall at all times.

The heat was partially overcome by putting a small air compressor into operation and carrying compressed air down the shaft in pipes and thence through hose to the men at work. As soon as sufficient space was cleared, and the roof temporarily secured by "cogging," a base for concrete dams or stoppings was formed by cutting down into the floor and into the sides of the opening or entry, and a concrete stopping built, quite close to where the pump room connected with the stables. The same methods described above were used in breaking into the fire area on the shaft bottom, east of the main shaft, and on the north side of the airshaft.

The conditions encountered were similar in each case, but differed somewhat in degrees; that is, more fire was found on the main shaft parting than in the pump room and less north of the airshaft.

After the fallen roof had been removed from around both shafts, the work of thoroughly securing the same with concrete was commenced. On the east side of the main shaft a heavy wall or "backing" of concrete was built against the shaft timbers, and at right angles thereto; three walls of concrete one on each rib and one in the center were built to connect with a concrete stopping about 28 feet east of the main shaft. These walls are built to within about a foot of the roof, about 30 feet high, and across them are laid steel rails and wedges driven between the rails and the roof, thoroughly securing the latter.

Openings are left in the concrete walls around both shafts, to admit the passage of any one desiring to examine or inspect the walls and stoppings.

Practically the same methods as described above, are used to secure the south side of the main shaft, and the north side of the air shaft. The "old works" of the second vein are completely cut off from the main shaft by permanent stoppings and a new entry has been driven around the main shaft, and through the shaft pillar to the air shaft.

Through this entry, pipes are laid connecting the "rings" in the airshaft, which gives off abundance of water, with a concrete reservoir built near the main shaft at the second vein. From this reservoir the third vein will

obtain its water supply for fire fighting purposes. The distance between the two veins being 160 feet, the pressure due to the altitude will be about 80 pounds per square inch.

During the week ending August 13th, steel guides were put in between the second and third veins, new ropes put on and the cages running down to the third vein; and the cleaning up well underway. September 3, the cleaning up had progressed so far, that the coal face had been reached at 5 or 6 different points, and it is fair to assume, that by October 1, 1910, the mine will again be in a coal producing condition.

NOTE—On July 7th the body of a man was found about 10 feet north of the airshaft, under a large fall of roof. In regard to the number of men lost, and number of bodies recovered, the following statement was received from an official of the St. Paul Coal Company.

August 16, 1910—

Total number believed to be lost .....	268
Total number of bodies recovered from second vein .....	187
Total number of bodies recovered from third vein .....	51
Lost, by burning, on the cage .....	12
Thought to be lost in the mine but found later alive and working at other parts of the State .....	11
Still missing, but whether in the mine or gone to parts unknown, cannot at this time be determined .....	6

THOS. HUDSON,

*Mine Inspector.*

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## II. The Public's Response to the Needs of the Victims.

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## THE PUBLIC'S RESPONSE TO THE NEEDS OF THE VICTIMS.

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### RELIEF.

After dwelling with the horror and suffering of victims that were caught in the mine we must turn to the heart-stricken widows and children, fathers and mothers, brothers and sisters who anxiously waited for those who never returned.

It was a pitiful sight to see those bereft ones linger about the hoisting shaft for days, scarcely taking time to eat or sleep, hoping and praying that those upon whom they were dependent might return.

One of the greatest difficulties which those in charge about the mine and in the village had was the pacifying and providing for these bereaved people.

The widows and children were, in many cases, left without provisions that would last for any length of time and, being mostly foreigners, had no relatives to fall back upon. They were clearly at the mercy of the public.

As is generally the case in an affair of this kind, the great need is for immediate relief. It takes some time to administer relief efficiently and systematically after it has been tendered. There were 160 widows and 390 children to be cared for. In some instances, a son was supporting a widowed mother and brothers and sisters. There were in all 607 persons dependent upon those who were killed in the mine.

Notwithstanding that there was some complaint at first from these unfortunates, there probably was never a case of this kind where relief was administered more promptly or where those in need were better taken care of than these people. Nearly every city and village in the State contributed in some way to their relief; the United Mine Workers, the *Chicago Tribune*, the Red Cross Society and the various secret societies and organizations were all early on the ground and the little village of Cherry was soon the recipient of the generosity of thousands.

It is hardly possible to state the exact amount of relief tendered the Cherry sufferers in dollars and cents, for a great deal was sent in merchandise; supplies having been sent in car loads and many organizations worked independently. From the best information that we are able to obtain the total amount of the contribution is \$444,785.92. The

amount paid out by the company in settlements (July 11, 1910), approximately \$400,000.00, making a total of \$844,785.92 contributed to those left without support.

### RELIEF COMMISSION.

A national relief commission, known as the Cherry Relief Commission, is organized for the purpose of distributing in a proper manner these contributions. The members of this commission are:

Judge L. Y. Sherman, Chairman, Springfield, Illinois, of the State Board of Administration.

J. E. Williams, Vice-Chairman, Streator, Illinois, Streator Relief Committee.

Duncan McDonald, Secretary, Springfield, Illinois, United Mine Workers of America.

E. T. Bent, Chicago, Illinois, Illinois Coal Operators Association.

Ernest P. Bicknell, Washington, D. C., American Red Cross.

The following sum had been turned over to this commission on July 28, 1910:

American Red Cross .....	\$ 85,837 96
United Mine Workers of Illinois (by Duncan McDonald) .....	37,466 54
United Mine Workers of America (by Ed. Perry) .....	26,798 71
Streator Relief Fund (by J. E. Williams) .....	4,869 21
Mrs. James Spears (by Dr. G. Taylor) .....	1,000 00
Dr. R. A. Smith, Spring Valley, proceeds of a concert .....	243 40
<b>Total .....</b>	<b>\$156,215 72</b>

This commission will also have, under the direction of the State Board of Administration, of which Judge Sherman is also president, the distribution of the \$100,000 which the State Legislature appropriated, making the total sum of \$256,215.72, which is to be distributed on the pension plan to the widows and orphans. Other sums are in the hands of relief committees of Oglesby, La Salle and Peru and will probably be turned over to this commission.

There is contained in the donations of the Red Cross many large contributions that should probably receive special mention. Among them is that of the *Chicago Tribune*, having raised \$41,041.78 for the relief of the Cherry sufferers. Through the courtesy of Mr. Kelly, general manager, we publish a statement of the contributions:

### TRIBUNE RELIEF FUND.

1909.

Nov. 15	Contributed by "The Chicago Daily Tribune" \$ 1,000 00
Nov. 15	Cash contributions received and acknowl-
to Mar.	edged in the columns of "The Chicago
23, 1910	Daily Tribune" .....
	40,041 78
<b>Total contributed .....</b>	<b>\$41,041 78</b>

*Disbursed as follows:**Cash.*

Total amount of checks remitted to C. D. Norton, Treasurer Red Cross Society, Washington, D. C. . . . .	\$33,687 03	
Check to Bishop Edward W. Dunne, Bishop of Peoria . . . . .	2,500 00	
Cash distributed by our representative in amounts of 50 cents and \$1.00 among widows and orphans at Cherry, December 1st . . . . .	50 00	
		<hr/>
Total cash paid over . . . . .		\$36,237 03
Supplies purchased and expenses incidental thereto.		4,804 75
		<hr/>
Total disbursements . . . . .		\$41,041 78

## TOTAL AMOUNT CONTRIBUTED.

The total amounts contributed, as near as we can learn, are as follows:

At the disposal of the Cherry Relief Commission . . . . .	\$256,215 72
Contributions of St. Paul Coal and Mining Company . . . . .	55,742 40
Death benefits paid by Mine Workers of Illinois . . . . .	40,000 00
Expended by the Local Relief Committee of Cherry . . . . .	33,968 91
St. Paul Railroad Company . . . . .	10,964 29
Matthiessen & Hegeler Zinc Company . . . . .	10,000 00
Congregational Church . . . . .	10,000 00
Knights of Pythias . . . . .	7,500 00
Bishop Edward Dunne . . . . .	5,000 00
Coal Operators . . . . .	5,000 00
Citizens of La Salle . . . . .	4,292 85
Slavish Newspapers . . . . .	4,000 00
Citizens of Oglesby . . . . .	2,101 75
	<hr/>
Total contributions . . . . .	\$444,785 92

Settlement made by St. Paul Coal Company approximately \$400,000.

Total which will go to the support of the dependents, of which we have a report, \$844,785.92.

The contributions of the St. Paul Coal Company consisted of money, provisions, rents, coal, etc.

The death benefit of \$150 to the family of each miner killed, which was paid by the United Mine Workers of Illinois for 256 deaths, totals \$38,700, and other burial expenses will probably make the total \$40,000.

There was turned over to Charles L. Connolly, mayor of Cherry and who is cashier of the bank, the sum of \$33,968.91, all of which has been expended in administering relief. This sum was made up of hundreds of donors representing amounts of from 50 cents to hundreds of dollars.

The Columbus Newsboys' associations of Columbus, O., is worthy of special attention, it having contributed \$1,720 to the local relief committee at Cherry. The United Mine Workers were among the first to come forward with \$5,000. The Hod Carriers' Union of Chicago contributed \$650. The Farmers' and Miners' Bank of Ladd, Ill., gave \$200. The rest of the contributions were made up of smaller amounts and represented nearly every vocation and calling and the generosity of all classes of people.

The amount raised by the employés of the Chicago, Milwaukee & St. Paul Railroad Company was also turned over to Mayor Connolly, as treasurer. Although a busy man, and especially so after the fire, Mr. Connolly deserves great credit for the valuable service he rendered during this calamity upon the little city and for the most excellent manner in which he kept the records of the contributions and in his careful distribution of them.

Thirty-one of those killed belonged to the Knights of Pythias and the family of each received the regular benefit of \$70. Those that belonged to the local lodge received \$50 more.

The total amount of all contributions makes a per capita of \$1,717.32 for the death of each person killed. This, of course, does not represent the amount of cash each widow or family received, as much of this has already been expended in relieving their wants.

Including the contributions and the money paid in settlements by the St. Paul Coal Company there was a per capita of \$3,261.72 raised for each person killed.

#### THE PENSION PLAN OF RELIEF.

There will be allotted to those people, however, through the National Commission, the sum of \$256,215.72, or an average of \$989.25 to each death. This sum will be distributed, however, to the dependents of those who were killed, each family receiving an amount in proportion to the number of dependents in a lump sum if a widow alone is left, or if the family leaves this country; but to the widow with children residing here it is paid on the pension plan, in amounts according to the number of children. A widow and one child under the age of 14 years gets a pension of \$25 per month until the child is 14 years of age or until they should, by the widow marrying or otherwise, become self-supporting. A widow and two children under the ages of 14 years gets \$30, and for each additional child \$5 more per month until the maximum of \$40 per month is reached. A widow with more than four children under the age of 14 does not get more than \$40.

To widows without children or with children over the age of 14 years a cash settlement is made according to the conditions peculiar to the family, their ability to support themselves, etc., usually about \$300. The average age of the children left was  $5\frac{2}{3}$  years and it is estimated that the fund on hand will support the dependents for eight or more years or until the children are able to work. Thus it will be seen that at all times—from the first the relief work was pushed with vigor and that the American people displayed in no uncertain manner their sympathetic generosity and big-heartedness. Food, clothing, medicines and supplies were sent from all parts of the country and were rapidly dispensed by the members of the charitable institutions on the ground, the value of which we cannot estimate. It was announced that on the 23d of November, ten days after the accident, \$31,650.93 had been sent to the relief committee at Cherry.

The St. Paul Coal Company accommodated in the sleeping cars of the Chicago, Milwaukee & St. Paul Railroad from 150 to 200 men and nurses, and the dining cars were serving meals three times a day to the officials of the mine, mine experts, mine examiners, physicians, nurses, newspapermen and the workers. The company did all in its power to alleviate the suffering and distress. The homes in which the widows and children lived were turned over to their occupants and no rent was charged during the months of that winter. The coal which was used to heat those domiciles was also furnished. Even medical aid was tendered the sufferers for months following the disaster.

It seems that everything that could be done for the physical relief of those bereaved people was cheerfully performed in the hope that through this means they might partially at least help them to bear their sorrow.

Plans have not only been made for their immediate relief but, through the commission which has been established, a thorough businesslike systematic plan has been perfected for the care of those unfortunate dependents until they are able to care for themselves.



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III. The Settlement With the  
St. Paul Coal Company.

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## THE SETTLEMENT WITH THE ST. PAUL COAL COMPANY.

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### THE EFFORTS OF JOHN E. WILLIAMS.

Before the bodies of all the dead were recovered and while it was still uncertain whether all of them would ever be reclaimed or not, the people, whose sympathies had responded so promptly in the hour of Cherry's affliction, began to inquire, what is to become of the widows and orphans? The sending of special trains loaded with food, clothing and other provisions as an expression of public sentiment served very well indeed to relieve the pressure of immediate wants, but what of the future? The widows and children of the ill-fated men had to be taken care of in some way, but how? That was the problem, and while hundreds were wondering, the mind of John E. Williams was working, and out of it came a solution accepted ultimately by every interest concerned, in consequence of which ample financial provision is made for all the victims of the Cherry disaster, continuing until most of the children will be old enough to support themselves.

In an article contributed to *The Forensic Quarterly* for June, 1910, by S. B. Elliott, a fairly full and authentic account is given. It contains so much of the history of the settlement that the liberty is taken of incorporating it as a part of this report. It quotes sections of the English Workmen's Compensation Act, upon which the settlement with the St. Paul Coal Company was based. It also contains a reference to the preliminary discussion conducted by Mr. Williams, forming as it did the ground work of all subsequent negotiations. The proportions of the self-imposed task are only partly shown in the complexity of conflicting interests that had to be reconciled, the character of the prejudices that had to be removed, and the tempting visions of large contingent fees, that had to be destroyed.

The situation was at all times critical, requiring the constant presence not only of a persuasive and persevering but of a controlling master-mind, and the artist possessing all these needed qualifications was on the job, the only uncertain element being whether the patience and self-interest of ordinary men could withstand the strain.

When all the interests were apparently harmonized and success in sight, a break in some unexpected quarter would occur and with it would vanish the prospect of an adjustment, to be again revived by another

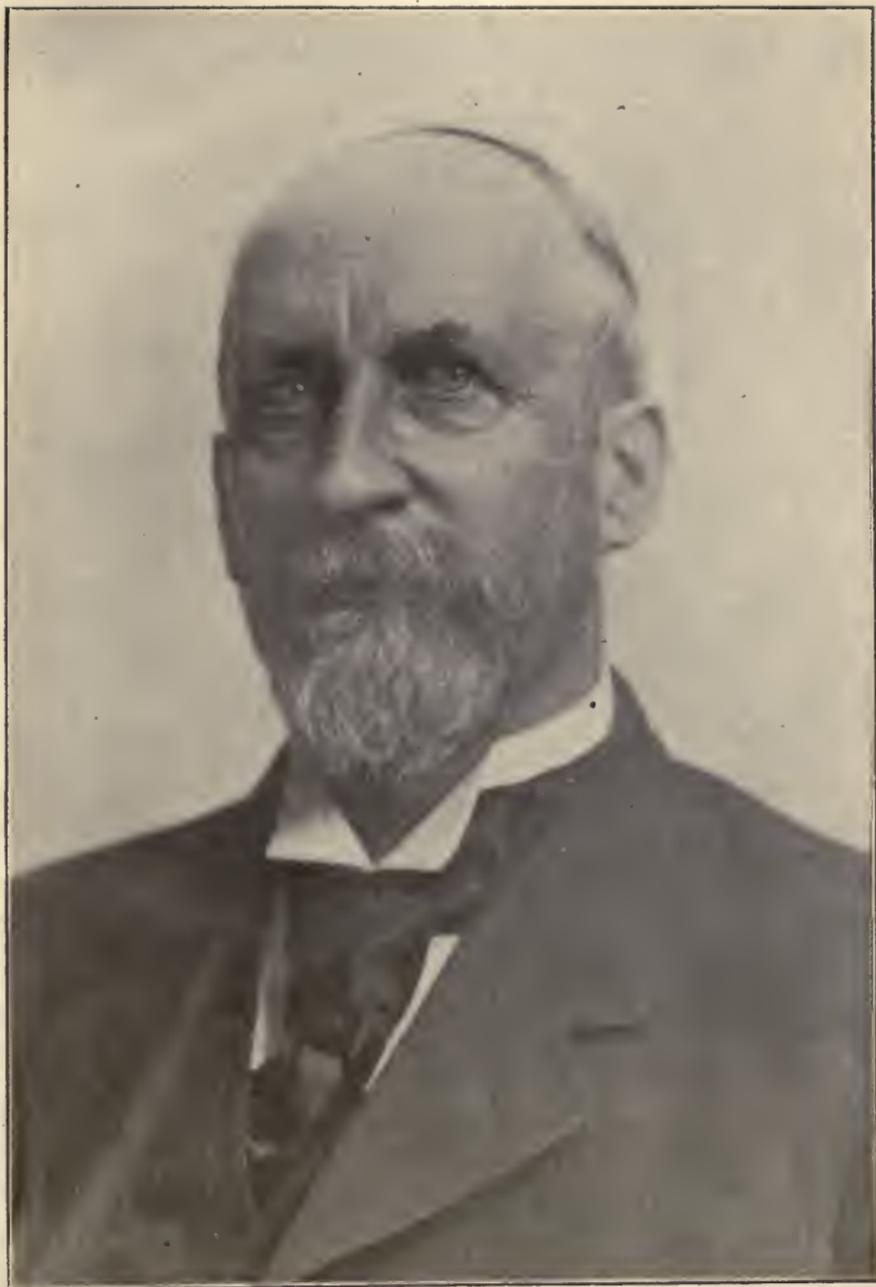
effort. Behind all this time-consuming, patience-exhausting skirmishing, the crux of the main question remained untouched, for, as Mr. Williams states, up to this time neither the survivors had been pacified nor the company persuaded. To this greater question Mr. Williams focused all the power and influence of a well-trained and evenly-balanced mind. With a vision rare among men, through the tears and grief of a stricken people, he saw the lines of a new duty, the open doorway of a great opportunity, and succeeded in transmitting the materials of a tragedy into an instrumentality of immense service to mankind. Inspired by no other purpose except the weal of his fellow mortals this man for months disregarded the demands of home and business and in the ardor of a splendid consecration gave the wealth of his mental and spiritual endowments to a cause that absorbed all the energies of his active soul.

It is the writer's privilege to know nearly all the men whose coöperation were required to bring about the consummation of the plan. Mr. Albert J. Earling, the large-hearted, broad-brained president of the Chicago, Milwaukee & St. Paul Railway, whose comprehensive judgment and wide sympathies has done so much to destroy the force of the criticism directed against all corporations; John H. Walker and Duncan McDonald who, as officials of the mine workers' organization, were heartily in sympathy with the principle of compensation which the plan embodied; the consuls and representatives of foreign governments, and the attorneys for the company and the sufferers. While each are entitled to great consideration, the credit for the settlement belongs almost exclusively to Mr. Williams, and all familiar with the facts will so declare: this claim can be made for him without disparagement to any one. His ministrations brought the parties together. He paved the way and was the first to clearly recognize the possibilities of the situation.

By training and talent he is specially fitted for just such work, besides he was the solitary man whose motives could not be questioned. Neither the mine workers' union, representing the victims, nor the St. Paul Coal Company, with an investment of nearly half a billion dollars, had anything but good will that he would accept. He was not a hired agent; he came as one imbued with a high sense of justice, seeing in the wreck of an awful calamity a chance to emphasize, as Mr. Earling expresses it, a "principle of equity," and with a pleasing, pleading personality eventually won others to his view. There is a saving sense of satisfaction in the assurance that we still have with us men of such strong, helpful, altruistic character.

It speaks well for the present and future of the race, besides helping to remove the grounds for the accusation that all men's motives are mercenary and that the commercial demands of the age are such as to exclude all other higher considerations.

There is a wide field for the exercise of such powers and the men who are able and willing to fully meet the obligations of this relation in life are now, and ever have been, the real kings of the world. The ceremony of fixing a date for their coronation may be dispensed with,



JOHN E. WILLIAMS, Streator, Ill.

"The self-appointed mediator", whose influence in the matter of the Cherry settlement made it possible for the "course of the world to be turned one way when it might have been turned another."

for they stand already crowned and glorified. And to the immortals who are thus qualified to take their respective places in the "Choir Invisible," what a pleasure and a privilege it is to be to other souls

"The cup of strength in some great agony"

and then to live for evèrmore

"In deeds of daring rectitude, in scorn

For miserable aims that end in self

In thoughts sublime that pierce the night like stars

And in their mild persistence urge man's search

To vaster issues."

## AN EPOCH-MAKING SETTLEMENT BETWEEN LABOR AND CAPITAL.\*

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[ Reprinted from *The Forensic Quarterly* for June, 1910.]

"One of those solemn moments had just passed when men see before them the course of the world turned one way, when it might have been turned another."

In the face of the titanic movements of the universe that of late we have for a moment paused from toil or pleasure to realize, our world seems very diminutive. We have, perhaps, wondered if our planet counts for much, and we venture to think that for a few weeks at least, millions of mortals have felt anxiously insignificant. And yet, as we speak of the world's history, as we say—"One of those solemn moments had just passed when men see before them the course of the world turned one way, when it might have been turned another," a sense as of greatness comes over us, and that, not all spiritual, and be we, as planet or as mass of life, large or small, such moment is, to us, solemn.

The whole country heard of the "Cherry Disaster." The awful entombing of hundreds of men; the horror of the slowly suffocating, sealed in a burning pit. And yet, it was only one of the many coal companies that was wrecked; only a few hundred of the many thousand coal miners who were buried; a local calamity just as other calamities in this big country; an unnecessary horror caused by the stupidity of one mule-driver. The federal and state governments furnished various kinds of experts; troops were sent to save the crazed people from themselves; the Red Cross did its work; a relief committee was formed; money was subscribed, and the "shyster" lawyers gathered like birds of prey.

There was a pause while the dead were buried, while the hungry were fed, then the shock passed and the world, drawing a long breath, went on its way leaving the wrecked corporation, the destitute widows and orphans to solve their own problem of irreparable loss, of bitterness, of antagonisms, of legal war between capital and labor. It was in this pause that a man, just one man, a looker-on, a one-time miner; who, because of his experience realized the present, as well as the possible future misery, to both sides, began to work. So quiet, so sane, so gentle, so patient was he that the crushed people, the wrecked corporation scarcely

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\*This article is a compilation patiently made by Miss Sarah Barnwell Elliott from letters, reports and official statements, with the least possible editing, as it was felt that in this case "scissors and paste" would be of more public service than "Pegasus."

knew that he worked; not even the "shyster" lawyers suspected in him an enemy; he, however, fully realized them, and guided himself accordingly. Back and forth between corporation and claimants he went; he listened, he questioned, he advised, until at last, after long and patient labor against seemingly overwhelming odds, he turned the destroying fire of the unfortunate mule-driver into a "refiner's fire," where the dross of all evil contentions, all bitternesses was burned away and only the pure gold of loving-kindness, of Christ-like compassion was left.

How he did this is the point of this summary.

He found that the total number of killed was about 270.

Total number of widows, 160.

Total number of children, 470; of these, 407 were under 14 years of age; by law, too young to work.

After careful calculation he decided that besides what had been given by the Red Cross, the United Mine Workers, the State of Illinois, and the general public, a half million of dollars would be needed to care for these dependents in any permanent way. Also, he decided that the St. Paul Coal Company, owner of the Cherry mines, was the most promising source of help.

He then made a study of the resources of this corporation and found that the mines of the St. Paul Coal Company, "capitalized at \$350,000, fully paid in, were opened and operated especially to supply the Chicago, Milwaukee & St. Paul Railroad with coal"; . . . "that without the trade of the Chicago, Milwaukee & St. Paul Railroad they would be curtailed of their market, and with the hostility of that road be practically valueless." . . . "That if the claimants went to law . . . fought through to the Supreme Court; . . . that if a judgment against the company were affirmed, . . . if the property were sold to satisfy this judgment . . . the company could go through bankruptcy or go into the hands of a friendly receiver" . . . "that if, under the circumstances, the property could be sold for its full value, and there were no other creditors, it would yield about \$1,000 apiece to the claimants."

He then asked, "Could it be sold for \$350,000?" "The stock being owned by the Chicago, Milwaukee & St. Paul Railroad, any friend of that road could and would, at a forced sale, bid in the property," no one daring to bid against him because, as it was expressed, "No one could afford to have the mines as a gift, if in so doing he incurred the hostility of that road—for in that case he could not expect the trade of that road, and could expect no other!"

But supposing the sale at full value; first, the legal expenses would have to be paid; then the sums due for rescue work; then for repairing the mines. To sum up the losses:

Forced sale in an unfavored market.

Enormous legal expenses.

The cost of the disaster. What then would be left each claimant?

After this summing up; after bringing home to all, that though the Chicago, Milwaukee & St. Paul Railroad, a \$400,000,000 corporation, owned, practically, the St. Paul Coal Company, yet beyond the resources

of the St. Paul Coal Company, there was no legal liability for the Cherry disaster. Then the problem had to be met: "What other recourse had they?" The self-appointed mediator asked the president of the great railway company this question: "What other recourse have we?" And the president "met the question squarely" by answering: "We acknowledge a moral obligation." "This statement . . . was the keynote of all the subsequent proceedings."

Up to this time, the self-appointed mediator had proceeded on his own responsibility; now, he reported all his findings to the relief committee and asked their opinion. At once and unanimously, the committee put itself on record as "favoring mediation as the best possible solution of the Cherry situation . . . and the greatest precedent for the future that it would be the privilege of any body of men to establish."

At once they saw "before them the course of the world turned one way, when it might have been turned another."

The next step was the basis of settlement. In company with the three chief officials of the United Mine Workers, the self-appointed mediator called upon the president of the Chicago, Milwaukee & St. Paul Railroad—President Earling—and submitted to him "two plans of settlement, one by a commission appointed by the President of the United States; the other, a proposal to settle on the basis of the English Workmen's Compensation Act."

"Of the two proposals suggested the one that found the most favor was the proposal to adjust the claims on the basis of the English 'Workmen's Compensation Act.' Some of the consuls were very warm in their commendation of this idea, and suggested that a clearer and fuller knowledge of the law should be obtained. A copy of the Act was procured, and extracts bearing on the Cherry case and on the 'Employers' Liability' in general, are here given."

#### WORKMEN'S COMPENSATION ACT, 1906.

"Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lord's Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

"1. If in any employment personal injury by accident arising out of and in the course of the employment is caused to a workman, his employer shall, subject as hereinafter mentioned, be liable to pay compensation in accordance with the first schedule of this Act.

#### PROVISION FOR ARBITRATION.

"2. If any question arises in any proceedings under this Act as to the liability to pay compensation under this Act (including any question as to whether the person injured is a workman to whom this Act applies), or as to the amount or duration of compensation under this Act, the question, if not settled by agreement, shall, subject to the provisions of the first schedule of this Act, be settled by arbitration, in accordance with the second schedule to this Act.

## SCALE AND CONDITIONS OF COMPENSATION.

“The amount of compensation under this Act shall be:

“1. If the workman leaves any dependants wholly dependent upon his earnings, a sum equal to his earnings in the employment of the same employer during the three years next preceding the injury, or the sum of one hundred and fifty pounds, whichever of those sums is the larger, but not exceeding in any case three hundred pounds, provided that the amount of any weekly payments made under this Act, and any lump sum paid in redemption thereof, shall be deducted from such sum, and, if the period of the workman’s employment by the said employer has been less than the said three years, then the amount of his earnings during the said three years shall be deemed to be one hundred and fifty-six times his average weekly earnings during the period of his actual employment under the said employer.

## IF NO WIDOW IS LEFT.

“2. If the workman does not have any such dependants, but leaves any dependants in part upon his earnings, such sum, not exceeding in any case the amount payable under the foregoing provisions, as may be agreed upon, or, in default of agreement, may be determined, on arbitration under this Act, to be reasonable and proportionate to the injury to the said dependants.

“3. If he leaves no dependants, the reasonable expenses of his medical attendance and burial, not exceeding ten pounds.

“4. Where total or partial incapacity for work results from the injury, a weekly payment during the incapacity not exceeding 50 per cent of his average weekly earnings during the previous twelve months, if he has been so long employed, but if not, then for any less period during which he has been in the employment of the same employer, such weekly payment not to exceed one pound.

## AVERAGE WEEKLY EARNINGS.

“For the purpose of the provisions of this schedule relating to ‘earnings’ and ‘average weekly earnings’ of a workman, the following rules shall be observed:

“1. Average weekly earnings shall be computed in such manner as is best calculated to give the rate per week at which the workman was being remunerated. Provided, that where by reason of the shortness of the time during which the workman has been in the employment of his employer, or the casual nature of the employment, it is impracticable at the date of the accident to compute the rate for remuneration, regard may be had to the average weekly amount which, during the twelve months previous to the accident, was being earned by a person in the same grade employed at the same work by the same employer, or, if there is no person so employed, by a person in the same grade employed in the same class of employment and in the same district.

## MONEY INVESTED BY COURT.

"5. The payment in the case of death shall, unless otherwise ordered as hereinafter provided, be paid into the county court, shall, subject to rules of court and the provisions of this schedule, be invested, applied, or otherwise dealt with by the court in such manner as the court in its discretion thinks fit for the benefit of the persons entitled thereto under this Act, and the receipt of the registrar of the court shall be a sufficient discharge in respect to the amount paid in.

"8. Any question as to who is a dependant shall, in default of agreement, be settled by arbitration under this Act."

## PAYMENT FOR INJURIES.

"In addition to indemnity for death the law also grants for disability a weekly payment during such disability 'not exceeding 50 per cent of his average weekly earnings during the previous twelve months, such weekly payment not to exceed one pound.' The law provides compensation for disability by diseases that can be shown to grow out of the occupation."

"The next step was a mass meeting of the widows at Cherry, where a committee of conference was appointed, of which the self-appointed mediator was made a member." It is impossible to tell of all the conflicting interests and purposes; of the tremendous difficulty of uniting them on any plan that would avoid litigation. The survivors had to be pacified, the company had to be persuaded, for the sum asked in settlement was not a small amount.

To give figures, the sum settled on by the St. Paul Coal Company as being "the most" that could be paid for settlement, was \$250,000 and a "moral obligation" felt by the controlling railway company, while the sum settled on by the self-appointed mediator as necessary from the corporation was \$500,000. How could he get this? How "transmute a moral obligation into its financial equivalent?" As the self-appointed mediator writes, "It was by no means a simple matter. For if we took any arbitrary sum as the measure of indemnity, just as good arguments could be urged for a larger sum. If we suggested \$1,500, the largest sum up to that time paid in a large disaster, some one with equal force could urge \$2,500, or \$3,500, or \$5,000.

"And then the obligation was not all on one side. The powerful head of a \$400,000,000 corporation is by no means a dictator. He is allowed his power only because his stockholders believe he will use it to their mutual advantage. If he acknowledges a moral obligation it must be such a one as they can be brought to sanction and approve. He must satisfy his own sense of right, he must meet the reasonable moral expectation of right-thinking men, and he must do it in such a way as to secure the approval and support of those who paid the bills, and received neither publicity or reward for their contribution.

"I shall never forget the memorable interview at which the many angles of this complicated question were made clear to me. It was at

an interview with President Earling. It was my part to urge with all the fervor and eloquence at my command the moral demands of the situation; it was his to listen and decide. In two hours of sincere, earnest, and fervent discussion I presented my cause from every conceivable point of view. Mr. Earling listened, weighed, and considered patiently, and met every point with a sincerity, earnestness and fairness equal to my own. Where he agreed, he admitted it frankly and gladly; where he differed, he did it courteously, kindly, almost regretfully. I felt I was in the presence of a man who felt the grandeur of a great moral issue, and who was weighed down by the burden of a heavy, an almost tragic responsibility. But he could not at that time reconcile himself to my solution of the moral problem. He had fixed his mind on a sum that was \$100,000 less than my plan called for, and it seemed to him better that the claimants should 'take the property' rather than grant the sum that my proposal seemed to demand.

"I left his presence chastened and discouraged, but not the least doubting the sincerity and moral earnestness of the man whose responsibilities were so much greater than mine. The interview was not without its fruits, however, for a few weeks afterwards I was summoned to a conference of representatives of the various interests, at which Mr. Earling adopted in substance the principle of the proposal I had previously made. That principle is well known to readers now, being the principle of the English law which gives for each accidental death the equivalent of three years' earnings. The proposal was accepted by consular and other interests, and settlements with the Cherry claimants are now in process of being effected on this basis. Mr. Earling did me the honor to say that my words had been the means of convincing him of the wisdom of adopting the English precedent in the settlement of the Cherry problem, and I am proud of the honor; but it is his own broad mind, big heart, and strong will that has put the plan into execution, and given it a reality in the world of fact that will make it go down into history as the most potent and significant result of the greatest mining tragedy in history.

"I am tempted to add just a word of an impression left on my mind as the result of my unusual contact with one of our great over-lords of commerce. It is this: That corporations are endurable or possible only because of the great humans who are behind them. In themselves they *are* soulless abstractions, existing only for the economic purposes. But they must have men to run them, big men, strong men, and you can't find a man big enough for the job unless he has a great 'human heart' and plenty of rich, red, blood in his veins. Down below you may find automata, man machines; but at the top you must have a 'live wire,' a real man, and not all the corporation machinery in the world can grind the human sympathy, the human interest, out of him. Without him, the barricades, the red flag, the reign of terror; with him, perhaps the evolution of the corporation into the Hope of the Ages. Let us dare to have faith. At least so much has my brief contact with President Earling enabled me to do."

So much for the self-appointed mediator's view of Mr. Earling, president of the Chicago, Milwaukee & St. Paul Railroad; let us see now what Mr. Earling thinks of him, of this sane, wise, patient J. E. Williams. Mr. Earling says:

"DEAR MR. WILLIAMS—Your letter of April 16th, with the enclosure accompanying it came to my office during my absence in the east.

"It is better, in view of all the interests, that the facts concerning the Cherry settlement be given to the public. There is no one so well qualified to give them as yourself, and, while I have a natural disinclination to publicity, I cannot be otherwise than glad that you have published this statement, and with it there is a deep measure of personal appreciation of the more than kindly treatment you have accorded me.

"No one could have gone to Cherry in its hour of disaster without being profoundly impressed with the futility of mere legal remedies. The machinery of the law never could have fed the hungry or clothed the naked. No corporation worthy of receiving from the State the right to transact its business could have closed its treasury in the presence of hunger and destitution simply because no legal responsibility rested upon it to furnish food and clothing. At such an hour as that the question of legal rights and duties become insignificant as compared with the impelling call of humanity, and corporations are as human as the men who compose them.

"I hope no question more appalling or more difficult to solve will ever come to any corporation than that involved in doing justice to the survivors at Cherry. There were two survivors of that disaster, the bereaved and stricken people, and the ravaged corporation. Again the impotence of the law was emphasized. All the law could do was to take the wrecked and shattered property, and divide it as best it might, through long and tedious delays and expensive and wasting processes. This meant the complete loss of the property to its owners, and, in the end, but little, if any, alleviation of the suffering of the survivors, or mitigation of their poverty. It was evident from the outset that the best relief which the law could afford meant only added disaster for the survivors at Cherry, and absolute annihilation for the company. It became, therefore, of the highest importance to all that some basis of settlement should be arrived at which would give quicker relief than could be obtained through legal means, and which would be within the financial limits of the property involved.

"I think it is probable that the company and a considerable number of the survivors could have come to view the principles that are involved with substantial unanimity, but I am convinced that whatever might have been the disposition to arrive at a settlement, just on the one side, and equitable on the other, nothing could have crystalized the details into a final result as did your patient, earnest and disinterested mediation.

"It was difficult at the outset to understand such unselfish devotion to the cause of humanity. There are many motives which lead men to champion one side or the other in any controversy. There are many ardent advocates of one side or the other, but no other instance has come

under my observation of a man with the capacity to help, coming voluntarily to the aid of contending parties, with an equal eye to fair dealing for both and justice for all. I think I am justified in saying that without your skillful and intelligent mediation the settlement at Cherry would have been as far off now as at any stage of its negotiation.

"I am glad that the Cherry settlement bids fair to be an epoch-making event in the relations between employers and employed in this country. All those who had a part in bringing it about must, of necessity, have their share of credit for its result, but, above and beyond them all, no single factor of as much importance as your own undaunted persistence in the face of circumstances that so often seemed hopeless. If, out of the wreckage of property and tombs of men at Cherry, there shall come forth a permanent bettering of the relations of employers and employed in the hours of their common disaster, it may be counted as some small salvage from so awful a calamity. And, so far as it contributes to the welfare of humanity and the advancement of commerce, it shall stand as a monument to your unflinching effort to establish among men a lasting principle of equity and justice.

Very truly yours,

"ALBERT J. EARLING."

The reader who has reached this point will wish to know something of Mr. Williams. He is a one-time coal miner; he was secretary of the first miners' union; was first miners' check-weighman in Streator, Ill.; has been for twenty-five years the manager of the Plumb Opera House in the same town. With the Hon. Lyman Gage and Colonel Rend of Chicago he arbitrated the Coal Run strike; and later organized and was president of "The Business Men's Auxiliary League," which helped the miners to carry on the strike of 1897. He is now a business man; is chairman of the "Cherry Relief Committee" of Streator, and the "Self-Appointed Mediator" who has not *seen* "the course of the world turned one way, when it might have been turned another," but who has turned it. For, ". . . hardly has the Cherry settlement taken effect when its principle is adopted. . . The International Harvester Company, employing 25,000 people, has voluntarily come forward and offered its employes an indemnity contract based on the same terms as the Cherry settlement, namely, three times the annual wage in the event of accidental death. It waives all question of 'negligence,' or legal liability, and makes the simple fact of death or injury sufficient ground for indemnity. . . ." "But the influence of the settlement does not end here. The press dispatches bring the news that the Wisconsin legislature, through its committee, has recommended a bill containing the same essential features—three times the annual wage as indemnity for accidental death. And information has come that the commission appointed by Governor Deneen, one of whom was a Cherry mediator, is seriously considering the same, or a similar measure."

Up to date, May 11, 1910, "the amount paid by the St. Paul Coal Company in settlement of claims is \$400,000. About forty claims are still unsettled, mostly single. About \$75,000 will be required to rehabilitate the mine."

President Earling was "converted" from "\$250,000 as being the most that he could bring himself to pay" to the above amounts. Mr. Williams' comment is: "Best of all, he rejoices in his conversion. . . . The doing of the good deed changes the scale of values, and makes the good man feel the result to be worth more than the sacrifice."

#### RELIEF FUND FACTS.

Over \$400,000 was raised by the Red Cross, the United Mine Workers, the State of Illinois, the coal operators, and the general public. This will be administered by the Cherry commission, which is constituted as follows:

Chairman, Hon. L. Y. Sherman, representing the State of Illinois; vice chairman, J. E. Williams, representing the general public; secretary, Duncan McDonald, representing the United Mine workers; member, E. P. Bicknell, representing the Red Cross; member, E. T. Brent, representing the coal operators.

"In view of the fact that the coal company's payment was made 'flat' to each widow, regardless of the number of children, we have thought it best to make our fund go as far as possible for the benefit of the children."

#### PLAN OF RELIEF.

"Beneficiaries are divided into two classes: those having children, and those without. Widows and others without children will be apportioned a payment ranging from \$300 to \$500, which will be paid to them direct as a final contribution. Widows with one child will be paid \$20 per month; with two children, \$25 per month; and so on, increasing \$5 per month for each child until \$40 is reached, which is the maximum payment.

"Our calculations are that our funds will enable us to pay these pensions until one or two of the eldest children in the family reach the age of 14 years, the age the law fixes as the earliest age they can be permitted to work. They will then be able to help support the family, and the pension will stop except in exceptional cases."

Down to that spring day outside the walls of Jerusalem, when the Sacrifice of the World was offered up, there had been but two classes: the tramped-on and the trampler. From that Cross of the Carpenter, watched by fishermen, came the light, that increasing through all the ages, has gradually revealed to men the highest, deepest, truest meaning of love—"as thyself."

What might be called the chief characteristic of the fair races, has been fair play until today it has, because of these controlling races, become more or less the idea of humanity. It was from this standpoint that the "self-appointed mediator" worked. From that older fair race across the water he called the law (based on "as thyself"), and we, the children of that race, will answer to the call—must answer to the call. Not only a few corporations, but the federal government must see to it that, as in England, so in this country it shall become the law of the land.



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## IV. Industrial Accidents—Com- pensation vs. Litigation.

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## INDUSTRIAL ACCIDENTS—COMPENSATION VS. LITIGATION.

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The American Mining Congress, at its late session at Los Angeles, Cal., adopted a resolution which, while general in its terms, clearly commits that body to the principle of legislation favoring certain definite compensation in the case of industrial accidents. This is a pronounced forward step and is the more significant when the fact is recalled that a decided proportion of the delegates represented large employers of labor whose coöperation is essential to secure such a needed reform in our present law and practice. It not only attests the humanitarianism of the men who have their capital invested in legitimate mining, but expresses their business sense in an organized effort to dispense with the unjustifiable waste that marks every attempt to adjudicate accident claims under existing law and to substitute for it a plan, inexpensive and easy of enforcement, that will place the responsibility where it properly belongs on the whole industry and that will consider fairly and treat equitably every interest represented in the great mining industry of our country. It is unfair to the employing interests that they should be made the subject of interminable legal assaults in which designing lawyers play upon the gambling instincts of injured men in the hope, seldom realized, however, of obtaining fabulous rewards. It is no less unfair to thrust upon the injured man or his dependant family the entire burden of the loss sustained by accidents, a great per cent of which, as our statistics show, is the result of trade hazard for which neither employer or employé can legally be held liable. The purpose of the policy approved by the resolution adopted at the Los Angeles convention is to save the money now squandered in useless litigation and give it, under proper regulations, to those who may be injured while in the line of their employment as compensation, in part at least, for the suffering and loss of earning power sustained; and the compensation thus provided to be recognized as a proper liability of the business and to be charged against it like all other legitimate costs. The wonder is that the American people with all their indomitable energy and enterprise are not the leaders in this, the most important conservation movement; as it is, we have the example of twenty-one foreign governments, any one of which might be accepted as a model for our conduct. This is the only civilized nation in this respect that persists in its adherence to an out-grown, obsolete legal policy.

Our faith is still anchored in fees and certain precedents considered more important than principles.

The legislature of Montana, at its last session, enacted a law, effective December 1st this year, authorizing the levying of a tax of 1 cent per ton on all coal mined and sold in that state for the purpose of providing a fund from which to compensate those injured in connection with the coal mining industry. The New York legislature, upon the recommendation of its Commission on Employers' Liability, enacted two laws, effective September 1st this year, one optional, the other providing compensation for accidents occurring in certain non-competitive industries. The Illinois Commission created by Act of Special Session, 1910, partly on account of the awful disaster at Cherry, reports to Governor Deneen, under date of September 15th last, the results of six months' investigation of the subject. Unfortunately, the members were unable to agree upon a measure. While the employers on the Commission were favorable to a compensation act, certain of the labor representatives, while not opposing the plan for compensation, felt that it should follow and not precede a comprehensive employers' liability law. Because of this division of opinion the Commission adjourned without recommending any particular bill. While the failure is regretted, it does not relieve the forthcoming Legislature from the responsibility of squarely meeting the issue, in fact, the dominant political party in its platform pledges its candidates for the Legislature to do so; besides, the valuable data collected by the Commission and incorporated in its report will prove of great service in the task of formulating a law on the subject. Several other states, notably Wisconsin, Minnesota, Michigan, Ohio, New Jersey and Massachusetts have commissions now engaged in the work of proposing changes in present employers' liability laws, the reports of which will be submitted for the consideration this winter of their respective legislatures.

While in full sympathy with the purpose back of the efforts of such commissions their conclusions or recommendations necessarily depend upon legislative approval which, if granted, certain selfish interests will probably attack in the courts, thus rendering indefinite the time when such remedial measures will become effective. Anticipating the ultimate enactment of laws requiring compensation in all cases where employes are disabled by accidents occurring in the line of their work, would it not be advisable for associations of employers, in conjunction probably with that of their employes, to put into immediate operation, by voluntary agreement, a plan that would fully dispose of the legal contentions resulting from industrial accidents?

After an experience of more than half a century with litigation growing out of personal injury claims, founded on statutory or the common law theory of negligence, the system, judged by its results, has failed. Whatever justification the principle may have had in the earlier and simpler stages of our industrial evolution, any further attempt to apply it to the complicated conditions of the present day must be attended with greatly increased embarrassment to the courts, taking up their time to the exclusion or delay of more legitimate business; to the denial of simple justice to injured workmen or their dependants, and to the

ever increasing annoyance and expense of employers who, in many instances in self-protection, are compelled to contest suits of that character. Employers are familiar from experience with the nature of the customary defenses interposed against the successful prosecution of claims of that nature so that it is unnecessary to discuss the rules of contributory negligence, assumed risk, the relation of fellow-servant and other doctrines proclaimed from time to time by the courts. They are also familiar with that class of insurance organizations which, in consideration of a fee that is never earned or dissipated in expenses that should never be incurred, agree to relieve them in part from the legal consequences of an accident for which an uninformed jury may hold them responsible. The situation created by our failure to do even handed justice has made it seemingly obligatory on the part of many to seek protection in the nature of liability insurance. That, too, has miserably failed; first, because the protection is incomplete; second, because real responsibility cannot be permanently and successfully transferred; third, because the injection of a foreign interest, usually without conscience, having no particular concern for the rights or interests of employes, intensifies friction and widens the gulf between them and their employers, and fourth, because the plan is organized for private or corporate profit, maintained at great expense, for salaries of officials, agents, solicitors, engineers, attorneys, etc., constituting a severe tax upon the industry, the smallest fraction of which ever finds its way into the homes of injured workmen. This plan, like the legal practices under which it has been developed, now stands condemned, and the task of this moment is the substitution of a system that will remove on the one hand the requirement for a suit in the civil courts, and on the other the necessity of depending for protection upon insurance companies as at present organized.

The only proposition to consider is that of substituting for the present expensive and wasteful plan the policy of compensation under which the victims of industrial accidents would receive in the case of all injuries a definite sum equal under many existing laws to one-half wages during incapacity; and for fatal accidents, in case of the head of a family, the aggregate of three years' average earnings. There is nothing new or revolutionary in such a scheme. It has long been the settled policy of more than a score of foreign governments, some of them adopting it over a quarter of a century ago.

This policy is based on the sound economic theory that the losses sustained by workmen from accidents received in the line of their employment is a legitimate tax upon the industry responsible for them and that the earning power suspended or lost in consequence should in part, at least, be recouped out of the profits of the enterprise and charged against the business in the same manner as breakages, depreciation of plants and other unavoidable costs of production.

Mining people as a class may have been deterred from adopting a compensation plan, under the impression that the vanishing margin,

which unlimited competition has left in the way of profits, makes it impossible for them to assume it. This conclusion may have been formed without fully considering the expense of present methods.

A prominent manufacturer in this State, for his own information, recently checked up his casualty accounts for a period of nineteen months; somewhat to his surprise he discovered that the amount required to compensate all his employes who were injured during that time (on the basis of the English compensation law) comprised but one-fifth of the premiums he had paid for accident insurance during that time. The aggregate value of the total coal product of this State for 1909 was over fifty million dollars; that for the entire country being six hundred fifteen and three-quarters million dollars. The addition of nine-tenths of 1 per cent to the estimated valuation would be sufficient to allow the payment of one-half wages to every mine worker for time lost on account of injury, and two thousand dollars (\$2,000) to the families of all those who were killed during that year.

Because of certain laws, employers are not yet in a position to protect themselves against the frightful and inexcusable waste incident to our whole competitive system, but present restrictions need not prevent the inauguration of a policy in relation to accidents, such as that herein suggested, which, even on present valuations, assuming the cost would be as great or greater, would carry with it the comfort and satisfaction that whatever sums were paid out on such account would go directly, and, what is equally important, *immediately*, to those who are most entitled to receive them.

The practice and the law should unite with ethics in requiring that the financial loss caused by injury to a workman should not be imposed upon him alone, but shared, as far as can be, by the society receiving benefits from his labor.

Certain employers contend that to provide compensation for accidents would operate as a direct inducement to carelessness, and that instead of less there would be more casualties. Fortunately, such opinions among employers are rare and it is enough to say that the experience of foreign countries, working under compensation laws, show without exception that the accident rate has been reduced to such extent, in fact, that their records are offered as examples for our emulation.

In the matter of industrial accidents the purely legal question as to where the personal responsibility rests should not be considered at all, because it is not, strictly speaking, a personal affair, for the reason that in extra hazardous occupations, like that of railroading, coal and metal mining, and construction work, accidents occur chiefly as a result of the inherent dangers of the calling, making it impossible in most cases to determine the question of negligence as defined by the law. Our difficulties in these respects are but multiplied in the foolish attempts to apply a legal theory that can have no logical or reasonable relation to the existing industrial situation or to our new social concepts of the real duties and responsibilities of men.

A capable and distinguished judge of this State, having a long and varied experience in the trial of personal injury suits, declares he could

write in ten minutes a fair and comprehensive law on the subject of employers' liability. A simple act comprising a few lines requiring evidence of the fact that an injury has been sustained by a workman while in the course of his employment, and the earning time lost on that account. These few words clearly define the basis upon which accident claims are to be adjusted, the balance is merely detail. Eliminating the disturbing issue of negligence, there would be no longer a basis for quarreling over whether the employer is liable or not. The only question likely to give rise to a difference of opinion is in partial disability cases, the degree of which has to be determined, and the time of the courts need not be occupied in such hearings, as those matters are adjusted by commissions organized for that purpose.

Some confusion exists in the minds of workmen regarding liability and compensation laws. This is shown in the attitude of certain labor leaders who oppose all plans proposing compensation until a comprehensive employers' liability law is enacted.

A law providing compensation for injuries is a distinct liability law without the uncertainties that inevitably attach themselves to any proceeding under a general liability act.

To the extent of the amount required to be paid on proof of any accident, compensatory legislation not only determines specifically the extent of the employers' liability, but, what is equally important, avoids the waste of time and loss of money incident to recovery under any other system of liability practice.

Every statute attempting to define employers' liability is essentially based on the legal idea of negligence. Wholly aside from the particular defenses which the rulings of the courts allow, there can be no recovery under a general liability act, except on proof of negligence on the part of the employer. Under such a procedure, with any kind of a law, the burden of furnishing evidence in support of the charge of negligence is upon the party seeking to recover damages. There can be no escape from this obligation on the plaintiff's part, and the record of litigated cases show only too frequently how lamentably has been the failure to supply the needed evidence and this, too, in cases where neither the doctrine of fellow-servant, contributory negligence, or assumption of risk had been pleaded or allowed in defense.

While in a few cases under the general law there has been recovered and sustained judgments in damage suits for considerable sums of money, the amount of the judgment recovered in the average case is scarcely equal to the expense required to defend it. After a careful investigation, Mr. S. C. Kingsley, of the National Conference of Charities, discovered that in fifty contested cases, where the claimants were successful in dodging every legal technicality, the aggregate amount recovered was \$8,749, or an average of \$175 for each. In the adjudication of the claims in the case of the Cherry disaster, founded, as it was, on the English compensation act, fifty families received an aggregate of \$90,000, or an average of \$1,800 each. If the real concern is for the welfare of the families of injured workmen, surely there can be no good reason for hesitation in the matter of a choice between the two systems.

One offers a definite amount paid directly without the expense or intervention of agents or attorneys; the other presents the skeleton of a hope—the prospect only of a long delayed law suit with the final result always uncertain. The hoped for millennium is still far off. We are forced to deal with men and situations as they are, not as we would wish them to be, and in legal, as in other contests, with rich and powerful interests, the injured workman, with his damage claim represented by a contingent fee lawyer, finds himself at a disadvantage when pitted against the trained corporation attorney. In no other way can the increasing number of verdicts for the defendant be explained. It is incredible to suppose that the workman who performs all the labor, assumes all the risks, and suffers all the pain will consent to a further continuance of an unequal contest.

In respect to mining accidents the number as between coal and metal mines is quite evenly distributed, those of a fatal character exceeding three in every thousand employes in each class of mines. Public attention, however, has been directed chiefly to accidents in coal mines on account of recent frightful disasters, in some of which more than half a thousand lives have been lost at one time.

The great loss of life in the mines of West Virginia, Ohio, Pennsylvania, Illinois and Colorado within a period of two years, with a proportionate loss in our metal mines, although not so extensively advertised, imperatively demand that everything possible be done to diminish the number of accidents and to care for their victims in a human and businesslike manner.

Every calamity brings in some form its compensation. These terrible experiences may have been required to arouse in men a true sense of their responsibility to their less fortunate fellows. The devastating floods that destroyed the city of Galveston ten years ago made necessary the commission form of government for cities, a system which, beginning with that wrecked municipality, is now spreading over the country presenting the last hope of escape from the blight of municipal corruption. If, out of the wreck of industrial accidents, the results of inevitable dangers, there shall come reasonable laws recognizing in a broader way the rights and interests of all men, some atonement will have been made and the lives of our workers shall not have been offered in vain.

STANDARDS OF COMPENSATION FOR SICKNESS, ACCIDENT  
AND DEATH.



[Sherman C. Kingsley, Superintendent United Charities of Chicago, in the *Survey* of September 3, 1910.]

On Saturday afternoon, November 13, 1909, a torch, carelessly exposed and a bale of hay started a fire which caused one of the most dramatic mine disasters in industrial history, and cost the lives of Andrew Dovin and 257 fellow workmen. Thrilling rescues by a heroic band of men who finally perished in an act of supreme sacrifice and heroism; sealing the shaft in the presence of an ineffably pathetic group of women and children; the recovery of revolting human shapes; the rescue of twenty-one men buried alive for eight days, all this for weeks kept the press of a great city, indeed of the nation, pulsing with stories of intensest human interest. The pulpit took it up, so did teachers in the colleges. The imagination and sympathy of the public were profoundly stirred. More was written and said, thought and felt, about Andrew Dovin and his comrades, their wives and children, than perhaps about any equal number of people who suffered a disaster while pursuing industrial duty. This publicity acted with compelling and persuasive unction upon the employing company, the giving public, city councils and the State Legislature. In this conspicuous respect, the wives and children of Andrew Dovin and his fellow victims were most fortunate. These men died a congregate death in a disaster that was dramatic, thrilling, spectacular.

On Saturday, November 14, 1908, one year before this disaster, an ambulance backed up to No. 17 Bond street, the home of Abe. Miller. Abe was in the ambulance. He was a worker in a steel mill. Together with other men, he was burned in handling hot metal, receiving injuries which resulted in his death. The only newspaper mention of Abe's case was a three line statement in a list of accidents, giving his name, address and the nature of the case. The company settled for \$500 and promised permanent employment to Abe's wife. She went to work and her inadequate earnings were supplemented by charitable relief. The circumstances of Abe's misfortune are fairly typical of fifty other fatal accidents of which information was obtained through charitable organizations in ten of the largest cities of the country.

I want to consider the information about these fifty accidents, which occurred at a time in commonplace obscurity, and to contrast the circumstances of the wives and children of these men with what happened in the way of compensation and relief for the wives and children of Andrew Dovin and forty-nine other victims of the Cherry catastrophe. My object in making this comparison, as I have indicated before, is that the circumstances of the Cherry victims were studied for weeks by the Red Cross, miners' unions, city councils, the Legislature, associations of business men, magazine writers, charity workers, indeed the whole public. What should be done for the families of these men was deliberated perhaps more fully than the circumstances of any other equal number of accident cases happening in years.

The schedules sent to the ten societies called for the following information:

1. Income conditions in the families before the accident. The man's age, occupation and wages.
2. Nature of the accident. How he was killed. Insurance, if any. Gift by employer and damages recovered.
3. Conditions in the family after the accident. The vacant chair. Shrinkage in income. Kind of employment secured by wife and children. The new adjustment.

While returns were made in 100 cases, I shall have more to say about the fifty which were fatal. The families of these fifty men, having obscure, one-at-a-time accidents, received in compensation \$8,749—\$187 a piece. The fifty Cherry families received from the company \$90,000—\$1,800 a piece.

In the case of Cherry, on account of the publicity and activity of the Red Cross, the press, business associations, the fifty families received in contributions, from the Legislature, miners' unions, etc., \$87,000 making a total of \$177,000; in the other, the families received \$8,749 plus an uncertain and indefinite amount in relief and pensions from charity societies, and a still more indeterminable amount from institutions, nurseries, hospitals, etc.: In the case of the fifty other victims, we have tried to indicate some of the sources of help which were added to the \$8,749.

I should like to call attention more in detail to the information gathered from these schedules, to consider the income in the families before the accident, the size of the family, ages of the children, and the way they made their new adjustment. The average income in the fifty fatal cases before the accident was \$668.47. Twenty-four occupations were represented. I am inclined to think that the average income is a little high and that the societies arrived at the annual income by multiplying the weekly wage by the number of weeks in a year, consequently not allowing for sickness, shut downs or holidays. The present average income, after an average period of a little more than a year since the accident—the wife and children going to work, taking boarders, renting rooms, etc., was \$238.80 a decrease of 62.4 per cent. The average number in the family was five, wife and four children. The average age of the children was 8 years and 2 months. The average age of the fifty men killed was thirty-four and a half years. In the fifty other accidents where the man was wholly or partially permanently disabled, the recovery was \$8,566, an average of \$178.45 per man. The average income in these families before the accident was \$700; after the accident, \$255 a decrease of 65 per cent.

The societies were asked these additional questions:

*First*—To state the amount of relief given or obtained by them for the families.

*Second*—Since relief societies are seldom able to give adequate relief, they were asked what they would consider adequate relief.

I have already indicated that we could not get a definite measure of what the societies actually gave in relief, but we got a more definite reply to the second question, namely, what would be considered adequate relief in these families. The average estimate was \$5.80 a week for each family, which amounts to \$301.60 a year. This, add to the \$238.80 earned by the wife and children, taking boarders, etc., would make an income of \$10.40 a week or \$504.40 a year. Understand that this was simply an estimate of what would be adequate relief and not what the family got.

At Cherry, the question was discussed as to what shrinkage in income might legitimately be allowed for counting out the man's expenses. If we accept \$5.80 as an adequate allowance to supplement each of these one-at-a-time accident families, increasing the income to \$539.60 and deduct this from the \$644 which was the average income in the fifty families before the accident, it would make an allowance of \$104 a year for the man, or only about a sixth of the income, on his account. In the discussions of the Cherry cases,

it was thought that rather more than one-fourth should be allowed for the man. This would put the family in better financial condition than when the man was alive.

Chapin, in his valuable study, set \$800.00 as the lowest income on which a family could maintain a proper standard in New York city. However, the average income of the working man is much less than \$800.00. The average income at Cherry was \$600.00, and, as we have seen, it was set at \$644.00 in the fifty families we are studying.

The societies, in making their returns, did not indicate during how many years this \$5.80 a week should run. The average period over which the money contributed to the Cherry victims will run is about seven years. If we should accept the Cherry standard of distribution and should run the fifty casual families for seven years, it would amount to \$2,111.20; whereas, the Cherry families will receive a total average of \$1,745.00 of relief contributed, not counting what they received from the company.

I am inclined to think that the minimum compensation for death should be four times the annual earnings of the man, and that this should be paid on a percentage basis to the wife and to each child below working age. In case of total disability, the compensation should be more because the man is robbed of ability to work and must be maintained.

A car inspector lost his life in a crib fire at Chicago two years and three months ago. He left a wife and three children, aged 7 and 4 and 2 years. He earned \$750.00 a year. The employer offered \$1,500 in settlement as compensation. This offer was not accepted and suit was begun and is still pending.

Had the laws of the following countries been in operation in Illinois the family would have received aid in the amounts given below in the form of annual pensions, except in Great Britain where the amount is a lump sum, providing the widow did not marry and all the children lived to working age:

Austria until youngest child is fifteen.....	\$4,268 23
France until youngest child is fifteen .....	5,162 50
Germany until youngest child is fifteen.....	5,062 50
Great Britain three times annual wage.....	2,250 00
Hungary until youngest child is sixteen.....	5,615 06
Italy purchase of annuities until eighteen.....	3,750 00
Norway until youngest child is fifteen.....	4,268 23
Russia until youngest child is fifteen.....	5,800 00

In most of the countries the law determines the maximum annual earnings upon which the percentage of compensation is based. This maximum ranges from \$321.60 in Norway to \$772.50 in Russia. In all of these countries the state guarantees payment. In all cases of fatal accident in these countries, except Austria, the insurance premiums are carried entirely by the employer. In Austria the employé contributes one tenth to the fund and the employer nine tenths.

Growing out of the study of these cases there are certain observations to be made. The compensation to the victims of fifty fatal accidents ranged from \$3,000.00 to nothing. In two cases \$7,000.00 each was awarded, but they were appealed from court to court and the victims finally got nothing. In one of the permanent disability cases, a lower court awarded \$22,500.00. After the same exhausting routine of going from court to court, the case was thrown out and this family got nothing.

The uncertainty and delay had a most demoralizing effect both morally and physically. Demoralization and general deterioration were returned as among the social consequences in many of these cases. These people were in suspense, setting their expectations on sums of money that would make them independent, huge fortunes in their eyes, and after living in this anticipation, sometimes adopting a scale of living accordingly, so far as they could, they were finally disappointed and got nothing.

Some of these excessive awards were an injustice to the employer, but when they were reversed and nothing was received, it certainly was an injustice to the employé, and all the time this sort of thing engenders bad feeling between employer and employé.

Another thing which should be considered in this connection is the present wasteful expenditure in our method of handling these matters. George M. Gillette, of Minnesota, in an address before the Commercial Association of Chicago stated that the manufacturing and business concerns of this country have in the last five years paid to casualty companies in premiums \$95,000,000.00. Less than \$45,000,000.00 has gone in settlement of damages, and again, less than half of this \$45,000,000.00 has reached injured persons, going in lawyers' fees, court costs, etc., making not more than 20 per cent or 30 per cent of the whole sum, the fellow servant and contributory negligence doctrines being in large measure responsible for adverse judgment.

This enormous expense has, of course, been added to the cost of the manufactured product, the same as other expenses incident to the manufacture of commodities. The community has not only paid this \$95,000,000.00 but it has in large measure taken care of the people who were injured and of their dependent families, thus paying the bill twice. If this matter could be taken from the war basis on which it rests, and could be so adjusted that injured people would receive compensation that was just and fair for their injuries, and this were paid on a pension basis promptly when the family was in greatest need, and if, as would happen, accidents were prevented in greater degree than they are at present, because insurance would be affected by reduction in the number of accidents, it seems altogether likely that the money which employing concerns are already expending would go a long way to meet the needs of a just, fair and adequate compensation.

The consequences of occupational diseases are just as disastrous to the family. The causes are more subtle and elusive. It is easy to determine where and how a man lost an arm or a leg, an eye or his head; it is more difficult to determine where he picked up tuberculosis germs or just when and how bad sanitation, poor ventilation, the inhalation of dust, bad working conditions generally, wore away physical resistance and laid the foundation of physical undoing.

The numbers and consequences of these preventable occupational diseases are doubtless greater and more disastrous than those resulting from accident. It is intrinsically as inappropriate that charity, either private or public, should be relied upon to take these consequences as for the same sources to undertake the pensioning of the soldiers of the Mexican, Civil or Spanish wars. What the victims of these accidents and diseases want is just what charity workers would want under similar circumstances—that all preventable accidents and preventable diseases should be prevented; that accidents and diseases which must necessarily befall in the course of industrial service, should be taken care of, broadly, by those who are benefited by that service, just as the nation at large is a debtor to the soldier who sacrifices health or life, and participates as a nation in movements of amelioration for him and those dependent upon him.

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REPORT ON THE CHERRY MINE DISASTER



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