

publishing, of any false, untrue, misleading, or deceptive, statement, by way of advertising, invoice, or otherwise, concerning the size, quality, character, nature, preparation or origin of any coal, bought or sold, is a violation of this Code.

SEC. 14. The unauthorized use, either in written or oral form, of trade marks, trade names, slogans, or advertising matter already adopted by a competitor, or deceptive approximation thereof, is a violation of this Code.

SEC. 15. Inducing or attempting to induce, by any means or device whatsoever, a breach of contract between a competitor and his customer during the term of such contract, is a violation of this Code.

SEC. 16. Nothing in the foregoing sections of this Article shall prevent any American producer from creating special prices for overseas exports.

SEC. 17. The splitting or dividing of commissions, brokers fees, or brokerage discounts, or otherwise in any manner through sham or indirection the use of brokerage commission or jobbers arrangements or sales agency for making discounts, allowances, or rebates, or prices other than those determined as provided in this Code, to any industrial consumer or to any retailer, or to others, shall be a violation of this Code.

SEC. 18. To sell to, or through, any broker, jobber, commission account, or sales agency, which is in fact an agent for an organization of retailers or industrial consumers, whereby they secure indirectly a discount, dividend, allowance or rebates, or a price other than that determined as provided in this Code shall be a violation of this Code.

#### ARTICLE VII—ADMINISTRATION

SECTION 1. For the purposes of Administration of this Code, the Bituminous Coal Industry is hereby divided into five divisions as follows:

*Division No. I.*—Pennsylvania, Ohio, Lower Peninsula of Michigan, Maryland, West Virginia, Kentucky, Northern Tennessee, (including all counties not included within Division No. III), Virginia and North Carolina.

*Division No. II.*—Iowa, Indiana, and Illinois.

*Division No. III.*—Alabama, Southern Tennessee, (including Marion, Grundy, Sequatchie, White, Hamilton, Bledsoe and Rhea Counties), and Georgia.

*Division No. IV.*—Missouri, Kansas, Arkansas, Oklahoma, and Texas.

*Division No. V.*—New Mexico, Colorado, Utah, Wyoming, North Dakota, South Dakota, Montana, Idaho, Washington, Oregon, California, Nevada and Arizona.

In each of the foregoing five divisions, subdivisions may be established, as hereinafter provided.

SEC. 2. *Divisional Code Authorities.*—For each of the foregoing divisions there shall be established within ten days after the effective date hereof, or within such further time as may be permitted by the Administrator, a Divisional Code Authority, or Subdivisional Code Authorities for the administration of this Code within such division, either for the division as a unit, or for subdivisions thereof, respectively, as may be determined. All the members of a Code Authority, except one (without vote and to be appointed by the President) shall be

selected by an association or associations, or a committee of coal producers within the division or subdivision which shall be truly representative of the industry therein and impose no inequitable restrictions on admission to membership. A full report of any such action taken to establish a Code Authority shall be made to the Administrator and shall become effective upon approval by him. A subdivision shall consist of a geographical area within which all coal producers shall be entitled to membership in the association or committee establishing the Code Authority. The Administrator shall have power to limit the number of subdivisions within a division and to determine any controversy arising in the establishment of such a Code Authority, and his decision shall be conclusive as to compliance with the requirements of this Section and of the National Industrial Recovery Act in the initial establishment of such a Code Authority.

In the event that Subdivisional Code Authorities are established within a division, such Subdivisional Code Authorities shall establish a Divisional Code Authority to exercise the functions hereinafter provided for a Divisional Code Authority and any other functions which may be conferred upon the Divisional Code Authority by the Subdivisional Code Authorities, all in conformity with any rules and regulations prescribed by the Administrator. One member of a Divisional Code Authority, without vote, shall be appointed by the President.

A Code Authority shall administer this Code in its Division or Subdivision and shall have the duties and exercise the powers which are conferred upon it in this article and in Article VI of this Code, and shall have authority to adopt appropriate by-laws, rules and regulations for the exercise of its functions.

Marketing agencies or trade associations may be established or maintained within any division or subdivision by a voluntary association of producers within any producing district therein, as such district may be defined by the Code Authority and function under such general rules and regulations as may be prescribed by the Code Authority, with the approval of the Administrator, for the purpose of preventing any unfair practices, as defined in Article VI of this Code.

SEC. 3. Each Code Authority shall collect and compile any reports and other information required under the National Industrial Recovery Act; and in investigations of any complaint of unfair practices the Presidential member of a Code Authority shall have power to require reports from, and shall be given access to inspect the books and records of producers within the jurisdiction of such Code Authority to the extent he may deem necessary for the determination of the validity of the complaint. All coal producers subject to the Code shall furnish to any government agency or agencies designated by the Administrator such statistical information as the Administrator may, from time to time, deem necessary for the purposes recited in Section 3 (a) of the National Industrial Recovery Act; and any reports and other information collected and compiled by a Code Authority, as heretofore provided, shall be transmitted to such government agencies, as the Administrator may direct.

The expense of administering this Code by a Divisional (or Subdivisional) Code Authority shall be borne by those subject to such Code Authority, each paying his proportionate share, as assessed,

computed on a tonnage basis, in accordance with regulations prescribed by the Code Authority with the approval of the Administrator.

**SEC. 4. *Industrial Board.***—There shall be established within ten days after the creation of the Divisional Code Authorities a National Bituminous Coal Industrial Board, consisting of four members designated by the Divisional Code Authority of Division No. I, two members designated by the Divisional Code Authority of Division No. II, one member each designated by the Divisional Code Authorities of Divisions No. III, IV, and V and the five members of the Divisional Code Authorities who have been appointed by the President. The President may appoint not more than three members of the Industrial Board in addition to, or in substitution for one or more of, the aforesaid five members of the Divisional Code Authorities. This Board shall have the duties and exercise the powers conferred upon it in this Code, or any revisions thereof and particularly shall meet from time to time at the call of the Administrator, who shall be ex officio Chairman thereof, to consider and to make recommendations to the Divisional Code Authorities and to the President as to any amendments of this Code, or other measures which may stabilize and improve the conditions of the industry and promote the public interest therein.

**SEC. 5. *Labor Relations.***—(a) Any controversy concerning hours, wages, and conditions of employment, or compliance with the provisions of Article V of this Code, between employers and employees who are organized or associated for collective action shall, if possible, be adjusted by conference and negotiation between duly designated representatives of employers and such employees, meeting either in a mine conference or district conference or divisional conference, as the machinery for such conference may be established by agreement of the parties thereto; and it shall be the duty of employers and employees to exert every reasonable effort to establish such a machinery of adjustment and to utilize it to negotiate to a conclusion such controversies wherever possible.

(b) Any such controversy which cannot be settled in the manner so provided and which threatens to interrupt, or has interrupted, or is impairing the efficient operation of any mine or mines to such an extent as to restrain interstate commerce in the products thereof, shall be referred to the appropriate Bituminous Coal Labor Board, established as hereinafter provided, and the decision of said Board shall be accepted by the parties to the controversy as effective for a provisional period of not longer than six months, to be fixed by the Board.

(c) During the consideration of any such controversy either by the agreed machinery of adjustment, or by the Bituminous Coal Labor Board, neither party to the controversy shall change the conditions out of which the controversy arose, or utilize any coercive or retaliatory measures to compel the other party to accede to its demands.

(d) If any such controversy shall involve or depend upon the determination of who are the representatives of the employees chosen as provided in Section 7(a) of the National Industrial Recovery Act, the appropriate Bituminous Coal Labor Board, through any agent or agency it may select, shall have the power to determine the questions by an investigation and, if necessary, by a secret ballot taken under its direction.

(e) A Bituminous Coal Labor Board shall be appointed by the President for each Division, except there shall be two Boards for Division No. I, to exercise the powers herein conferred upon it, which shall consist of three members, one to be selected from nominations submitted by organizations of employees within such Division, one to be selected from nominations by the Divisional Code Authority and one who shall be wholly impartial and disinterested representative of the President. The expenses of such board shall be met by equal contributions from the employers and employees nominating members, the amount and method of collecting which shall be determined by regulations prescribed by the President.

(f) There shall be a National Bituminous Coal Labor Board composed of the members of the six divisional labor boards which may be convened upon call of the Administrator in the event that—

1. A controversy involves employers and employees of more than one division, or

2. The decision of a divisional labor board affects operating conditions of more than one division either directly or because of its effect upon competitive marketing, or

3. In the opinion of the Administrator the decision of a divisional labor board involves the application of a policy affecting the general public, or the welfare of the industry as a whole.

The National Bituminous Coal Labor Board may exercise all the powers conferred upon a divisional labor board, either in giving original consideration to a controversy, or in reviewing the decision of a divisional labor board, which may be either affirmed, set aside and/or modified.

#### ARTICLE VIII—SAFETY

Employers and employees shall cooperate in maintaining safe conditions of operation in compliance with the applicable requirements of State laws or regulations in conformity therewith.

#### ARTICLE IX—AMENDMENTS

Any Code Authority may propose amendments to this Code from time to time effective generally or as to the area within its jurisdiction which, after submission to any other Code Authority affected thereby (which shall include the divisional Code Authority in case of an amendment proposed by a subdivisional Code Authority), may be recommended by the Administrator for the approval of the President.

#### ARTICLE X

This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provision of subsection (b) of Section 10 of the National Industrial Recovery Act, from time to time to cancel or modify any order, approval, license, rule, or regulation issued under Title I of said Act and specifically, but without limitations, to the right of the President to cancel or modify his approval of this Code or any conditions imposed by him upon his approval thereof.

## ARTICLE XI—EFFECTIVE DATE AND TERMINATION

This Code shall become effective on the second Monday following its approval by the President, and shall continue in effect until April 1, 1934, and thereafter in the absence of the exercise of the power reserved to the President in Article X, subject to the exercise of the option, after 30 days' notice to the Administrator, by any coal producer to withdraw his consent after April 1, 1934, to the further enforcement of the Code as a Code to which he has voluntarily given his consent.

Approved Code No. 24.  
Registry No. 702/45.

SCHEDULE A<sup>2</sup>  
BASIC MINIMUM RATES

	Basic minimum rates			
	Minimum inside skilled labor		Minimum outside common labor	
	Per day	Per hour	Per day	Per hour
<b>District A:</b>				
Pennsylvania.....	\$5.00	\$0.71 $\frac{1}{10}$	\$4.00	\$0.67 $\frac{1}{10}$
Ohio.....	5.00	.71 $\frac{1}{10}$	4.00	.67 $\frac{1}{10}$
Lower Peninsula of Michigan.....	5.00	.71 $\frac{1}{10}$	4.00	.67 $\frac{1}{10}$
Panhandle District of West Virginia <sup>1</sup> .....	5.00	.71 $\frac{1}{10}$	4.00	.67 $\frac{1}{10}$
District B: Northern West Virginia <sup>2</sup> .....	5.00	.71 $\frac{1}{10}$	4.00	.67 $\frac{1}{10}$
<b>District C:</b>				
Southern West Virginia <sup>3</sup> .....	4.60	.66 $\frac{1}{10}$	3.60	.61 $\frac{1}{10}$
Eastern Kentucky <sup>4</sup> .....	4.60	.66 $\frac{1}{10}$	3.60	.61 $\frac{1}{10}$
Upper Potomac District of West Virginia <sup>5</sup> .....	4.60	.66 $\frac{1}{10}$	3.60	.61 $\frac{1}{10}$
Maryland.....	4.60	.66 $\frac{1}{10}$	3.60	.61 $\frac{1}{10}$
Virginia.....	4.60	.66 $\frac{1}{10}$	3.60	.61 $\frac{1}{10}$
Northern Tennessee <sup>6</sup> .....	4.60	.66 $\frac{1}{10}$	3.60	.61 $\frac{1}{10}$
District D: Indiana.....	4.67 $\frac{1}{2}$	.66 $\frac{1}{10}$	4.20	.60
District E: Illinois.....	5.00	.71 $\frac{1}{10}$	4.00	.67 $\frac{1}{10}$
<b>District F:</b>				
Iowa <sup>7</sup> .....	4.70	.67 $\frac{1}{10}$	4.00	.67 $\frac{1}{10}$
Wayne and Appanoose Counties, Iowa.....	4.56	.66 $\frac{1}{10}$	4.00	.67 $\frac{1}{10}$
<b>District G:<sup>8</sup></b>				
Missouri, Kansas, Arkansas, and Oklahoma, except shaft, drift, or slope mines in those States.....	4.35	.62 $\frac{1}{10}$	3.75	.63 $\frac{1}{10}$
Shaft, drift, and slope mines in Missouri, Kansas, Arkansas, and Oklahoma.....	4.00	.67 $\frac{1}{10}$	3.63	.60 $\frac{1}{10}$
District H: Western Kentucky <sup>9</sup> .....	4.60	.66 $\frac{1}{10}$	3.75	.63 $\frac{1}{10}$
<b>District J:</b>				
Alabama.....	3.80	.64 $\frac{1}{10}$	2.80	.40
Georgia.....	3.80	.64 $\frac{1}{10}$	2.80	.40
Southern Tennessee, Hamilton and Rhea Counties.....	3.80	.64 $\frac{1}{10}$	2.80	.40
<b>District J-1: Marion, Grundy, Sequatchie, White, Van Buren, Warren, and Bledsoe Counties in the State of Tennessee.....</b>	4.24	.60 $\frac{1}{10}$	3.24	.46 $\frac{1}{10}$
<b>District K:</b>				
New Mexico.....	5.10	.72 $\frac{1}{10}$	4.10	.63 $\frac{1}{10}$
Southern Colorado <sup>10</sup> .....	5.10	.72 $\frac{1}{10}$	4.10	.63 $\frac{1}{10}$
<b>District L: Northern Colorado<sup>10</sup></b>	5.25	.75	4.25	.60 $\frac{1}{10}$
<b>District M: Utah.....</b>	5.44	.77 $\frac{1}{10}$	4.48	.64
<b>District N:</b>				
Southern Wyoming.....	5.42	.77 $\frac{1}{10}$	4.44	.63 $\frac{1}{10}$
Northern Wyoming.....	5.42	.77 $\frac{1}{10}$	4.64	.64 $\frac{1}{10}$
<b>District O: Montana.....</b>	5.63	.80 $\frac{1}{10}$	4.82	.63 $\frac{1}{10}$
<b>District P: Washington.....</b>	5.40	.77 $\frac{1}{10}$	4.00	.67 $\frac{1}{10}$
<b>District Q:</b>				
North Dakota.....	4.60	.64 $\frac{1}{10}$	3.70	.62 $\frac{1}{10}$
South Dakota.....	4.60	.64 $\frac{1}{10}$	3.70	.62 $\frac{1}{10}$

<sup>1</sup> Includes Hancock, Brooke, Ohio and Marshall Counties.

<sup>2</sup> Includes Monongalia, Marion, Harrison, Taylor, Lewis, Barbour, Gilmer, Upshur, Randolph, Braxton, Preston, and Webster Counties and those mines in Nicholas County served by the B. & O. R.R.

<sup>3</sup> Includes all mines in counties in West Virginia not named under Districts A and B and the Upper Potomac District.

<sup>4</sup> Includes all mines in Kentucky located east of a north and south line drawn along the Western boundary of the City of Louisville.

<sup>5</sup> Includes Grant, Mineral and Tucker Counties.

<sup>6</sup> Includes all Counties in Tennessee not named under Southern Tennessee in District J and J-1.

<sup>7</sup> Excludes Wayne and Appanoose Counties.

<sup>8</sup> Includes all mines in Kentucky west of a north and south line drawn along the western boundary of the City of Louisville.

<sup>9</sup> Includes all Counties in Colorado not named under District L.

<sup>10</sup> Includes Jackson, Larimer, Weld, Boulder, Adams, Arapahoe, El Paso, Douglas, Elbert, and Jefferson Counties.

NOTE.—Differences between districts in the foregoing minimum rates are not to be considered as fixing permanent wage differentials or establishing precedents for future wage scales.

<sup>2</sup> Amendment No. 1—Approved Apr. 22, 1934.

<sup>3</sup> Amendment No. 3—Approved June 4, 1934.

*In view of the differentials hereby accorded District J, pending further order there shall be no sales by operators of said District into the normal consuming markets of another District which is subject to higher rates of pay, at any prices for coal of comparable grade and quality, less than the price for such coal in said market charged by such other District, and there shall be no destructive invasion of such other consuming markets and, in the absence of satisfactory agreements governing this matter, the determination of the Administrator on complaint of any such destructive invasion shall be conclusive. The requirement that the minimum rates for tonnage and other piecework in certain Districts should be further increased shall be modified so as to read as follows:*

*"In addition to the increases above provided the minimum rates for tonnage and other piecework in Districts B, G, H, J, and J-1, shall be further increased, if necessary, by an amount sufficient to maintain the customary relationship in the industry between pay for such tonnage and piecework and the basic minimum rates for day labor as prescribed for such districts in New Schedule A", that requirement, as to increases in District B, shall be satisfied pending further order, by an increase per 2,000 pound ton for said District of two and one-half (2½) cents in loading rates and one-half (½) cent in cutting rates.<sup>2</sup>*

*In view of the differentials accorded District G, and in view of the situation existing in District H, pending further order there shall be no sales by operators of said Districts into the normal consuming markets of another District which is subject to higher rates of pay, at any prices for coal of comparable grade and quality, less than the price for such coal in said market charged by such other District, and there shall be no destructive invasion of such other consuming markets and, in the absence of satisfactory agreements governing this matter, the determination of the Administrator on complaint of any such destructive invasion shall be conclusive.<sup>3</sup>*

<sup>2</sup> Amendment No. 2—Approved Apr. 22, 1934.

<sup>3</sup> Amendment No. 3—Approved June 4, 1934.

## NATIONAL RECOVERY ADMINISTRATION

AMENDMENT TO  
CODE OF FAIR COMPETITION  
FOR THE  
BITUMINOUS COAL INDUSTRY

AS APPROVED ON NOVEMBER 5, 1934



UNITED STATES  
GOVERNMENT PRINTING OFFICE  
WASHINGTON : 1934



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Approved Code No. 24—Amendment No. 4

**AMENDMENT TO CODE OF FAIR COMPETITION**

FOR THE

**BITUMINOUS COAL INDUSTRY**

As Approved on November 5, 1934

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**ORDER**

**APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE  
BITUMINOUS COAL INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16th, 1933, for approval of an amendment to a Code of Fair Competition for the Bituminous Coal Industry as contained in a published Notice of Opportunity to File Objections, Administrative Order 24-52, dated August 1, 1934, and amended to meet certain objections which were filed as provided in said Published Notice and annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President.

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate, by reference, said annexed report and does find that said amendment and the Code as constituted after being amended complies in all respects with the pertinent provisions and will promote the policy and the purposes of said Title of said Act, and does hereby order that said amendment be and is hereby approved, and that the previous approval of said Code is hereby amended to include approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

W. P. ELLIS,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
November 5, 1934

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: An application has been duly made pursuant to and in full compliance with the provisions of the National Industrial Recovery Act, for an amendment to the Code of Fair Competition for the Bituminous Coal Industry, submitted by the Code Authority for the said Industry.

The existing provision of Article VII, Section 3 of the Code for said Industry, is entirely inadequate in view of the necessity of obtaining reliable data and facts for use in studies of wages and prices and in administering the provisions of the Code, and it is therefore evident that the proposed amendment to Article VII, Section 3, of said Code will overcome the existing inadequate provision.

## FINDINGS

The Acting Deputy Administrator in his final report to us on the amendment to the Code of Fair Competition for the Bituminous Coal Industry having found as herein set forth and on the basis of all proceedings in this matter:

We find that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by including and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required) by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as modified complies in all respects with the pertinent provisions of said Title of said Act, including without limitation subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(c) The Code empowers any Divisional Code Authority to present the aforesaid amendment on behalf of the industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

Said amendment is accordingly approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,  
*Administrative Officer.*

NOVEMBER 5, 1934.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE BITUMINOUS COAL INDUSTRY

Delete Section 3 of Article VII and substitute in lieu thereof the following:

SECTION 3. (a) Each Code Authority shall set up and maintain a Statistical Bureau which shall be under the direction of a Managing Director, who may be the Secretary of the Code Authority and who shall not be an officer, director, or employee of any producer. All producers shall, in their respective Sub-divisions, (or Divisions) report all spot orders to such Bureau and shall file with such Bureau copies of all contracts for the sale of coal, copies of all invoices, copies of all credit memoranda and such other information concerning the production and sale of coal as such Code Authority, with the approval of its Presidential Member, may require.

(b) Each producer shall, in his Sub-division (or Division) file all such reports and other information as described in sub-section (a) above with the Statistical Bureau of the Sub-division (or Division). Failure to file such reports or other information, or filing materially inaccurate reports or other information, shall be a violation of the Code.

(c) All such records shall be held by such Bureau as the confidential records of the producer filing such information, until the Code Authority shall direct their return to the producer filing the same.

(d) Each Bureau shall, if so directed by the Code Authority, compile from such records, in composite form and in such manner as shall not be prejudicial to the interests of any producer, statistical information with respect to the sale and distribution of coal. None of such records nor the information contained therein shall be disclosed to anyone except as so compiled and except as hereinafter provided in subsections (e) and (f) hereof in connection with violations of the Code.

(e) The Managing Director shall examine such records and if such examination shall, in the opinion of the Managing Director, disclose a violation of the Code, the Managing Director shall report such violation to the Presidential Member, together with any information necessary to enable the Presidential Member to consider such violation. In investigations of any complaint of unfair practices, the Presidential Member of a Code Authority shall have power to require such other reports from, and shall be given access to inspect the books and records of producers within the jurisdiction of such Code Authority to the extent he may deem necessary for the determination of the validity of the complaint.

(f) If the Presidential Member shall determine that any such complaint as described in subsection (e) hereof discloses a violation of the Code, the Presidential Member shall report such violation to the Code Authority together with any reports or other information

filled in accordance with the provisions of this section which may appear necessary to the Presidential Member to enable the Code Authority to consider the merits of such violation and to take such steps as it shall deem necessary to secure observance of the Code.

(g) All producers subject to the Code shall furnish to any government agency or agencies designated by the Administrator such statistical information as the Administrator may from time to time deem necessary for the purpose recited in Section 3 (a) of the National Industrial Recovery Act.

(h) The expense of administering this Code by a Divisional (or Sub-Divisional) Code Authority shall be borne by those subject to such Code Authority, each paying his proportionate share, as assessed, computed on a tonnage basis, in accordance with regulations prescribed by the Code Authority with the approval of the Administrator, and failure to pay such assessments shall constitute a violation of the Code.

Approved Code No. 24—Amendment No. 4.  
Registry No. 702-45.





**NATIONAL RECOVERY ADMINISTRATION**  

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**AMENDMENT TO  
CODE OF FAIR COMPETITION**

FOR THE

**BITUMINOUS COAL INDUSTRY**

AS APPROVED ON JANUARY 8, 1935



UNITED STATES  
GOVERNMENT PRINTING OFFICE  
WASHINGTON: 1935



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Approved Code No. 24—Amendment No. 5

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

BITUMINOUS COAL INDUSTRY

As Approved on January 8, 1935

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ORDER

APPROVING AMENDMENTS OF CODE OF FAIR COMPETITION FOR THE  
BITUMINOUS COAL INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I, of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to the Code of Fair Competition for the Bituminous Coal Industry:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate, by reference, said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

This Order shall become effective immediately.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

W. P. ELLIS,  
*Division Administrator*.

WASHINGTON, D. C.,  
*January 8, 1935.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: An application has been duly made pursuant to and in full compliance with the provisions of the National Industrial Recovery Act, for an amendment to the Code of Fair Competition for the Bituminous Coal Industry, submitted by the Southern Sub-Divisional Coal Code Authority No. 1 of Division I after submission to all other Code Authorities for the said Industry.

The existing provision of Article VI, Section 1, of the Code for said Industry, is entirely inadequate in view of the necessity for clarification by reason of varying interpretations placed upon the wording thereof. It is, therefore, evident that the proposed amendment of Article VI, Section 1, of said Code, as modified by the National Industrial Recovery Board, as provided in the notice for public hearing thereon, will overcome the existing inadequate provision.

## FINDINGS

The Acting Deputy Administrator in his final report to us on the amendment to the Code of Fair Competition for the Bituminous Coal Industry having found as herein set forth and on the basis of all proceedings in this matter:

We find that pending such further order as the National Industrial Recovery Board may enter thereon;

(a) The amendment to said Code and the Code as amended are designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required) by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(c) The Code empowers any Sub-Divisional Code Authority to present the aforesaid amendment on behalf of the Industry as a

whole after submission to all other Code Authorities affected thereby (which shall include the Divisional Code Authority).

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

Said amendment is accordingly approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,  
*Administrative Officer.*

JANUARY 8, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR  
THE BITUMINOUS COAL INDUSTRY

Delete Section 1 of Article VI and substitute in lieu thereof the following:

SECTION 1. The making of a contract to sell or offer to sell coal, whether for immediate or future delivery, at a price below the fair market price at the date of such contract or offer (regardless of the dates specified for the making of deliveries), or any sale or delivery of coal (other than pursuant to contract made in accordance with the foregoing) below the fair market price thereof at the time of delivery, determined as hereinafter provided, is hereby declared to be an unfair competitive practice and in violation of this Code. Such fair market price shall be determined and established as hereinafter provided, and it shall be proper in determining such fair market price to consider the purposes of the National Industry Recovery Act, the minimum rates of pay herein established, the furnishing of employment for labor and the competition with other coals, fuels, and form of energy for heat production.

Approved Code No. 24—Amendment No. 5.  
Registry No. 702-45.

(4)

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**NATIONAL RECOVERY ADMINISTRATION****AMENDMENT TO  
CODE OF FAIR COMPETITION**

FOR THE

**BITUMINOUS COAL INDUSTRY**

AS APPROVED ON JANUARY 25, 1935



UNITED STATES  
GOVERNMENT PRINTING OFFICE  
WASHINGTON : 1935

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Approved Code No. 24—Amendment No. 6

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

BITUMINOUS COAL INDUSTRY

As Approved on January 25, 1935

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ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE  
BITUMINOUS COAL INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I, of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to the Code of Fair Competition for the Bituminous Coal Industry:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise; does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendment be and it is hereby approved to become effective immediately and remain effective only until and including April 30, 1935, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,

By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

W. P. ELLIS,

*Division Administrator.*

WASHINGTON, D. C.,

*January 25, 1935.*



## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: An application has been duly made pursuant to and in full compliance with the provisions of the National Industrial Recovery Act, for an amendment to the Code of Fair Competition for the Bituminous Coal Industry, submitted by a Sub-Divisional Code Authority of the Industry and an amendment submitted by the National Recovery Administration for consideration at the public hearing, held in Washington, D. C., January 4, 1935.

At this hearing, modifications of such proposed amendment were submitted by the National Bituminous Coal Industrial Board, an agency created and established under the Code for the purpose, among others, of considering and making recommendations to the President as to any amendments of the Code. Pursuant to the hearing and to information and considerations properly before us, as provided in the published notice of hearing, these amendments have been revised. Also as a result of this hearing an amendment to Article VI, Section 1 was approved January 8, 1935.

The existing provisions of Article VI, Sections 2, 3 and 4 and Article VII, Section 2 of the Code for said Industry are entirely inadequate in view of the necessity for changing and improving the methods and procedure in establishing fair market prices. An extreme emergency confronts the Industry occasioned by the custom of making forward contracts, under which the price for delivery of coal might jeopardize the hour and wage provisions of the Code, resulting in serious labor disturbances to the detriment of the public. It is, therefore, evident that the proposed amendment of Article VI, Sections 2, 3 and 4 and of Article VII, Section 2 of said Code, as modified by the National Industrial Recovery Board, as provided in the notice for public hearing thereon, will assist in improving the existing inadequate provisions.

## FINDINGS

The Acting Deputy Administrator in his final report to us on the amendment to the Code of Fair Competition for the Bituminous Coal Industry having found as herein set forth and on the basis of all proceedings in this matter:

We find that pending such further order as the National Industrial Recovery Board may enter thereon;

(a) The amendment to said Code and the Code as amended are designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend

to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required) by increasing the consumption of industrial and agricultural products by increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and otherwise by rehabilitating industry and conserving natural resources.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(c) The Code empowers the National Bituminous Coal Industrial Board to consider and to make recommendations to the President as to any amendments of this Code. It also empowers any Sub-Divisional Code Authority to propose amendments on behalf of the Industry as a whole after submission to any other Code Authority affected thereby (which shall include the Divisional Code Authority).

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

In view of the emergency and conditions existing, said amendment, as modified, is accordingly approved to become effective immediately and for a temporary period to and including April 30, 1935, during which period further consideration will be given to the problems involved.

For the National Industrial Recovery Board :

W. A. HARRIMAN,  
*Administrative Officer.*

JANUARY 25, 1935.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE BITUMINOUS COAL INDUSTRY

Modify Article VI by inserting to appear in said Article VI as a preamble thereto and immediately to precede Section 1 thereof, the following:

For the purpose of establishing and maintaining fair practices so as to protect the public in its right to buy coal at reasonable prices; to provide and maintain an adequate wage structure for employees; and to protect the producers in their right to produce coal and sell it in the markets, while observing the purposes of the National Industrial Recovery Act, it is provided as follows:

and by modifying Sections 2, 3 and 4 of said Article VI in such manner that the preamble to and Sections 1, 2, 3 and 4 of said Article VI shall read as follows:

### ARTICLE VI—UNFAIR PRACTICES

For the purpose of establishing and maintaining fair practices so as to protect the public in its right to buy coal at reasonable prices; to provide and maintain an adequate wage structure for employees; and to protect the producers in their right to produce coal and sell it in the markets, while observing the purposes of the National Industrial Recovery Act, it is provided as follows:

SECTION 1. The making of a contract to sell or offer to sell coal, whether for immediate or future delivery, at a price below the fair market price at the date of such contract or offer (regardless of the dates specified for the making of deliveries), or any sale or delivery of coal (other than pursuant to contract made in accordance with the foregoing) below the fair market price thereof at the time of delivery, determined as hereinafter provided, is hereby declared to be an unfair competitive practice and in violation of this Code. Such fair market price shall be determined and established as hereinafter provided, and it shall be proper in determining such fair market price to consider the purposes of the National Industrial Recovery Act, the minimum rates of pay herein established, the furnishing of employment for labor and the competition with other coals, fuels, and forms of energy or heat production. (Amendment Number Five, January 8, 1935.)

SECTION 2 (a). The fair market prices of coal of any kind, grade or size, referred to in the next preceding section, subject to the power of review hereinafter stated, shall be—

(1) The minimum prices for the various kinds, grades and sizes in the various consuming markets which may be established for future application by a marketing agency or by marketing agencies, of whatever form or howsoever constituted now existing or here-

after created or organized, acting for producers of at least two-thirds of the commercial tonnage of any coal district or group of districts, such minimum prices to be effective when and as announced as provided in paragraph (f) of this Section.

(2) The minimum prices for the various kinds, grades and sizes in the various consuming markets, which may be established for future application by the respective Code Authorities hereinafter set up, for their respective areas where no such marketing agency exists, such minimum prices to be effective when announced as provided in paragraph (f) of this Section.

(b) In determining such fair market prices, marketing agencies and Code Authorities shall take into consideration, among other factors, the purposes of the National Industrial Recovery Act, the minimum rates of pay herein established, the furnishing of employment for labor, competition with other coals, fuels and forms of energy or heat production, the customs, requirements and needs of the buying and consuming public for various kinds, grades and sizes of coal and the necessity for giving to consumers reasonable opportunity to buy and to producers reasonable opportunity to sell their coal in usual and normal markets. Furthermore, in order to determine such fair market prices, the marketing agencies and Code Authorities shall classify all coals, applying all factors usually considered in connection with physical structure and chemical analysis and their effect upon the salability and use value of such coals, and with due regard for the foregoing provisions, shall so price coals as to afford producers reasonable opportunity to sell the coal in competition with other coals, fuels and forms of energy or heat production, and to this end the marketing agencies and Code Authorities shall give due regard to the prices made by competing districts, but it shall be their purpose, while making competitive market prices, not to make dumping prices in any area of consumption.

(c) The term "marketing agency" as used in this Code shall include any trade association of coal producers complying with the requirements of a marketing agency and exercising the functions thereof as provided herein.

(d) Where a marketing agency functioning in any district or group of districts acts as selling agent for producers of at least two-thirds of the commercial tonnage, the Code Authority in announcing the prices of coal of producers outside of such agency in such district or group of districts shall utilize and follow the practices and methods of classification, and the classifications, used by such agency and shall adopt the same prices for the respective classes of coal as those fixed by such agency.

(e) The fair market prices established for future application under the provisions of Section 2 (a) (1) shall be reported to said Code Authorities by any such marketing agencies in such manner as may be required by such Authorities.

(f) The fair market price or prices of bituminous coal established as herein provided shall become effective, subject to appeal, suspension and modification as hereinafter provided, when the same shall be approved by the Presidential Member of the Code Authority (acting under the direction of the Administrator), and when published as provided herein. In his approval the Presidential Member may per-

mit a reduction or increase in said price or prices by action of said marketing agencies or Code Authorities within the limits which he may prescribe. Said prices shall be published by the Code Authority when so established and approved by the Presidential Member and from time to time thereafter as may be determined by the Code Authority or required by the Administrator, and in any event when any change is made therein. Simultaneously with such publication said fair market price or prices shall be transmitted by the Code Authority making or giving effect to and publishing any change in price, to the National Recovery Administrator for his review and subsequent action.

(g) Each Code Authority shall, at all times, provide and keep open an office during business hours to which any coal producer in its district or districts and any representative of the Administrator may apply for information with respect to classifications and prices.

SECTION 3. In order to prevent injustices among or between producers, any producer shall be granted a hearing upon written complaint, and the marketing agency or Code Authority which establishes fair market prices for the coals of such producer shall hold said hearing within five days (unless extension of time is consented to by such producer) after the receipt of said complaint, directly or through such agency as it may establish. In such complaint, the producer shall set out the grounds of his complaint, whether he is objecting to the prices fixed on his coal, and whether he desires an increase or decrease in his prices. He shall further set out whether he is objecting to prices of other producers in the same district or on account of prices in competing districts. The marketing agency or Code Authority, shall, to the extent reflected in the evidence, take into consideration, in addition to the factors set out in this article, the market demand for the class of coal of the producer, the relative operating time at the mines of the producer, as compared with that of the mines of other producers in the same and competing districts, their past production history, as well as the quality of the coal and the comparative delivered value thereof to the consumer, and such other pertinent facts as may be presented, and shall make its decision within five days after the hearing, unless extension of time is consented to by such producer. A record shall be made of all the facts and evidence presented to the marketing agency or Code Authority, as the case may be, at such hearing, and of the decision rendered thereon. Such producer shall have the right of appeal to an impartial Board of Arbitration which shall be set up by such agency or Code Authority, as hereinafter provided; and the decision of such Board shall be binding upon the producer and shall constitute the decision of such agency or Code Authority.

SECTION 4. In order to establish fair competitive price relationships and practices between marketing agencies and/or Code Authorities representing different Divisions or Subdivisions, such agencies and Code Authorities are hereby authorized and directed to meet and confer with each other and endeavor to agree upon a basis of fair competitive prices and practices relating thereto as between such Divisions and/or Subdivisions. They shall take into consideration the same factors as are considered by Code Authorities as between the producers within the Divisions or Subdivisions as here-

inbefore set out. Any such agreements made between marketing agencies and/or Code Authorities representing competing Divisions and/or Subdivisions shall be submitted to the Administrator for approval or disapproval and shall become effective within ten days after receipt thereof by him unless disapproved as being against the interest of the public. Such agencies and/or Code Authorities shall endeavor to agree between themselves, subject to the approval of the Administrator, on rules of procedure, notices of meetings, and other necessary order of business for such meetings looking to such agreements, notices of all of which shall be furnished to the Administrator or his representative, who shall have the opportunity to be present at such meetings. In default of an agreement as to such rules and other procedural matter approved by him, the Administrator may prescribe the same.

If any such agency or Code Authority shall be of the opinion that any producer or producers represented by it is adversely affected by any failure to reach such agreement, or that any prices or practices relating thereto, heretofore or hereafter established in a different Division or Subdivision, are unfair competitive prices or practices relating thereto and no such agreement in respect thereof has been reached, the dissatisfied agency or Code Authority shall have the right of appeal to the National Coal Board of Arbitration, as hereinafter provided.

#### ARTICLE VII—ADMINISTRATION

Change the designation of Section 2 to Sub-section (a) of Section 2 and add two additional sub-sections to said Section to be designated (b) and (c), as follows:

(b) Every marketing agency and Code Authority establishing prices as herein provided shall immediately set up and maintain a permanent impartial Board of Arbitration for the marketing agency, Division or Subdivision for which it acts, to which any producer represented by such agency or Code Authority may appeal from any decision thereof as to his classification or price or the practice complained of; provided, however, that any marketing agency or Code Authority may elect to join with any other marketing agency or Code Authority agreeing thereto, with the approval of the Administrator, to set up such Board for their joint use for the purposes of this Article. Such Board shall consist of not more than five members, who shall not be connected directly or indirectly with the coal industry during the time they serve as members of such Board. Such Board shall prescribe rules of procedure and keep a record of its proceedings. Any producer filing an appeal shall do so in writing, accompanied by evidence of service of a copy thereof upon such Code Authority or marketing agency. Such appeal shall be heard within five days of the date of filing unless the producer taking the appeal shall consent to extension of such time. Such Board in reaching its decision on any such controversy shall be guided, as the basis of such decision, by the principles upon which fair competitive market prices and practices relating thereto are to be established as hereinbefore provided in Article VI; and such Board shall decide the matters at issue within ten days after the hearing and the decision of such Board

shall be final and binding on the producer and shall constitute the decision of such Code Authority or marketing agency. If the decision of the Board favors the complainant, the marketing agency or Code Authority shall revise the price or practice complained of in accordance with such decision, or in the case of failure of the said Board to act within such ten days or such extended period as may be consented to by the complainant, such agency or Code Authority shall likewise revise such price or practice complained of as if the decision had been in favor of the complainant.

(c) In order to settle disputes and controversies between or among marketing agencies or Code Authorities representing different Divisions or Subdivisions with respect to fair competitive prices and practices relating thereto, there shall be created an impartial National Coal Board of Arbitration of five members, who shall not be connected directly or indirectly with the coal industry during the time they serve as members of such Board. The nine members of the National Bituminous Coal Industrial Board designated by the Divisional Code Authorities shall constitute electors by majority vote to elect, subject to the approval of the Administrator, and fix the salaries of the members of said National Coal Board of Arbitration and fill any vacancies thereon. The members of the National Coal Board of Arbitration shall be paid salaries at the rate of not to exceed \$10,000, each per year and shall serve for a term of two years, subject to removal by affirmative vote of at least six of said electors. Their salaries and traveling expenses and all necessary office expenses shall be paid by Divisional Code Authorities, contributing on a tonnage basis. Complaints to such Board shall be in writing, setting forth the reasons therefor, and may be made only by a marketing agency or by a Code Authority. The Board shall make all necessary rules and regulations for its operation and procedure and shall keep a record of its actions and proceedings. Said Board shall hear all complaints within ten days (or such additional time as may be consented to by complainant) after receipt of formal complaint in writing, accompanied by evidence satisfactory to the Board that copy thereof has been served upon the respondent marketing agency or Code Authority. Copies of the complaints shall also be furnished to other interested marketing agencies and Code Authorities and to the Administrator in accordance with rules of the Board. The Board shall decide all matters submitted to it within ten days after the hearing unless the time is extended with consent of the complainant and its action shall, subject to changes made under the provisions of the Code, be binding upon the parties for a period of not less than ninety days unless the Board in its discretion shall consent to review its action, and thereafter until new matter is submitted by the complainant sufficient in the opinion of the Board to cause it to change its decision. In settling and determining the disputes and controversies between Divisions and Subdivisions above referred to, said National Coal Board of Arbitration shall be governed by the same principles and standards, facts and factors as herein prescribed for the marketing agencies, Code Authorities, and Boards of Arbitration in fixing prices and determining disputes respecting prices and practices relating thereto. The decision of the Board shall be trans-

mitted to the Administrator for approval or disapproval and shall become effective within ten days after its receipt by him unless disapproved as being against the interest of the public. Pending hearing on and decision of such complaint the prices or practices complained of may by order of the Board and on such conditions as it may prescribe be suspended or modified.

Appropriate publication shall be made by the Code Authority giving effect to any change in price required by such decision.

Approved Code No. 24—Amendment No. 6.  
Registry No. 702-45.







[fol. 961]            National Coal Association

Southern Building, Washington, D. C.

March 14, 1935.

The National Recovery Administration has just released the following Amendment to the Code of Fair Competition for the Bituminous Coal Industry.

J. D. Battle, Executive Secretary.

Amendment to the Code of Fair Competition for the  
Bituminous Coal Industry

Delete the period of the second sentence of Sub-Section (a) of Section 2, Article VII, and substitute therefor a semi-colon, and add after such semi-colon the following: provided each Code Authority, Divisional or Subdivisional, shall have one member thereon who shall be selected from nominations submitted by the accredited and recognized organization of employees.

[fol. 961½]            National Coal Association

Southern Building, Washington, D. C.

March 30, 1935.

Following is the order released today making effective Amendment No. 8 to the Bituminous Coal Code.

J. D. Battle, Executive Secretary.

An application having been duly made pursuant to an- in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Bituminous Coal Industry and annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

Now, therefore, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6543-A, Executive Order No. 6859 and Executive Order No. 6993, and other-

wise, does hereby incorporate by reference said annexed report and does find that said amendment and said Code as constituted after being so amended complies in all respects with the pertinent provisions and will promote the policy and the purposes of said Title of said Act, and does hereby order that said amendment be and is hereby approved, and that the previous approval of said Code is hereby amended to include approval of said Code in its entirety as amended,

Further ordered, that the order of this Board hereinabove recited be and hereby is made without prejudice to the Board's consideration of an appropriate action upon any application for amendment to or modification of said Code now pending in or with the National Recovery Administration and subject to the power especially reserved in and by said Board to order the amendment or modification of any provision of said Code in conformity with any agreement affecting such provision which may be reached between employers and employees in said Industry and presented to said Board at any time between April 1, 1935, and June 16, 1935, both dates inclusive for its consideration thereof and action thereon.

National Industrial Recovery Board, (Signed) by  
Donald Richberg, Acting Chairman.

Attest: (Signed) L. C. Marshall, Executive Secretary.

Approval recommended: (Signed) W. P. Ellis, Division Administrator.

Washington, D. C., March 30, 1935.

Amendment No. 8 to the Code of Fair Competition for the Bituminous Coal Industry reads as follows:

“Add a new sentence to, immediately to follow the present provision of, and to become a part of, Article XI to read as follows:

“This Code and all the provisions thereof, despite any provisions to the contrary contained therein and especially, but without limitation to, those provisions of Articles IV, VI, and VII providing for a time limitation upon the effect of such provisions or any of them, which may provide that the effect of such provisions or any of them shall terminate prior to June 16, 1935, shall remain effective to and including June 16, 1935.”

[fol. 962]

PLT'FF'S EX. 60

## National Bituminous Coal Commission

## Immediate Release

November 4, 1935.

## Bulletin

Acceptances to the code increased by more than 300 over the week-end, bringing the total received to date to 2,540.

Although exact tonnage figures represented by these acceptances is not definitely known, estimates based upon figures supplied by Deputy District Secretaries indicate that producers claiming 161,206,625 tons production during 1934 have signed acceptances. However, that figure, too, is increasing daily.

[fol. 963]

PLAINTIFF'S EXHIBIT 61

## Coal

## Strikes, Suspensions, and Lockouts

Table 12—Strikes, Suspensions, and Lockouts in Coal Mines, by States, in 1932

State	Total number of men employed	Number of men on strike	Man-days idle on account of strike	Average number of days lost on ac- count of strike	
				Per man employed	Per man on strike
Alabama.....	20,443	.....	.....	.....	.....
Alaska.....	120	.....	.....	.....	.....
Arizona.....	17	.....	.....	.....	.....
Arkansas.....	4,325	1,964	103,522	24	53
California, Idaho, and Oregon.....	141	.....	.....	.....	.....
Colorado.....	8,749	.....	.....	.....	.....
Georgia.....	64	.....	.....	.....	.....
Illinois.....	47,597	32,961	4,397,006	92	133
Indiana.....	10,639	3,820	507,051	48	133
Iowa.....	8,086	389	7,503	1	19
Kansas.....	3,591	58	350	(1)	6
Kentucky.....	42,267	721	30,725	1	43
Maryland.....	3,105	67	402	(1)	6
Michigan.....	940	.....	.....	.....	.....
Missouri.....	5,677	301	48,590	9	161
Montana.....	1,525	748	28,100	18	38
New Mexico.....	2,602	.....	.....	.....	.....
North Carolina.....	26	.....	.....	.....	.....
North Dakota.....	1,311	.....	.....	.....	.....
Ohio.....	23,280	15,290	2,130,292	92	139
Oklahoma.....	3,063	970	46,903	15	48
Pennsylvania, bitumi- nous.....	104,532	2,021	113,696	1	56
South Dakota.....	84	.....	.....	.....	.....
Tennessee.....	7,525	550	35,967	5	65

## DEFENDANT'S EXHIBIT 61

State	Total number of men employed	Number of men on strike	Man-days idle on account of strike	Average number of days lost on ac- count of strike	
				Per man employed	Per man on strike
Texas.....	699	.....	.....	.....	.....
Utah.....	2,842	.....	.....	.....	.....
Virginia.....	10,376	140	140	(1)	1
Washington.....	2,816	958	42,266	15	44
West Virginia.....	85,765	1,510	44,307	.....	29
Wyoming.....	4,173	399	15,648	4	39
Total bituminous...	406,380	62,867	7,552,468	19	120
Pennsylvania anthra- cite.....	121,243	34,259	289,523	2	9
Grand total.....	527,623	97,126	7,841,991	15	81

(1) One half day or less.

[fol. 964]

PL'FF'S EX. No. 62

Wage Proposal Submitted to the Joint Conference of Operators and Mine Workers, Pages 48, 49, and 50 of Reporters Transcript of "Report of Proceedings of the Joint Conference of Coal Operators and Miners of Western Pennsylvania, Ohio, Indiana and Illinois", at Miami, Florida, February 14-22, 1927.

Mr. W. H. Haskins, Ohio. (Operator.) I would like to present a resolution for the consideration of the Joint Conference:

Be it resolved,

(1) That the wage scale for the Central Competitive Field commencing April 1, 1927, must be continuing and at all times a competitive scale with the wages and conditions prevailing in West Virginia and Kentucky.

(2) That in order to make effective Clause 1 a Commission be selected by the respective parties to this Agreement consisting of four Miners and four Operators and three mediators to be mutually chosen by such Commission; or should such Commission be unable to agree upon three persons to act as mediators, or for any reason whatsoever shall fail, neglect or refuse to select such mediators, then the Chief Justice of the United States Supreme Court shall at once select such mediators, and such selection shall be accepted by both parties to this contract.

(3) That the duties of such Commission shall be as follows:

(a) To determine a competitive wage scale for the Central Competitive Field.

(b) To readjust such scale from time to time in order to maintain competitive conditions.

(c) To have final jurisdiction in all grievances appealed from the several districts.

(d) To perform such other duties as may be agreed upon by the Joint Conference of Miners and Operators.

[fol. 965] Mr. Chairman, we wish to submit that as a proposition from the operators as a basis upon which to negotiate a scale effective April 1, 1937.

Chairman Miller: You offer that as a motion, as I understand it.

Mr. Haskins: Yes.

Mr. H. C. Perry (Illinois): I second the motion.

Chairman Miller: The resolution submitted by Mr. Haskins is now before you for consideration.

(Mahan & Mahan, Shorthand Reporters.)

*Plaintiffs Exhibit No 63*

[fol. 966] Deductions were made from gross earnings of miners and loaders when charged for powder, dynamite, or other explosives, fuses, and caps used by them in blasting coal from the seams, and for tool sharpening or blacksmithing. The average earnings in this report were, therefore, computed on net earnings after such deductions had been made. A few companies did not charge wage earners for explosives or for tool sharpening.

[fol. 966]

## PLAINTIFF'S EXHIBIT 63

Table 1—Average Number of Starts (Days) and Average Hours and Earnings of Miners and Loaders, 1922, 1924, 1926, 1929, 1931, and 1933

(Data in this table are for wage earners who are usually paid tonnage rates)

Year	Num- ber of mines	Num- ber of wage earners	Aver- age num- ber of starts (days) worked in half month	Average hours				Average earnings			
				In half month based on—		Per start (day) based on—		Per hour based on—			
				Time at face, includ- ing lunch	Time in mine	Time at face, includ- ing lunch	Time in mine	Time at face, includ- ing lunch	Time in mine	In half month	Per start (day)
1922 <sup>(1)</sup> .....	200	33,360	8.9	68.1	73.7	7.7	8.3	\$0.915	\$0.845	\$62.30	\$7.03
1924 .....	599	91,167	8.3	64.6	70.0	7.8	8.5	.843	.777	54.44	6.60
1926 .....	556	96,010	9.5	75.4	82.2	7.9	8.6	.817	.749	61.61	6.46
1929 .....	535	99,405	9.1	72.6	79.6	8.0	8.8	.687	.626	49.85	5.50
1931 .....	469	90,063	7.0	56.5	61.9	8.0	8.8	.599	.546	33.82	4.82
1933 .....	444	78,896	7.1	57.2	63.2	8.0	8.9	.395	.357	22.59	3.18

<sup>(1)</sup> Includes data for Utah, Washington, and Wyoming.

Source: Photostat of material appearing on page 4 of "Wages and Hours of Labor in Bituminous Coal Mining: 1933," Bulletin No. 601 of the U. S. Bureau of Labor Statistics.

[fol. 967]

P.'s No. 64

## House Agreement, Pursglove, W. Va.

This agreement, made in duplicate this 21st day of October, 1926, between the Pursglove Coal Mining Co., an Ohio Corporation, party of the first part, and Milton Austin, party of the second part.

Witnesseth: That in consideration of the party of the second part being in the employment of the party of the first part, and in the further consideration of \$4 per month, payable by the party of the second part to the party of the first part semimonthly, from the date hereof until the termination of the right of occupancy hereby given, as hereinafter provided, the party of the first part does give to the party of the second part as an incident to said employment and for the better performance of his services to the party of the first part, the right to occupy the premises described and designated as ranch No. 3, No. 2 mine, situate upon the coal property of the party of the first part at its mining property in Cass district, Monongalia County, W. Va., from the date hereof until the termination of the right hereby given, as hereinafter provided. The said party of the second part shall not have the right to transfer this agreement, nor to permit the use and occupancy of any part of any building on said premises by any person other than the members of the family of the party of the second part, without the written consent of the party of the first part. The party of the second part covenants and agrees to keep the buildings on said premises, and the ground surrounding the same, clean and in a sanitary condition and free from objectionable or offensive refuse, and further covenants that he will not carry on thereon, and will not permit any one occupying the premises with him as a member of his family to carry on thereon, any unlawful business or occupation during the period of his occupancy.

The party of the second part further covenants and agrees to faithfully observe and comply with all the general rules and regulations made by the party of the first part governing the use and occupancy by employees of the party of the first part of houses owned and maintained by it as places of residence for its employees, and which are communicated to the party of the second part by the party of the first part, and particularly covenants and agrees to ob-



serve and comply with all of such rules and regulations having for their object the lessening of fire risk. The party of the first part hereby reserves the right, by its duly authorized officers, agents, or employees, to enter the said premises and any part thereof at all reasonable times to inspect the same.

The party of the second part further expressly covenants and agrees that the party of the first part shall not [fol. 968] be required to furnish a dwelling house to the party of the second part during the entire period of his employment, but that, on the contrary, the party of the first part may require the party of the second part to vacate the said premises at any time the party of the first part, in its sole discretion, no longer desires the party of the second part to occupy said premises.

The parties hereto hereby expressly agree that said right of occupancy may be terminated at any time by either party hereto giving to the other party five days' notice in writing of the intention to terminate the same, and, if such notice be given, said right of occupancy shall cease and terminate upon the date specified in said notice for the termination of said right, and if no such date be specified said right of occupancy shall end and terminate upon the fifth day after the service of such notice; and said right shall, without notice, end and terminate whenever, for any cause whatsoever, the party of the second part shall be discharged by the party of the first part, or shall quit the employment of the party of the first part, or shall for any reason cease, for a period of two consecutive days, to perform the duties assigned to him by the party of the first part. Party of the second part covenants and agrees to vacate said premises within five days after the employment of the party of the second part with the party of the first part shall cease, or after said party of the second part's right of occupancy shall terminate as aforesaid, without notice or demand of any kind whatsoever by the party of the first part, and without the institution of any proceedings at law for the possession of said premises. Upon the termination of said right of occupancy, as aforesaid, the party of the first part may, without further notice, demand, or proceeding, re-enter upon and take possession of the property and premises herein described, and summarily dispossess the party of the second part thereof, and summarily remove there-

from the party of the second part, his family and all of his goods and property, and in so doing shall have the right to use such and so much force as may be necessary to remove the party of the second part and his family and his and their goods and property from said premises; and in case of such removal and taking possession, the party of the first part shall be under no obligation to care for the goods and property of the party of the second part after the same are removed from the said premises above described; and it is further agreed by the parties hereto that the party of the first part shall not be liable for any damages by reason of the removal of the party of the second part, his family, goods and property, from said described premises and the taking possession thereof.

[fol. 969] The party of the second part promises and agrees to pay to the party of the first part the consideration aforesaid semimonthly, and also agrees that the same may be withheld by the party of the first part out of any wages or other sums of money owing to him by the party of the first part, and that, in case of the termination of said right of occupancy for any cause, no money owing to him from the party of the first part shall be due and payable until he shall have vacated and surrendered to the party of the first part possession of the said premises; and in case the party of the second part shall retain possession of the said premises, or any part thereof, after the termination, for any cause whatsoever, of his right of occupancy thereof he shall without thereby extending his right of occupancy thereof, pay to the party of the first part the sum of \$2 for each day he shall so retain possession, the said being hereby agreed upon as liquidated damages for such retention of possession; it being understood that said premises are intended solely for the occupancy of employees of the party of the first part, and that the proper conduct of the business of the party of the first part requires that none but its employees and their families shall occupy the same; and any unpaid compensation for the right of occupancy at the monthly rate aforesaid, and compensation for damages, if any, at the rate hereinbefore agreed upon for the wrongful retention thereof after the termination of the right of occupancy hereby given, shall be retained by the party of the first part out of any such money owing to the party of the second part. The party of the second part hereby ex-

pressly waives any and all provisions of law exempting any property of said party of the second part from execution issued upon any judgment secured against the party of the second part for any sum or sums on account of the use and occupancy of said premises, or as liquidated damages for the wrongful retention of possession thereof.

And the party of the second part further agrees that if, during his employment by said company, he shall enter into possession of any other tenement house of said company, without a written agreement giving the right to occupy the same, such other house shall be held by him upon the terms and conditions of this agreement, except as to the amount of monthly consideration, which shall be that customarily charged by said party of the first part for such other house, or such as may be agreed upon between the parties hereto.

The party of the second part further agrees and covenants to take good and proper care of the said premises, and, at the termination of his right of occupancy, to peaceably surrender possession of the said premises in as good order and condition as the same now are, ordinary wear and tear excepted.

[fol. 970] And it is expressly agreed and understood that this agreement shall not operate or be construed to create the relation of landlord and tenant between the parties hereto under any circumstances whatsoever.

The Pursglove Coal Mining Co., by Joseph Stewart,  
Chief Clerk. Milton Austin, Employee.

Witness the following signature:

Witness: E. E. Madera.

STATISTICS OF STRIKES, SUSPENSIONS AND LOCKOUTS AT BITUMINOUS COAL MINES IN THE UNITED STATES, 1899-1933  
(Compiled from the Annual Coal Reports of the U. S. Bureau of Mines, formerly U. S. Geological Survey, as Published in Mineral Resources of the United States)

Plaintiff's Ex. 66

	1899			1900			1901			1902		
	Number of men on strike, etc.	Total man-days lost on account of strike, etc.	Average days lost per man on strike	Number of men on strike, etc.	Total man-days lost on account of strike, etc.	Average days lost per man on strike	Number of men on strike, etc.	Total man-days lost on account of strike, etc.	Average days lost per man on strike	Number of men on strike, etc.	Total man-days lost on account of strike, etc.	Average days lost per man on strike
Alabama .....	1,135	68,925	61	1,056	50,620	48	1,170	14,071	12	6,059	139,783	23
Arkansas .....	2,041	216,265	106	47	5,040	107	—	—	—	14	140	10
Colorado .....	504	31,520	62	17	935	55	1,527	86,045	56	444	20,845	47
Georgia .....	—	—	—	—	—	—	—	—	—	—	—	—
Illinois .....	7,133	267,171	37	3,909	134,433	34	3,740	79,245	21	3,916	65,231	17
Indiana .....	3,272	132,825	40	3,583	71,282	20	1,027	40,812	39	1,824	23,693	13
Iowa .....	2,623	72,710	28	1,322	62,333	47	401	16,171	40	363	6,480	18
Kansas .....	1,986	88,798	45	157	3,590	23	60	300	5	334	17,256	52
Kentucky .....	837	24,598	29	2,946	90,095	31	933	32,707	35	1,248	22,184	18
Maryland .....	35	420	12	4,787	504,544	105	—	—	—	—	—	—
Michigan .....	487	9,547	20	81	1,514	19	—	—	—	1,935	239,146	124
Missouri .....	2,197	117,076	53	632	34,970	55	1,042	31,318	30	1,364	61,273	45
Montana .....	650	33,800	52	40	1,640	41	285	14,175	49	686	7,636	11
New Mexico .....	—	—	—	—	—	—	766	32,949	43	470	9,820	21
North Carolina ..	—	—	—	—	—	—	—	—	—	—	—	—
North Dakota ...	—	—	—	—	—	—	32	224	7	8	8	1
Ohio .....	877	26,394	30	2,035	45,547	22	2,724	105,177	38	3,769	70,534	19
Oklahoma .....	1,825	281,256	154	110	31,100	283	—	—	—	150	9,000	60
Pennsylvania ...	15,131	636,160	42	7,574	223,093	29	2,541	125,116	49	12,580	264,862	21
South Dakota ...	—	—	—	—	—	—	—	—	—	—	—	—
Tennessee .....	1,595	37,085	23	1,559	67,308	43	1,705	1,730	49	1,904	136,347	72
Texas .....	185	2,775	15	135	2,740	20	113	226	2	50	50	1
Utah .....	—	—	—	—	—	—	754	23,055	30	—	—	—
Virginia .....	—	—	—	—	—	—	175	3,200	18	205	5,875	29
Washington .....	—	—	—	100	3,000	30	—	—	—	—	—	—
West Virginia ..	3,468	76,829	22	1,883	44,318	24	1,438	45,161	31	18,129	1,362,054	75
Wyoming .....	—	—	—	—	—	—	160	1,120	7	—	—	—
Other small States	—	—	—	—	—	—	—	—	—	—	—	—
Total ...	45,981	2,124,154	46	31,973	1,378,102	43	20,593	733,802	35	55,452	2,462,217	44

a/ NOTE: These figures are based upon replies of operators to the question "Were there any strikes at the mine during the year? If so, give number of men on strike and duration in days (Sundays and holidays excluded)." As the answer is supplied by one party to a controversy, the operators' statements in the case of major strikes have been checked as far as possible against evidence from other sources, such as weekly reports of carloadings by the railroads, accounts in newspapers and trade journals, and during the suspension of 1922 by questioning representatives of the miners' union in certain districts.

The operator is not asked to state the cause of the stoppage, a subject on which his opinion might differ from that of his employees, and it is evident that some stoppages have been reported as "strikes" which the employees would have considered as "lockouts." By far the most important stoppages have been those occurring at the expiration of the wage contracts when the two parties were unable to agree upon the terms of a new contract. Such a stoppage may properly be termed as a "suspension" rather than either a strike or a lockout. For these reasons all stoppages are grouped together under the headings, "Strikes, suspensions, and lockouts."

Among the most important "suspensions" were those attending the expiration of the wage contracts in 1906, 1908, 1910, 1912, 1914, 1922, 1927, 1928, and 1932.

Regarding the large number of days lost on account of labor disputes, it does not follow that if there had been no strike the number of days worked would have been larger, for some other cause of non-operation might have intervened to keep the mines idle.



STATISTICS OF STRIKES, SUSPENSIONS AND LOCKOUTS AT BITUMINOUS COAL MINES IN THE UNITED STATES, 1899-1933  
 (Compiled from the Annual Coal Reports of the U. S. Bureau of Mines, formerly U. S.  
 Geological Survey, as Published in Mineral Resources of the United States)

Plaintiff's Ex. 66

	1 9 0 3			1 9 0 4			1 9 0 5			1 9 0 6		
	Number of men on strike, etc.	Total man-days lost on account of strike, etc.	Average days lost per man on strike	Number of men on strike, etc.	Total man-days lost on account of strike, etc.	Average days lost per man on strike	Number of men on strike, etc.	Total man-days lost on account of strike, etc.	Average days lost per man on strike	Number of men on strike, etc.	Total man-days lost on account of strike, etc.	Average days lost per man on strike
Alabama .....	7,319	231,112	32	9,518	762,032	80	667	33,262	50	549	6,576	12
Arkansas .....	798	2,076	5	76	1,424	19	625	7,806	12	3,828	291,095	76
Colorado .....	7,103	407,909	57	3,865	481,482	125	—	—	—	—	—	—
Georgia .....	—	—	—	—	—	—	—	—	—	—	—	—
Illinois .....	3,772	70,731	19	16,983	156,528	9	15,289	321,967	21	49,792	2,900,525	58
Indiana .....	2,680	46,566	17	1,061	22,963	18	981	12,528	13	15,875	995,217	63
Iowa .....	1,143	11,365	99	8,303	173,781	21	1,774	10,353	6	7,969	204,860	28
Kansas .....	328	2,516	8	186	1,214	7	1,482	14,686	10	11,827	709,422	59
Kentucky .....	599	13,717	22	3,781	144,245	39	923	62,651	68	1,242	44,812	36
Maryland .....	120	6,045	5	—	—	—	—	—	—	30	300	10
Michigan .....	75	825	11	564	2,402	4	—	—	—	3,340	294,630	88
Missouri .....	1,306	13,892	11	1,844	26,312	14	435	6,788	16	6,212	483,790	78
Montana .....	—	—	—	792	37,140	47	200	36,000	180	230	7,030	31
New Mexico .....	54	710	13	556	73,090	131	—	—	—	—	—	—
North Carolina ..	—	—	—	—	—	—	—	—	—	—	—	—
North Dakota .....	35	340	10	175	6,300	36	—	—	—	37	92	2
Ohio .....	4,115	65,149	16	11,412	514,658	45	3,250	49,495	15	37,636	2,687,288	71
Oklahoma .....	448	1,928	4	488	5,175	11	397	3,509	9	7,372	535,504	72
Pennsylvania .....	12,805	321,925	25	9,336	576,353	62	5,686	186,250	33	59,593	3,941,835	66
South Dakota .....	—	—	—	—	—	—	—	—	—	—	—	—
Tennessee .....	1,639	36,021	22	2,391	170,680	71	150	4,770	32	180	1,185	7
Texas .....	1,055	24,460	23	55	585	11	25	375	15	1,260	9,245	7
Utah .....	350	9,800	28	—	—	—	6	6	1	—	—	—
Virginia .....	—	—	—	—	—	—	—	—	—	—	—	—
Washington .....	200	6,600	33	365	25,020	69	—	—	—	—	—	—
West Virginia ...	1,524	63,212	41	3,682	167,343	45	462	12,111	26	4,101	123,724	30
Wyoming .....	413	4,130	10	—	—	—	192	192	1	231	5,775	25
Other small States	—	—	—	—	—	—	—	—	—	—	—	—
Total ...	47,481	1,341,031	28	75,433	3,348,727	44	32,544	762,749	234	211,304	13,242,905	63



STATISTICS OF STRIKES, SUSPENSIONS AND LOCKOUTS AT BITUMINOUS COAL MINES IN THE UNITED STATES, 1899-1933.  
(Compiled from the Annual Coal Reports of the U. S. Bureau of Mines, formerly U. S. Geological Survey, as Published in Mineral Resources of the United States).

Plaintiff's Ex. 66

	1 9 0 7			1 9 0 8			1 9 0 9			1 9 1 0		
	Number of men on strike, etc.	Total man-days lost on account of strike, etc.	Average days lost per man on strike	Number of men on strike, etc.	Total man-days lost on account of strike, etc.	Average days lost per man on strike	Number of men on strike, etc.	Total man-days lost on account of strike, etc.	Average days lost per man on strike	Number of men on strike, etc.	Total man-days lost on account of strike, etc.	Average days lost per man on strike
Alabama .....	80	3,600	45	8,397	373,513	44	—	—	—	25	1,250	50
Arkansas .....	1,185	35,835	30	4,037	387,841	96	1,443	41,836	29	4,873	713,210	146
Colorado .....	215	6,378	30	768	16,646	22	55	1,250	23	2,044	195,558	96
Georgia .....	—	—	—	—	—	—	—	—	—	270	2,970	11
Illinois .....	5,255	35,191	7	47,456	1,737,611	37	2,335	90,720	38	67,218	9,133,953	136
Indiana .....	3,176	42,842	13	7,076	157,899	22	36	720	20	12,638	423,894	34
Iowa .....	1,621	8,265	5	5,248	121,087	23	2,036	12,504	6	9,209	408,563	44
Kansas .....	923	16,957	18	11,155	665,224	60	4,715	71,566	15	10,346	1,578,027	153
Kentucky .....	1,325	53,916	41	1,002	26,941	27	275	16,500	60	1,475	15,197	10
Maryland .....	510	13,770	27	—	—	—	25	175	7	—	—	—
Michigan .....	265	1,325	5	300	4,800	16	527	23,002	44	1,663	86,789	52
Missouri .....	777	8,222	11	6,350	355,138	56	957	6,593	7	7,774	1,218,599	157
Montana .....	30	600	20	556	9,201	17	110	1,100	10	345	38,260	111
New Mexico .....	—	—	—	—	—	—	—	—	—	—	—	—
North Carolina .....	—	—	—	—	—	—	—	—	—	—	—	—
North Dakota .....	82	736	9	104	1,620	16	75	525	7	—	—	—
Ohio .....	6,367	110,324	17	21,084	567,450	27	2,375	139,434	59	24,746	1,334,631	54
Oklahoma .....	669	17,092	26	6,929	398,251	57	1,576	11,368	7	8,213	1,247,828	152
Pennsylvania .....	6,447	59,834	9	18,780	375,569	20	5,824	260,381	45	60,098	2,700,746	45
South Dakota .....	—	—	—	—	—	—	—	—	—	—	—	—
Tennessee .....	284	4,725	17	349	11,441	33	277	9,295	34	—	—	—
Texas .....	270	1,610	6	169	338	2	80	4,800	60	1,776	108,230	61
Utah .....	148	592	4	—	—	—	—	—	—	—	—	—
Virginia .....	—	—	—	—	—	—	—	—	—	—	—	—
Washington.....	484	8,544	18	226	67,800	300	123	2,300	19	101	303	3
West Virginia .....	617	9,749	16	501	71,992	144	1,919	29,565	15	1,630	13,985	9
Wyoming .....	1,785	22,060	12	4,658	99,576	21	—	—	—	1,196	12,792	11
Other small States <sup>1/</sup>	25	225	9	—	—	—	—	—	—	—	—	—
Total .....	32,540	462,392	14	145,145	5,449,938	38	24,763	723,634	29	215,640	19,234,785	89

<sup>1/</sup> Oregon.





STATISTICS OF STRIKES, SUSPENSIONS AND LOCKOUTS AT BITUMINOUS COAL MINES IN THE UNITED STATES, 1899-1933.  
 (Compiled from the Annual Coal Reports of the U. S. Bureau of Mines, formerly U. S.  
 Geological Survey, as Published in Mineral Resources of the United States)

Plaintiff's Ex. 66

	1 9 1 1			1 9 1 2			1 9 1 3			1 9 1 4		
	Number of men on strike, etc.	Total man-days lost on account of strike, etc.	Average days lost per man on strike	Number of men on strike, etc.	Total man-days lost on account of strike, etc.	Average days lost per man on strike	Number of men on strike, etc.	Total man-days lost on account of strike, etc.	Average days lost per man on strike	Number of men on strike, etc.	Total man-days lost on account of strike, etc.	Average days lost per man on strike
Alabama .....	210	1,260	6	384	12,323	32	1,048	27,041	26	320	3,940	12
Arkansas .....	665	4,615	7	403	37,685	94	1,221	32,481	27	1,415	159,854	113
Colorado .....	150	32,375	216	—	—	—	7,324	552,082	75	4,418	1,090,025	247
Georgia .....	—	—	—	—	—	—	—	—	—	—	—	—
Illinois .....	5,543	100,588	18	60,505	2,026,526	33	11,861	655,622	55	23,506	970,466	41
Indiana .....	4,577	146,636	32	15,400	795,887	52	2,657	44,143	17	8,052	302,855	38
Iowa .....	1,622	31,870	20	8,455	370,449	44	721	13,538	19	2,642	76,791	29
Kansas .....	984	8,507	9	2,088	13,487	65	3,178	28,936	9	2,673	45,257	17
Kentucky .....	1,080	34,008	32	2,759	79,685	29	1,029	18,638	18	2,250	82,919	37
Maryland .....	—	—	—	347	3,228	9	200	400	2	91	1,547	17
Michigan .....	—	—	—	2,028	101,424	50	180	1,260	7	—	—	—
Missouri .....	504	24,216	48	952	55,022	58	918	31,251	34	1,162	56,536	49
Montana .....	529	8,114	15	869	8,445	10	1,094	6,682	6	171	1,271	7
New Mexico .....	—	—	—	—	—	—	8	1,040	130	—	—	—
North Carolina .....	—	—	—	—	—	—	—	—	—	—	—	—
North Dakota .....	34	69	2	10	20	2	—	—	—	—	—	—
Ohio .....	9,530	350,039	37	27,200	895,777	32	10,029	263,234	26	40,577	6,452,762	159
Oklahoma .....	444	15,106	34	860	12,109	14	1,696	135,274	80	1,286	39,500	31
Pennsylvania .....	5,601	148,124	26	22,538	538,248	24	17,244	274,296	16	36,613	1,052,005	29
South Dakota .....	—	—	—	—	—	—	—	—	—	—	—	—
Tennessee .....	163	1,630	10	670	20,011	30	857	42,966	50	—	—	—
Texas .....	60	300	5	238	1,724	7	—	—	—	221	693	3
Utah .....	208	624	3	—	—	—	5	1,300	260	150	1,800	12
Virginia .....	—	—	—	—	—	—	—	—	—	—	—	—
Washington .....	2,099	22,215	10	807	31,347	39	1,239	60,145	49	459	25,410	55
West Virginia .....	1,510	16,483	11	12,165	606,588	50	8,800	377,405	43	9,330	466,768	50
Wyoming .....	—	—	—	360	3,425	10	—	—	—	248	2,727	11
Other small States 1/	—	—	—	60	420	7	—	—	—	21	798	38
	35,513	946,779	27	159,098	5,613,830	35	71,309	2,567,734	36	135,605	10,833,924	80

1/ Oregon.



STATISTICS OF STRIKES, SUSPENSIONS AND LOCKOUTS AT BITUMINOUS COAL MINES IN THE UNITED STATES, 1899-1933  
 (Compiled from the Annual Coal Reports of the U. S. Bureau of Mines, formerly U. S.  
 Geological Survey, as Published in Mineral Resources of the United States)

Plaintiff's Ex. 66

	1 9 1 5			1 9 1 6			1 9 1 7			1 9 1 8		
	Number of men on strike, etc.	Total man-days lost on account of strike, etc.	Average days lost per man on strike	Number of men on strike, etc.	Total man-days lost on account of strike, etc.	Average days lost per man on strike	Number of men on strike, etc.	Total man-days lost on account of strike, etc.	Average days lost per man on strike	Number of men on strike, etc.	Total man-days lost on account of strike, etc.	Average days lost per man on strike
Alabama .....	175	1,290	7	300	920	3	1,835	10,220	6	1,952	3,259	2
Arkansas .....	925	20,304	22	1,009	30,847	31	2,417	27,315	11	1,207	4,292	4
Colorado .....	90	13,500	150	38	82	2	1,664	7,292	4	464	2,318	5
Georgia .....	—	—	—	—	—	—	—	—	—	230	1,610	7
Illinois .....	5,251	276,458	53	5,043	55,416	11	38,781	464,511	12	10,251	74,850	7
Indiana .....	1,472	21,361	15	8,154	154,974	19	11,914	74,695	6	8,083	51,015	6
Iowa .....	1,067	5,229	5	2,244	32,587	15	3,275	18,407	6	997	4,774	5
Kansas .....	1,716	17,425	10	6,306	152,838	24	7,312	128,514	18	4,675	25,047	5
Kentucky .....	1,045	16,455	16	4,830	269,859	56	9,348	425,725	46	1,226	15,318	12
Maryland .....	—	—	—	181	6,546	36	1,523	24,605	16	2,517	5,402	2
Michigan .....	—	—	—	1,416	18,189	13	163	1,964	12	1,367	18,194	13
Missouri .....	939	4,597	5	2,331	14,837	6	2,175	31,767	15	1,191	5,800	5
Montana .....	183	1,084	6	396	1,530	4	1,063	23,680	22	218	218	1
New Mexico .....	—	—	—	—	—	—	85	775	9	—	—	—
North Carolina ....	—	—	—	—	—	—	—	—	—	—	—	—
North Dakota .....	—	—	—	26	78	3	82	811	10	22	166	8
Ohio .....	15,048	1,722,013	114	7,594	156,689	21	7,710	56,875	7	4,993	44,837	9
Oklahoma .....	1,013	4,485	4	6,240	126,452	20	1,668	37,301	22	630	12,294	20
Pennsylvania .....	5,583	78,446	14	36,276	1,200,479	33	23,655	544,322	23	12,852	112,929	9
South Dakota .....	—	—	—	—	—	—	—	—	—	—	—	—
Tennessee .....	—	—	—	350	3,784	11	4,448	192,730	43	835	2,454	3
Texas .....	230	760	3	2,218	62,905	28	75	260	3	55	550	10
Utah .....	—	—	—	181	543	3	212	848	4	30	30	1
Virginia .....	7	7	1	—	—	—	232	2,283	10	523	10,241	20
Washington .....	—	—	—	1,203	13,304	11	192	840	4	75	1,275	17
West Virginia .....	1,902	66,698	35	4,540	86,352	19	6,166	111,479	18	5,712	42,009	7
Wyoming .....	219	2,628	12	276	308	1	—	—	—	—	—	—
Other small States <sup>1/</sup>	—	—	—	—	—	—	25	25	1	—	—	—
Total .....	36,865	2,252,740	61	91,152	2,389,519	26	126,020	2,187,244	17	60,105	438,882	7

<sup>1/</sup> Oregon.



STATISTICS OF STRIKES, SUSPENSIONS AND LOCKOUTS AT BITUMINOUS COAL MINES IN THE UNITED STATES, 1899-1933.  
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Plaintiff's Ex. 66

	1 9 1 9			1 9 2 0			1 9 2 1			1 9 2 2		
	Number of men on strike, etc.	Total man-days lost on account of strike, etc.	Average days lost per man on strike	Number of men on strike, etc.	Total man-days lost on account of strike, etc.	Average days lost per man on strike	Number of men on strike, etc.	Total man-days lost on account of strike, etc.	Average days lost per man on strike	Number of men on strike, etc.	Total man-days lost on account of strike, etc.	Average days lost per man on strike
Alabama .....	13,431	269,242	20	8,490	800,519	94	2,329	157,401	68	46	167	4
Arkansas .....	3,681	161,069	44	956	28,015	29	1,677	17,400	10	3,691	435,507	118
Colorado .....	6,186	89,392	14	2,012	18,240	9	2,497	72,830	29	6,672	527,250	79
Georgia .....	168	2,016	12	—	—	—	—	—	—	—	—	—
Illinois .....	81,600	3,558,094	44	68,481	948,408	14	18,088	226,112	13	93,584	11,547,829	123
Indiana .....	28,431	1,135,013	40	19,068	411,991	22	17,634	321,593	18	31,721	3,924,396	124
Iowa .....	11,350	433,884	38	4,966	24,366	5	897	1,840	2	12,192	1,479,497	121
Kansas .....	9,104	531,791	58	5,461	161,485	30	7,285	538,811	74	6,515	847,075	130
Kentucky .....	22,598	696,165	31	9,192	312,460	34	1,789	64,448	36	10,270	605,441	59
Maryland .....	5,337	143,523	27	1,733	25,514	15	123	4,463	36	4,446	688,206	155
Michigan .....	2,087	153,351	73	1,659	24,993	15	780	2,826	4	2,062	247,919	120
Missouri .....	8,315	458,588	55	1,841	36,015	20	2,089	50,108	24	7,535	939,192	125
Montana .....	3,833	153,159	40	377	6,952	18	92	2,035	22	3,361	428,678	128
New Mexico .....	1,183	18,307	15	—	—	—	425	1,700	4	585	75,135	128
North Carolina .....	—	—	—	—	—	—	—	—	—	—	—	—
North Dakota .....	576	4,281	7	49	473	9	15	225	15	578	49,238	85
Ohio .....	42,724	1,717,426	40	17,333	245,314	14	17,682	176,605	10	46,283	5,502,885	118
Oklahoma .....	7,963	317,538	40	2,267	24,053	11	1,520	12,231	8	5,872	773,127	132
Pennsylvania .....	97,089	3,765,144	39	27,728	479,708	17	14,895	302,525	20	155,604	18,388,895	118
South Dakota .....	—	—	—	—	—	—	—	—	—	—	—	—
Tennessee .....	10,199	334,315	33	202	1,478	7	638	17,350	27	5,864	482,231	82
Texas .....	1,747	52,858	30	824	9,737	12	—	—	—	693	13,867	20
Utah .....	317	4,866	15	113	791	7	100	200	2	2,111	212,896	101
Virginia .....	947	22,956	24	48	1,736	36	—	—	—	240	2,200	9
Washington .....	4,369	186,942	43	201	22,962	114	802	139,126	173	2,225	299,861	135
West Virginia .....	48,062	1,158,094	24	12,340	511,225	41	7,198	170,017	24	49,832	5,348,298	107
Wyoming .....	6,982	157,843	23	238	2,722	11	591	2,978	5	8,607	1,054,227	122
Other small States .	—	—	—	—	—	—	—	—	—	—	—	—
Total .....	418,279	15,525,857	37	185,579	4,099,157	22	99,146	2,282,824	23	460,589	53,874,017	117



STATISTICS OF STRIKES, SUSPENSIONS AND LOCKOUTS AT BITUMINOUS COAL MINES IN THE UNITED STATES, 1899-1933  
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Geological Survey, as Published in Mineral Resources of the United States)

Plaintiff's Ex. 66

	1 9 2 3			1 9 2 4			1 9 2 5			1 9 2 6		
	Number of men on strike, etc.	Total man-days lost on account of strike, etc.	Average days lost per man on strike	Number of men on strike, etc.	Total man-days lost on account of strike, etc.	Average days lost per man on strike	Number of men on strike, etc.	Total man-days lost on account of strike, etc.	Average days lost per man on strike	Number of men on strike, etc.	Total man-days lost on account of strike, etc.	Average days lost per man on strike
Alabama .....	—	—	—	—	—	—	—	—	—	—	—	—
Arkansas .....	324	9,009	28	1,076	29,272	27	560	41,928	75	205	1,635	8
Colorado .....	—	—	—	120	840	7	595	6,943	12	—	—	—
Georgia .....	—	—	—	—	—	—	—	—	—	—	—	—
Illinois .....	7,474	95,458	13	4,217	50,101	12	4,870	25,180	5	987	12,609	13
Indiana .....	10,765	104,604	10	7,699	159,743	21	7,919	96,963	12	10,450	179,375	17
Iowa .....	1,946	19,874	10	986	16,445	17	1,267	3,740	3	932	19,510	21
Kansas .....	949	24,741	26	2,706	118,918	44	530	8,080	15	118	1,560	13
Kentucky .....	2,699	92,035	34	8,938	1,735,739	194	1,954	162,534	83	688	13,170	19
Maryland .....	2,686	359,920	134	168	504	3	—	—	—	603	3,289	5
Michigan .....	786	3,992	5	425	1,525	4	725	5,575	8	225	225	1
Missouri .....	312	10,857	35	1,580	76,660	49	110	1,287	12	64	760	12
Montana .....	25	25	1/	17	53	3	—	—	—	225	450	2
New Mexico .....	—	—	—	—	—	—	—	—	—	—	—	—
North Carolina .....	—	—	—	—	—	—	—	—	—	—	—	—
North Dakota .....	85	6,933	82	—	—	—	—	—	—	—	—	—
Ohio .....	16,486	203,161	12	10,256	217,752	21	6,572	170,208	26	6,857	85,118	12
Oklahoma .....	1,020	8,211	8	1,318	144,607	110	352	16,773	48	20	20	1
Pennsylvania .....	10,984	157,130	14	8,793	361,226	41	7,414	234,389	32	4,922	272,918	55
South Dakota .....	—	—	—	—	—	—	—	—	—	—	—	—
Tennessee .....	572	24,766	43	2,134	244,945	115	250	2,350	9	300	300	1
Texas .....	137	18,141	132	—	—	—	87	261	3	—	—	—
Utah .....	—	—	—	58	310	5	280	10,920	39	—	—	—
Virginia .....	—	—	—	—	—	—	—	—	—	—	—	—
Washington .....	1,754	50,681	29	—	—	—	—	—	—	—	—	—
West Virginia .....	2,625	49,587	19	7,688	1,060,478	138	4,956	376,399	76	2,692	126,242	47
Wyoming .....	—	—	—	—	—	—	—	—	—	—	—	—
Other small States 2/	—	—	—	—	—	—	—	—	—	60	120	2
Total .....	61,629	1,239,125	20	58,179	4,219,118	73	38,441	1,163,530	30	29,348	717,301	24

1/ One-half day or less.

2/ The State affected in 1926 was not designated in the published report.





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Plaintiff's Ex. 66

	1 9 2 7 <sup>1/</sup>			1 9 2 8			1 9 2 9			1 9 3 0		
	Number of men on strike, etc.	Total man-days lost on account of strike, etc.	Average days lost per man on strike	Number of men on strike, etc.	Total man-days lost on account of strike, etc.	Average days lost per man on strike	Number of men on strike, etc.	Total man-days lost on account of strike, etc.	Average days lost per man on strike	Number of men on strike, etc.	Total man-days lost on account of strike, etc.	Average days lost per man on strike
Alabama .....	---	---	---	---	---	---	---	---	---	---	---	---
Arkansas .....	389	41,810	107	---	---	---	95	2,177	23	---	---	---
Colorado .....	5,429	267,210	49	1,594	57,184	36	---	---	---	---	---	---
Georgia .....	---	---	---	---	---	---	---	---	---	---	---	---
Illinois .....	66,992	10,018,566	150	21,815	1,463,409	67	10,162	68,155	7	9,483	348,779	37
Indiana .....	17,303	2,345,279	136	3,216	91,842	29	3,851	58,553	15	2,008	32,003	16
Iowa .....	5,624	815,764	145	1,986	68,623	35	810	2,434	3	591	3,754	6
Kansas .....	3,014	390,711	130	1,525	168,766	111	106	3,341	32	---	---	---
Kentucky .....	1,824	24,756	14	1,130	14,124	12	561	4,286	8	6,436	562,067	87
Maryland .....	---	---	---	---	---	---	---	---	---	---	---	---
Michigan .....	470	1,510	3	430	6,320	15	762	3,894	5	630	2,560	4
Missouri .....	2,662	336,972	127	941	67,585	72	211	633	3	50	700	14
Montana .....	---	---	---	1,219	9,178	8	---	---	---	---	---	---
New Mexico .....	---	---	---	---	---	---	---	---	---	---	---	---
North Carolina ...	---	---	---	---	---	---	---	---	---	---	---	---
North Dakota .....	---	---	---	---	---	---	---	---	---	---	---	---
Ohio .....	<sup>1/</sup> 26,250	5,605,443	214	9,222	1,576,760	171	943	46,165	49	1,143	12,583	11
Oklahoma .....	163	25,428	156	---	---	---	---	---	---	---	---	---
Pennsylvania .....	<sup>1/</sup> 41,692	6,591,870	158	5,999	658,111	110	313	4,073	13	924	14,689	16
South Dakota .....	---	---	---	---	---	---	---	---	---	---	---	---
Tennessee .....	50	3,000	60	265	795	3	200	1,200	6	---	---	---
Texas .....	---	---	---	---	---	---	---	---	---	---	---	---
Utah .....	---	---	---	---	---	---	---	---	---	---	---	---
Virginia .....	---	---	---	---	---	---	110	880	8	---	---	---
Washington .....	---	---	---	---	---	---	---	---	---	---	---	---
West Virginia ....	982	47,548	48	210	18,650	89	---	---	---	1,523	13,215	9
Wyoming .....	---	---	---	1,190	3,057	3	151	151	1	10	10	1
Other small States	---	---	---	---	---	---	---	---	---	---	---	---
Total ....	172,844	26,515,867	153	50,742	4,204,404	83	18,275	195,942	11	22,798	990,360	43

<sup>1/</sup> This table is based on statements from the operators. The figures are compiled in the same way as in previous reports, but owing to the unusual conditions attending the strike of 1927, they tend to understate the extent of the strike, and the number of coal miners who were idle during the year primarily because of the strike. This is especially true of Pennsylvania, and Ohio. For example, men evicted from company houses and replaced in the mines by other men would not be counted by the operator as striking his mine, even though living in tents or barracks erected by the union. Many mines reopened after three or four months, operating with smaller working forces than before, but considering the strike over as far as they were concerned. In the Pennsylvania bituminous fields the number of men on the pay rolls in January was 152,527 and the number in December was 126,239.



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	1 9 3 1			1 9 3 2			1 9 3 3		
	Number of men on strike, etc.	Total man-days lost on account of strike, etc.	Average days lost per man on strike	Number of men on strike, etc.	Total man-days lost on account of strike, etc.	Average days lost per man on strike	Number of men on strike, etc.	Total man-days lost on account of strike, etc.	Average days lost per man on strike
Alabama .....	---	---	---	---	---	---	1,200	17,783	15
Arkansas .....	860	21,153	25	1,964	103,522	53	1,225	8,241	7
Colorado .....	---	---	---	---	---	---	605	8,363	14
Georgia .....	---	---	---	---	---	---	---	---	---
Illinois .....	9,400	397,263	42	32,961	4,397,006	133	1/ 3,187	130,197	41
Indiana .....	883	14,181	16	3,820	507,051	133	3,151	48,210	15
Iowa .....	824	24,500	30	389	7,503	19	4,462	186,763	42
Kansas .....	38	570	15	58	350	6	18	540	30
Kentucky .....	2,920	59,240	20	721	30,725	43	5,302	69,037	13
Maryland .....	---	---	---	67	402	6	40	80	2
Michigan .....	597	26,185	44	---	---	---	562	62,990	112
Missouri .....	679	34,671	51	301	48,590	161	463	8,040	17
Montana .....	---	---	---	748	28,100	38	---	---	---
New Mexico .....	---	---	---	---	---	---	693	27,818	40
North Carolina ....	---	---	---	---	---	---	---	---	---
North Dakota .....	---	---	---	---	---	---	---	---	---
Ohio .....	5,591	138,155	25	15,290	2,130,292	139	3,647	45,942	13
Oklahoma .....	501	19,812	40	970	46,903	48	219	1,296	6
Pennsylvania .....	12,783	398,932	31	2,021	113,696	56	86,832	2,896,545	33
South Dakota .....	---	---	---	---	---	---	---	---	---
Tennessee .....	1,133	28,767	25	550	35,967	65	375	10,125	27
Texas .....	---	---	---	---	---	---	---	---	---
Utah .....	---	---	---	---	---	---	653	9,975	15
Virginia .....	---	---	---	140	140	1	3,226	56,442	17
Washington .....	---	---	---	958	42,266	44	894	87,270	98
West Virginia ....	8,441	393,883	47	1,510	44,307	29	8,723	50,929	6
Wyoming .....	8	8	1	399	15,648	39	26	26	1
Other small States	---	---	---	---	---	---	---	---	---
Total .....	44,658	1,557,320	35	62,867	7,552,468	120	125,503	3,726,612	30

1/ Does not include men laid idle at certain mines through labor factional trouble, due to jurisdictional claims of a rival union, which was reported by the operator, as responsible for tonnage losses, ranging from 15 to 88 percent.

Prepared by F. G. Tryon and L. Mann  
 Coal Economics Division,  
 U. S. Bureau of Mines, Nov. 3, 1935.

## SOURCES OF COAL USED FOR RAILROAD FUEL, 1929

## A REPORT IN COOPERATION WITH THE BROOKINGS INSTITUTION

The following tables analyze the sources of railroad fuel coal received by Class I railroads in 1929. They are based on reports courteously supplied to the Bureau of Mines by the fuel agents of the individual roads. The Institute of Economics of the Brookings Institution has collaborated in the planning of the investigation and the analysis of the results. The year 1929 was selected for analysis, because comparable figures have been obtained for other classes of consumers, so as to give for the first time a fairly complete picture of the sources of coal used in each part of the country. It is believed that the results will be useful both to railroad fuel agents and to sales managers and distributors of coal.

The striking changes in the sources of railroad fuel since the war are summarized in the diagram on page 1 of the accompanying Monthly Distribution Report.

FUEL COAL DELIVERED TO CLASS I RAILROADS, BY MINING DISTRICTS,  
1917, 1928, AND 1929, IN NET TONS

Mining district	1917	1928	1929	Per cent 1929 was of 1917
Central Pennsylvania	18,163,708	9,508,886	9,462,326	52.1
Somerset-Meyersdale	2,575,647	876,148	901,978	35.0
Cumberland-Piedmont	524,462	413,023	646,614	123.3
Western Pennsylvania a	14,482,014	16,362,752	17,707,478	122.3
Nor. and East. Ohio; Panhandle	8,478,019	6,960,919	8,913,745	105.1
Southern Ohio	4,432,057	895,294	1,675,608	37.8
Northern West Virginia	5,839,987	10,680,372	11,150,408	190.9
Kanawha, Logan, Kenova, Thacker	6,322,007	11,578,975	10,622,789	168.0
New River	b 2,224,395	126,287	102,807	31.9
Pocahontas		550,042	607,790	
Virginia	2,909,893	2,919,513	3,085,804	106.0
North Carolina	- - -	47,320	42,187	
Northeastern Kentucky c	470,099	501,207	642,307	136.6
Hazard	250,000	752,207	797,810	319.1
Southeastern Kentucky	1,071,971	2,086,270	2,010,373	187.5
Tennessee	2,377,884	2,538,581	2,335,956	98.2
Alabama	5,311,857	4,972,705	5,135,611	96.7
Michigan	345,415	398,316	482,212	139.6
Illinois	33,696,513	18,761,214	19,910,681	59.1
Indiana	7,038,408	5,487,397	6,111,030	86.8
Western Kentucky	2,758,025	4,196,625	4,203,264	150.2
Iowa	4,369,482	1,401,598	1,563,547	35.8
Kansas and Missouri	5,102,966	1,706,840	1,858,327	36.4
Arkansas	663,089	534,267	431,750	65.1
Oklahoma	2,233,022	1,408,155	1,487,285	66.6
Texas	910,311	109,589	106,457	11.7
North Dakota	26,355	30,840	28,911	109.7
Montana	2,109,728	2,147,352	2,183,590	103.5
Wyoming	5,259,437	4,232,365	4,407,795	83.8
Colorado	2,967,819	2,290,481	2,189,776	73.8
New Mexico	1,979,673	1,449,444	1,366,296	69.0
Utah	912,500	726,139	730,481	80.1
Washington	1,963,818	889,647	881,491	44.9
Oregon	2,101	1,140	5,743	273.3
Canada	585,139	254,820	267,863	45.8
Confiscated and unknown	1,685,746	263,109	101,838	6.0
Total bituminous	150,083,527	118,070,039	124,159,938	82.7
Anthracite	5,293,301	3,589,530	3,162,727	59.7
Grand total	155,376,828	121,659,569	127,322,665	81.9

(a) Includes Pittsburgh, Westmoreland, Connellsville, Freeport, and Northwestern Pennsylvania. (b) There is a possibility that about 400,000 tons of coal in the New River district in 1917 was high volatile coal from Kanawha district. If so, the percentage for 1929 as compared with 1917 for New River and Pocahontas combined would amount to about 39 per cent instead of 31.9 per cent as shown in the table. (c) Includes tonnages derived from the McRoberts district on the Louisville and Nashville Railroad which amounted to 313,046 tons in 1917; 246,136 in 1928; and 264,903 in 1929.

M.C.D.  
No. 8

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These figures include coal used by Class I railroads at shops, round-houses, and stations as well as for locomotive fuel. They do not include Class II railroads, whose consumption is about 1,177,000 tons, or switching and terminal companies, whose consumption is about 3,233,000 tons. The figures represent receipts, which is not exactly the same as consumption.

The following table shows that there are wide variations in the percentages of total railroad fuel coal moving from the different mining districts on which freight was paid and on which no freight was paid. Where the percentage of the tonnage on which no freight was paid was high, the indications are that the mining district has an advantage in marketing coal to the railroads. Ninety per cent or more of the railroad tonnage from the following mining districts paid no freight in 1929: West Virginia Panhandle, Michigan, Iowa, Kansas-Missouri, Arkansas, Oklahoma, Texas, North Dakota, Montana, Northern Wyoming, New Mexico, Washington, North Carolina, and Oregon.

RAILROAD FUEL COAL ON WHICH FREIGHT WAS PAID AND ON WHICH  
NO FREIGHT WAS PAID, BY MINING DISTRICTS, 1929, IN NET TONS

Mining district	Freight paid		No freight paid		Total
	Net tons	Per cent	Net tons	Per cent	Net tons
Central Pennsylvania	3,822,090	40.4	5,640,236	59.6	9,462,326
Somerset-Meyersdale	516,928	57.3	385,050	42.7	901,978
Cumberland-Piedmont	237,593	36.7	409,021	63.3	646,614
Connellsville and Westmoreland	803,731	14.1	4,880,990	85.9	5,684,721
Pittsburgh	3,344,289	48.7	3,516,211	51.3	6,860,500
Northern Pennsylvania	1,316,166	25.5	3,846,091	74.5	5,162,257
Northern and Eastern Ohio	3,197,697	49.5	3,261,367	50.5	6,459,064
Southern Ohio	469,043	28.0	1,206,565	72.0	1,675,608
Panhandle	185,220	7.5	2,269,461	92.5	2,454,681
Northern West Virginia	7,428,787	66.6	3,721,621	33.4	11,150,408
Kanawha	1,323,867	40.6	1,940,655	59.4	3,264,522
Logan	3,006,912	70.7	1,244,383	29.3	4,251,295
Kenova-Thacker	701,429	22.6	2,405,553	77.4	3,106,982
New River	47,905	46.6	54,902	53.4	102,807
Pocahontas	85,980	14.1	521,810	85.9	607,790
Virginia	1,192,639	38.6	1,893,165	61.4	3,085,804
North Carolina	- - -	- -	42,187	100.0	42,187
Northeastern Kentucky	218,029	33.9	424,278	66.1	642,307
Hazard	298,925	37.5	498,885	62.5	797,810
Southeastern Kentucky	485,935	24.2	1,524,438	75.8	2,010,373
Tennessee	471,276	20.2	1,864,680	79.8	2,335,956
Alabama	1,266,567	24.7	3,869,044	75.3	5,135,611
Michigan	198	0.1	482,014	99.9	482,212
Illinois	3,940,939	19.8	15,969,742	80.2	19,910,681
Indiana	991,077	16.2	5,119,953	83.8	6,111,030
Western Kentucky	987,878	23.5	3,215,386	76.5	4,203,264
Iowa	46	- -	1,563,501	100.0	1,563,547
Kansas and Missouri	90,063	4.8	1,768,264	95.2	1,858,327
Arkansas	6,230	1.4	425,520	98.6	431,750
Oklahoma	126,274	8.5	1,361,011	91.5	1,487,285
Texas	7,636	7.2	98,821	92.8	106,457
North Dakota	1,481	5.1	27,430	94.9	28,911
Montana	- - -	- -	2,183,590	100.0	2,183,590
Northern Wyoming	- - -	- -	434,008	100.0	434,008
Southern Wyoming	409,017	10.3	3,564,770	89.7	3,973,787
Colorado	871,898	39.8	1,317,878	60.2	2,189,776
New Mexico	142	- -	1,366,154	100.0	1,366,296
Utah	359,352	49.2	371,129	50.8	730,481
Washington	18,041	2.0	863,450	98.0	881,491
Oregon	- - -	- -	5,743	100.0	5,743
Canada	61,983	23.1	205,880	76.9	267,863
Confiscated and Unknown	93,176	91.5	8,662	8.5	101,838
Total Bituminous	38,386,439	30.9	85,773,499	69.1	124,159,938
Anthracite	254,643	8.1	2,908,084	91.9	3,162,727
Grand total	38,641,082	30.3	88,681,583	69.7	127,322,665

M.C.D. No. 8 FUEL COAL DELIVERED TO CLASS I RAILROADS, BY PRODUCING DISTRICTS AND BY CONSUMING REGIONS, IN 1929, IN NET TONS 10856

Mining district	New England region	Great Lakes region	Central Eastern region	Pocahontas region	Southern region	North-western region	Central Western region	South-western region	Total
Central Pennsylvania	880,379	6,567,047	2,014,730	- - -	- - -	170	- - -	- - -	9,462,326
Somerset-Meyersdale	- - -	155	901,823	- - -	- - -	- - -	- - -	- - -	901,978
Cumberland-Piedmont	- - -	5,715	640,899	- - -	- - -	- - -	- - -	- - -	646,614
Connellsville and Westmoreland	380,265	285,267	5,019,189	- - -	- - -	- - -	- - -	- - -	5,684,721
Pittsburgh	- - -	2,573,845	2,958,297	- - -	- - -	1,328,358	- - -	- - -	6,860,500
Northern Pennsylvania	- - -	1,326,002	3,836,255	- - -	- - -	- - -	- - -	- - -	5,162,257
Northern and Eastern Ohio	- - -	2,097,792	2,847,966	- - -	- - -	1,513,306	- - -	- - -	6,459,064
Southern Ohio	- - -	1,049,876	612,636	- - -	- - -	13,096	- - -	- - -	1,675,608
Panhandle	- - -	49,593	2,320,088	- - -	- - -	85,000	- - -	- - -	2,454,681
Northern West Virginia	1,303,704	3,070,192	5,303,809	- - -	- - -	1,472,703	- - -	- - -	11,150,408
Kanawha	- - -	1,107,536	43,965	1,788,888	323,982	- - -	- - -	151	3,264,522
Logan	1,380,935	1,153,267	234,073	1,244,383	194,232	44,405	- - -	- - -	4,251,295
Kenova-Thacker	154	88,508	194,296	2,405,553	418,276	195	- - -	- - -	3,106,982
New River	40,189	2,249	747	57,105	- - -	397	2,120	- - -	102,807
Pocahontas	59,697	4,570	10,113	522,535	- - -	10,875	- - -	- - -	607,790
Virginia	- - -	- - -	47	201,018	2,884,428	311	- - -	- - -	3,085,804
North Carolina	- - -	- - -	- - -	- - -	42,187	- - -	- - -	- - -	42,187
Northeastern Kentucky	- - -	8,549	156,262	187,617	236,661	53,218	- - -	- - -	642,307
Hazard	- - -	55,349	243,576	- - -	498,885	- - -	- - -	- - -	797,810
Southeastern Kentucky	- - -	25,522	202,712	- - -	1,782,139	- - -	- - -	- - -	2,010,373
Tennessee	- - -	- - -	- - -	- - -	2,334,241	- - -	- - -	1,715	2,335,956
Alabama	- - -	- - -	- - -	- - -	4,517,884	- - -	- - -	617,727	5,135,611
Michigan	- - -	482,212	- - -	- - -	- - -	- - -	- - -	- - -	482,212
Illinois	- - -	2,595,492	1,820,332	- - -	3,276,008	4,576,962	5,615,984	2,025,903	19,910,681
Indiana	- - -	363,573	2,316,289	- - -	443,323	2,969,052	18,723	- - -	6,111,030
Western Kentucky	- - -	243,695	173,902	- - -	3,454,709	59,713	88,962	202,283	4,203,264
Iowa	- - -	39,806	- - -	- - -	- - -	515,015	1,048,726	- - -	1,563,547
Kansas and Missouri	- - -	35,267	- - -	- - -	- - -	11,879	448,796	1,364,385	1,858,327
Arkansas	- - -	- - -	- - -	- - -	- - -	95	- - -	431,655	431,750
Oklahoma	- - -	- - -	- - -	- - -	- - -	- - -	816,197	671,088	1,487,285
Texas	- - -	- - -	- - -	- - -	- - -	- - -	45,439	61,018	106,457
North Dakota	- - -	- - -	- - -	- - -	- - -	28,911	- - -	- - -	28,911
Montana	- - -	- - -	- - -	- - -	- - -	2,183,590	- - -	- - -	2,183,590
Northern Wyoming	- - -	- - -	- - -	- - -	- - -	25,213	408,795	- - -	434,008
Southern Wyoming	- - -	- - -	- - -	- - -	- - -	184,419	3,789,368	- - -	3,973,787
Colorado	- - -	- - -	- - -	- - -	- - -	410	1,972,008	217,358	2,182,776
New Mexico	- - -	- - -	- - -	- - -	- - -	- - -	1,366,238	58	1,366,296
Utah	- - -	- - -	- - -	- - -	- - -	88	730,393	- - -	730,481

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M.C.D.  
No. 8. FUEL COAL DELIVERED TO CLASS I RAILROADS, BY PRODUCING DISTRICTS AND BY CONSUMING REGIONS, IN 1929, IN NET TONS (Cont'd)

Mining district	New England region	Great Lakes region	Central eastern region	Pocahontas region	Southern region	North-western region	Central Western region	South-western region	Total
Washington	- - -	- - -	- - -	- - -	- - -	881,491	- - -	- - -	881,491
Oregon	- - -	- - -	- - -	- - -	- - -	- - -	5,743	- - -	5,743
Canada	43,000	- - -	- - -	- - -	- - -	224,863	- - -	- - -	267,863
Confiscated and Unknown	- - -	11,250	18,857	6,858	223	52,846	11,774	30	101,838
Total bituminous	4,088,323	23,242,329	31,870,863	6,413,957	20,407,178	16,236,581	16,307,336	5,593,371	124,159,938
Anthracite	10,479	1,851,157	1,296,931	133	1,728	2,262	- - -	37	3,162,727
Grand total	4,098,802	25,093,486	33,167,794	6,414,090	20,408,906	16,238,843	16,307,336	5,593,408	127,322,665

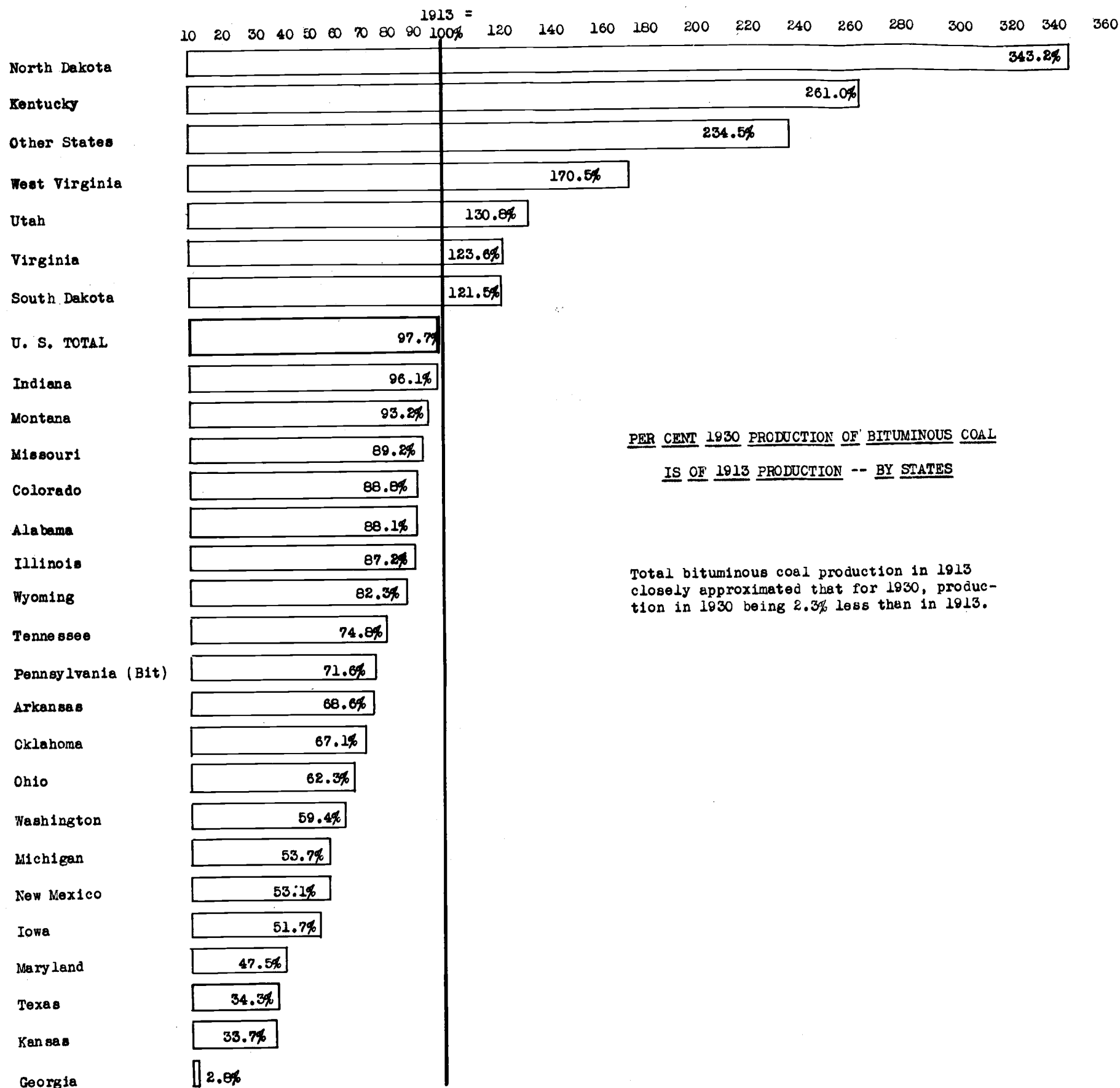
Comparability of reports from fuel agents and from traffic managers:- Because of differences in coal trade terminology the fuel agents did not always use the same district names in reporting their purchases but every effort has been made to keep the district classification as constant as the records of the carriers permit. The figures are as reported by the fuel agents of the consuming railroads and therefore differ slightly from the shipments of railroad fuel out of each mining district, as reported by the traffic managers of the originating carriers. See Supplement to Monthly Coal Distribution Report No. 1, pages 1-2. In a few cases the differences are rather large due to the fact that the purchasing agents defined the boundaries of the district differently from the traffic managers. It should be noted, also, that the figures shown here represent all coal received by railroads including all-rail, tide-water, and lake cargo while the traffic managers reported only the all-rail railroad fuel.

Origin by districts, 1917, 1928 and 1929:- The first table shows the quantity originating in each mining district, and for purposes of comparison the corresponding figures for 1917 are given. In 1917 the Class I roads purchased 150,083,527 tons of bituminous coal. The 1929 purchases were thus only 82.7 per cent of those in 1917. The decrease in comparison with 1917, however, was not uniformly distributed among the mining districts. In general, the high-volatile fields of West Virginia and Kentucky show a large increase in sales to the railroads, while the low-volatile fields and many of the northern and western high-volatile fields show a very sharp decline.

Railroad fuel coal delivered to Class I railroads, by all-rail, by tidewater, and by Great Lakes:- In 1929, 120,923,932 tons or 94.9 per cent of the coal delivered to Class I railroads, moved all-rail, 1.4 per cent by tidewater, and 3.7 per cent by way of the Great Lakes. The railroads of the New England Region received 41.3 per cent of their fuel coal by tidewater while the railroads of the Northwestern Region received 27.8 per cent of their tonnage by way of the Great Lakes.

Source of coal by railroad regions, 1929:- The last table shows the source of coal received by the Class I railroads in the eight railroad regions established by the Interstate Commerce Commission. The railroads in the various regions, generally speaking, drew fuel coal from many mining districts, yet the greater percentage of their tonnage was obtained from a few mining districts. Usually, the districts from which the bulk of the tonnage was obtained were in close proximity to the railroad region, there being exceptions, however. The railroads in the New England region drew their coal chiefly from Central Pennsylvania, Northern West Virginia, and Logan. The railroads of the Northwest obtained fuel coal from mining districts in the Northwest, the Middle West, and from the Appalachian area, by way of the Great Lakes.





SOURCE: Calculated from data given in Bureau of Mines reports

[fol. 983]

## PLAINTIFF'S EXHIBIT 68-A

Trend of Bituminous Coal Production, by States, 1913 and 1930  
(Net tons)

	1913	1930	% of in- crease or decrease	% 1930 is of 1913
Alabama.....	17,678,522	15,570,058	- 11.9%	88.1%
Arkansas.....	2,234,107	1,533,434	- 31.4	68.6
Colorado.....	9,232,510	8,196,910	- 11.2	88.8
Georgia.....	255,626	7,092	- 97.2	2.8
Illinois.....	61,618,744	53,731,230	- 12.8	87.2
Indiana.....	17,165,671	16,489,962	- 3.9	96.1
Iowa.....	7,525,936	3,892,571	- 48.3	51.7
Kansas.....	7,202,210	2,429,929	- 66.3	33.7
Kentucky.....	19,616,600	51,208,995	+161.0	261.0
Maryland.....	4,779,839	2,270,593	- 52.5	47.5
Michigan.....	1,231,786	661,113	- 46.3	53.7
Missouri.....	4,318,125	3,853,150	- 10.8	89.2
Montana.....	3,240,973	3,022,004	- 6.8	93.2
New Mexico.....	3,708,806	1,969,433	- 46.9	53.1
North Dakota.....	495,320	1,700,157	+243.2	343.2
Ohio.....	36,200,527	22,551,978	- 37.7	62.3
Oklahoma.....	4,165,770	2,793,954	- 32.9	67.1
Pennsylvania.....	173,781,217	124,462,787	- 28.4	71.6
South Dakota.....	10,540	12,810	+ 21.5	121.5
Tennessee.....	6,860,184	5,130,428	- 25.2	74.8
Texas.....	2,429,144	833,872	- 65.7	34.3
Utah.....	3,254,828	4,257,541	+ 30.8	130.8
Virginia.....	8,828,068	10,907,377	+ 23.6	123.6
Washington.....	3,877,891	2,301,928	- 40.6	59.4
West Virginia.....	71,254,136	121,472,638	+ 70.5	170.5
Wyoming.....	7,393,066	6,088,133	- 17.7	82.3
Other States.....	75,151	176,222	+134.5	234.5
Total U. S. Production..	478,435,297	467,526,299	- 2.3	97.7

Source: Bureau of Mines report.

Note: These years were selected for comparison because total U. S. production was approximately the same in both years.

Source: Page 626, Table 10 of "Coal in 1930" except "% 1930 is of 1913" which was calculated by adding, or subtracting % of increase or decrease from 100%.

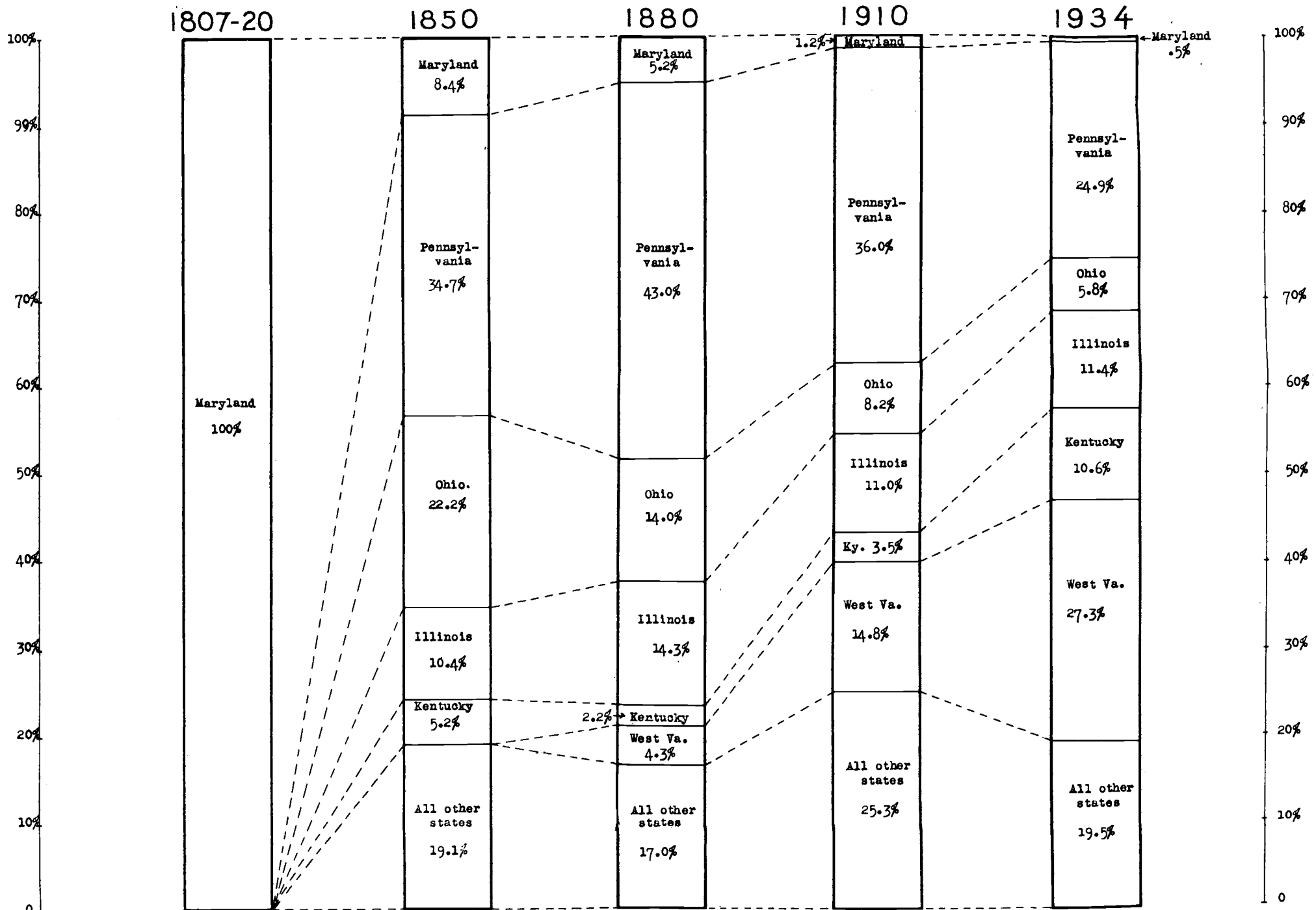
(Here follow 4 charts, side folios 984, 985, 986 and 987.)

## PERCENTAGE OF TOTAL BITUMINOUS PRODUCTION OF

UNITED STATES IN EACH SPECIFIED STATE;

1807-1820, 1850, 1880, 1910 and 1934

NOTE: 1807-1820 is the earliest period for which production data are available. Data for 30-year intervals since then and for 1934 (preliminary) are also shown below



Source: Compiled from Reports of Bureau of Mines

## Bituminous Coal Production by States in Specified Years

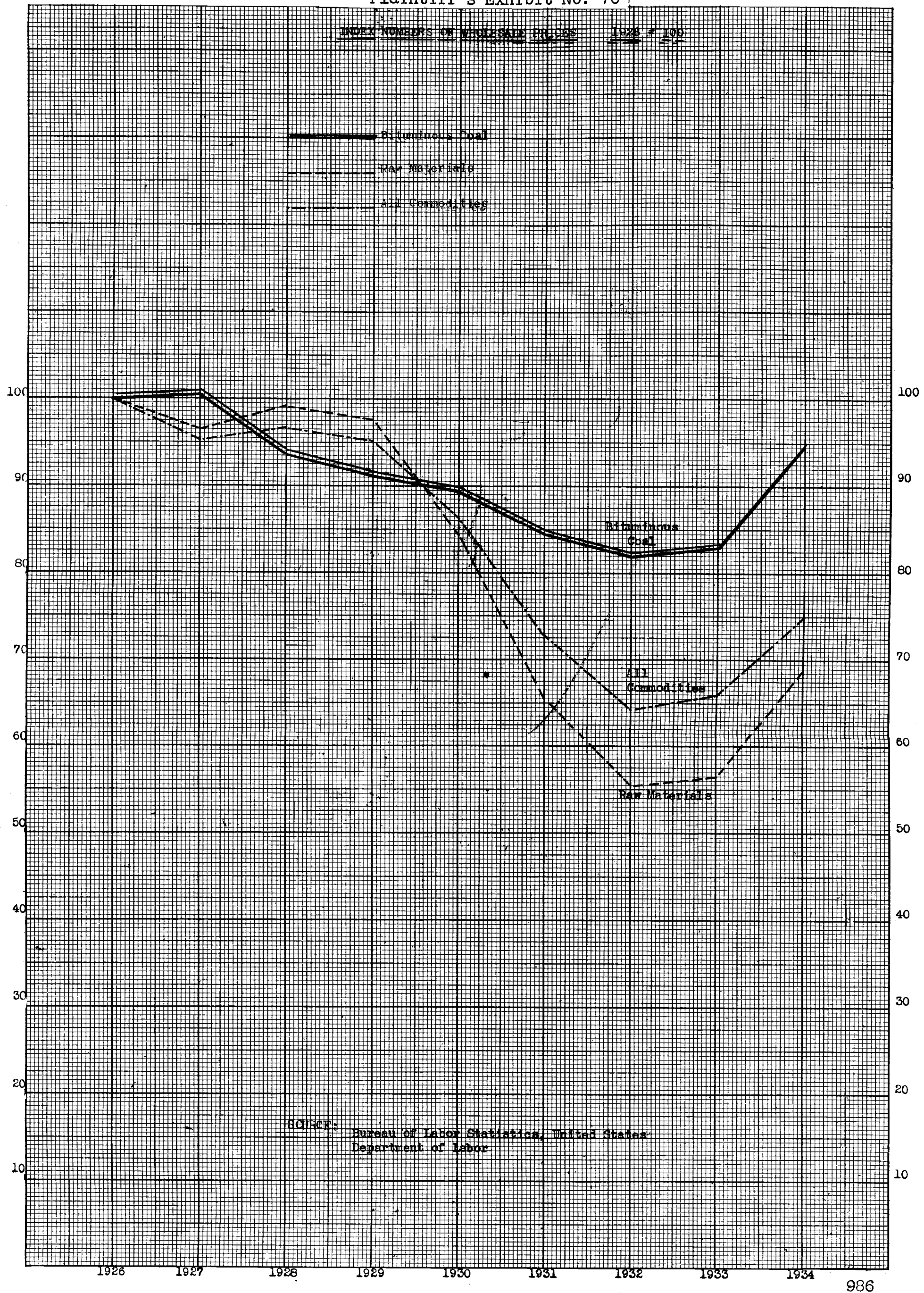
NOTE: The statistical record of the industry begins in 1807, and 1807-1820 is the earliest period for which production data are available. Data for 30-year intervals since then and for 1934 (preliminary) are also shown below.

	<u>1807--1820</u>		<u>1850</u>		<u>1880</u>		<u>1910</u>		<u>1934 (Preliminary)</u>	
	<u>Net Tons</u>	<u>% of U. S. Total</u>	<u>Net Tons</u>	<u>% of U. S. Total</u>	<u>Net Tons</u>	<u>% of U. S. Total</u>	<u>Net Tons</u>	<u>% of U. S. Total</u>	<u>Net Tons</u>	<u>% of U. S. Total</u>
Alabama			2,500	.1	323,972	.8	16,111,462	3.9	9,596,000	2.7
Alaska									112,000	.3
Arkansas					14,778		1,905,958	.5	Included with Oklahoma	
California, Idaho and Oregon					280,155	.7	78,697	*	Included with "Other States"	
Colorado					462,747	1.1	11,973,736	2.9	5,168,000	1.4
Georgia					154,644	.3	177,245	*	47,000	.1
Indiana			60,000	2.1	1,454,327	3.4	18,389,815	4.4	14,820,000	4.1
Iowa			15,000	.5	1,461,116	3.4	7,928,120	1.9	3,345,000	.9
Illinois			300,000	10.4	6,115,377	14.3	45,900,246	11.0	40,905,000	11.4
Kansas					771,442	1.8	4,921,451	1.1	Included with Missouri	
Kentucky			150,000	5.2	946,288	2.2	14,623,319	3.5	38,068,000	10.6
Maryland	3,000	100.0	242,517	8.4	2,228,917	5.2	5,217,125	1.2	1,660,000	.5
Michigan					100,800	.2	1,534,967	.4	631,000	.2
Missouri			100,000	3.5	844,304	2.	2,982,433	.7	5,800,000	1.6
Montana					224	*	2,920,970	.7	2,600,000	.7
New Mexico							3,508,321	.8	1,250,000	.3
North Carolina					350	*			Included with Georgia	
North Dakota							399,041	.1	1,770,000	.5
Ohio			640,000	22.2	6,008,595	14.0	34,209,668	8.2	20,842,000	5.8
Oklahoma					120,947	.3	2,646,226	.6	2,264,000	.6
Pennsylvania (bituminous)			1,000,000	34.7	18,425,163	43.0	150,521,526	36.0	89,223,000	24.9
South Dakota									60,000	.2
Tennessee			60,000	2.1	495,131	1.1	7,121,380	1.7	4,056,000	1.1
Texas							1,892,176	.5	716,000	.2
Utah					14,748	*	2,517,809	.6	2,418,000	.6
Virginia			310,000	10.8	43,079	.1	6,507,997	1.5	9,100,000	2.5
Washington					145,015	.3	3,911,899	.9	1,387,000	.4
West Virginia					1,829,844	4.3	61,671,019	14.8	98,190,000	27.3
Wyoming					589,595	1.4	7,533,088	1.8	4,349,000	1.2
Other States					200	.1*	5,448	.1*	18,000	.1*
Total bituminous	3,000	100.0%	2,880,017	100.0%	42,831,758	100.0%	417,111,142	100.0%	358,395,000	100.0%

\*Percentages of less than .1% included in percentages opposite "Other States".

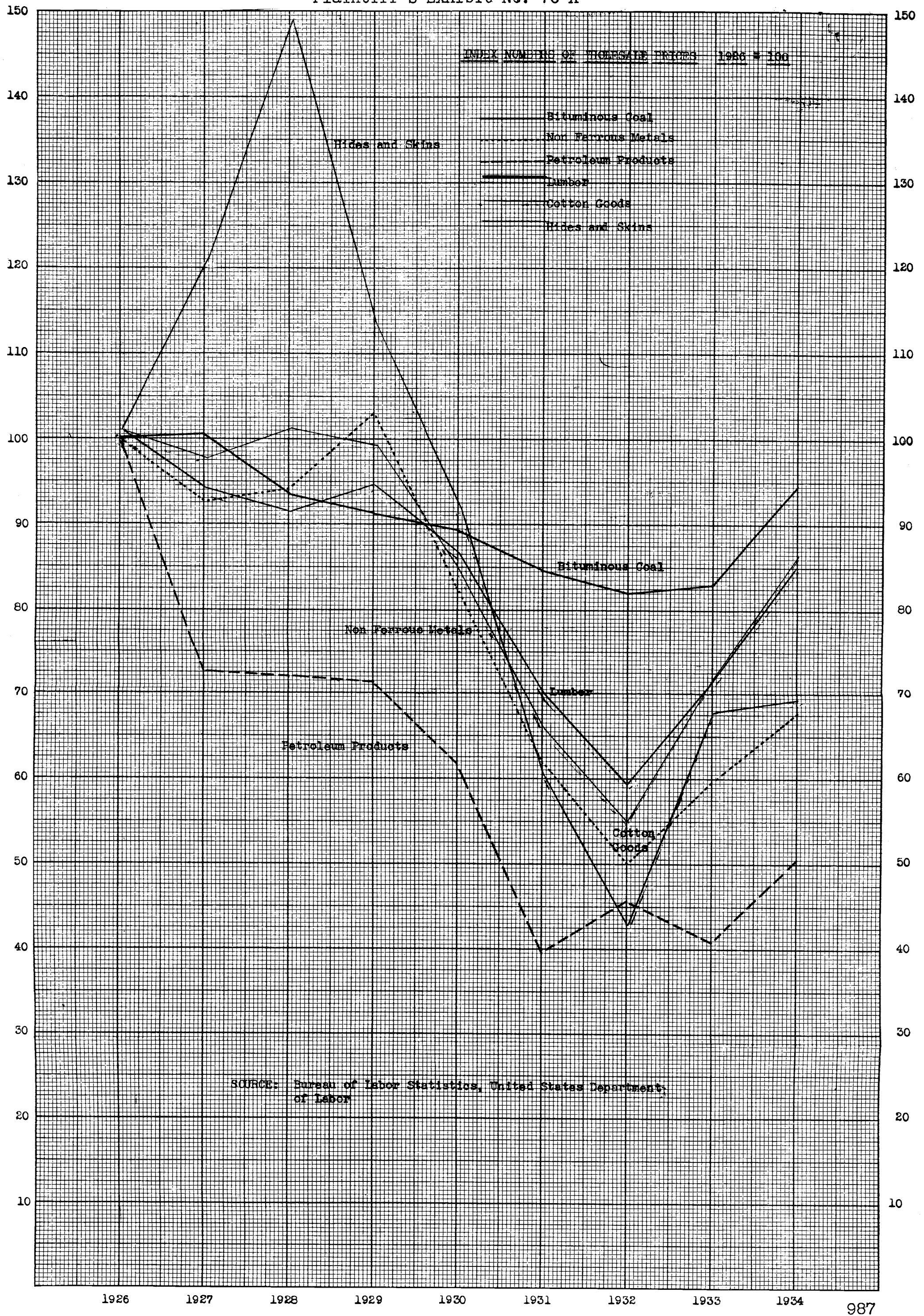
Source: Compiled from reports of Bureau of Mines

## Plaintiff's Exhibit No. 70





Plaintiff's Exhibit No. 70-A



[fol. 988]

PLAINTIFF'S EXHIBIT 70-B

Index Numbers of Wholesale Prices of Specified Commodities or Commodity Groups

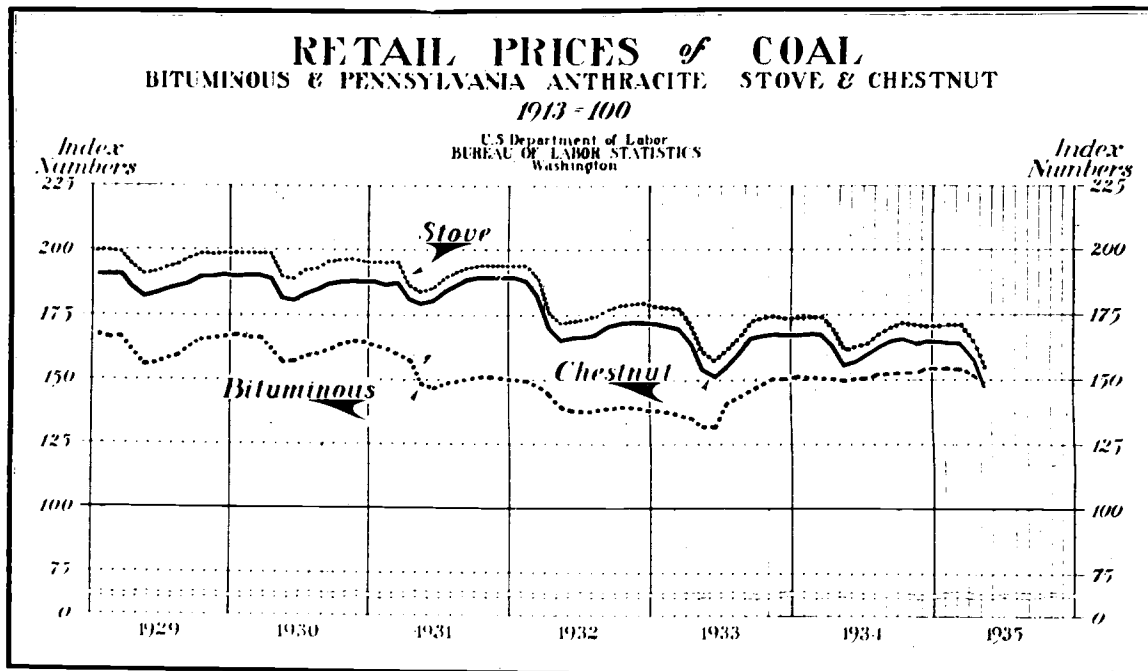
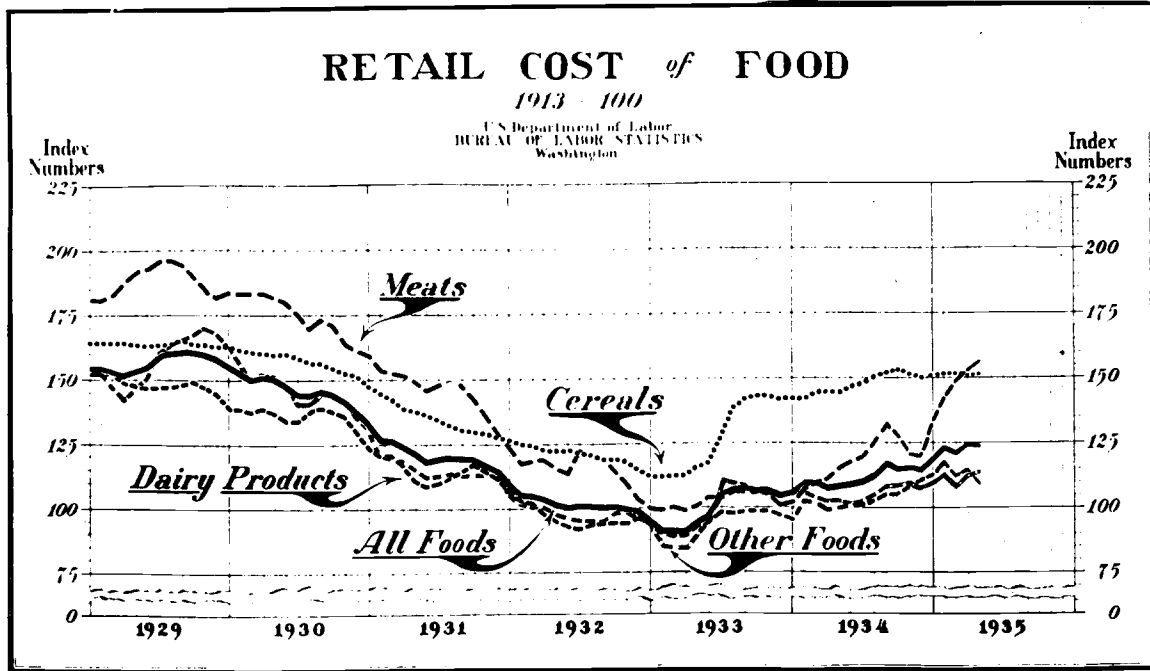
1926 = 100

	Bituminous Coal	Nonferrous Metals	Petroleum Products	Lumber	Cotton Goods	Hides and Skins	Raw Materials	All Commodities
1926.....	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
1927.....	100.3	92.8	72.7	93.1	97.1	120.3	96.5	95.4
1928.....	93.6	94.0	72.0	90.5	100.4	148.6	99.1	96.7
1929.....	91.3	106.1	71.3	93.8	98.8	112.7	97.5	95.3
1930.....	89.4	82.4	61.5	85.8	84.7	91.0	84.3	86.4
1931.....	84.6	61.9	39.5	69.5	66.1	60.2	65.6	73.0
1932.....	82.0	49.8	45.4	58.5	54.0	42.1	55.1	64.8
1933.....	82.8	59.6	41.0	70.7	71.2	67.1	56.5	65.9
1934.....	94.5	67.7	50.5	84.5	86.5	68.6	68.6	74.9

Source: Bureau of Labor Statistics, United States Department of Labor.



(Here follows 1 drawing, folio 989 )



[fol. 989-a]

## PLAINTIFF'S EXHIBIT 72

## Deficit of Specified Industrial Groups, 1928-1932

NOTE.—1928-1932, inclusive, are the only years for which separate figures on bituminous coal mining corporations are given in "Statistics of Income," compiled from income tax returns by Income Tax Unit of Treasury Department.

## Mining and quarrying:

Coal: Anthracite .....	\$2,011,000	Deficit
Coal: Bituminous, Lignite, and peat ...	117,313,000	Deficit
Oil and gas .....	137,722,000	Deficit

## Manufacturing:

Woolen and worsted goods .....	115,135,000	Deficit
Finishing and tanning leather and manufacturing leather products other than boots, shoes, slippers, etc.	96,724,000	Deficit
Tires and tubes .....	110,937,000	Deficit
Forest products (lumber and wood products) .....	370,109,000	Deficit
Radios, complete or parts .....	41,096,000	Deficit

## Miscellaneous:

Ship building and repairing .....	5,537,000	Deficit
Aerial transportation .....	45,556,000	Deficit
Theatres, legitimate, vaudeville, etc. ...	33,740,000	Deficit

Source: Compiled from annual reports on "Statistics of Income," Bureau of Internal Revenue, United States Treasury Department.

[fol. 990]

PLAINTIFF'S EXHIBIT 72-A

950

Net Income or Deficit of Specified Industrial Groups, 1928-1932

Note: 1928-1932, inclusive, are the only years for which separate figures on bituminous coal mining corporations are given in "Statistics of Income," compiled from income tax returns by Income Tax Unit of Treasury Department.

	In thousands of dollars					Net Result
	D indicates deficit					1928-1932
	1932	1931	1930	1929	1928	
<b>Mining and Quarrying</b>						
Coal: Anthracite.....	16,697 D	1,614 D	8,109	2,940	5,251	2,011 D
Coal: Bituminous, lignite and peat.....	51,167 D	47,745 D	42,071 D	11,822 D	24,508 D	177,313 D
Oil and Gas.....	46,760 D	120,883 D	9,462 D	29,602	3,481	137,722 D
<b>Manufacturing</b>						
Woolens and worsted goods.....	37,191 D	31,243 D	35,327 D	10,294 D	1,080 D	115,135 D
Finishing and tanning leather and manufacturing leather products other than boots, shoes, etc.....	31,364 D	36,802 D	35,525 D	3,693 D	10,660	96,724 D
Tires and tubes.....	28,180 D	16,835 D	52,241 D	3,170	16,851 D	110,937 D
Radios, complete or parts.....	13,312 D	28,270 D	12,610 D	2,964 D	16,060	41,096 D
Forest products (lumber and wood products).....	207,118 D	184,172 D	116,636 D	67,113	70,704	370,109 D
<b>Construction</b>						
Shipbuilding and repairing.....	1,565 D	3,223 D	1,280	819 D	1,210 D	5,537 D
<b>Transportation</b>						
Aerial transportation.....	6,029 D	14,610 D	19,152 D	6,489 D	724	45,556 D
<b>Service</b>						
Theaters, legitimate, vaudeville, etc.....	20,702 D	6,134 D	4,557 D	499 D	1,848 D	33,740 D

Source: Compiled from "Statistics of Income," Income Tax Unit of United States Treasury Department.

(Here follows 1 photolithograph, folio 991.)

## Plaintiff's Exhibit No. 72-B

LIST OF MAKES OF PASSENGER CARS MADE COMMERCIALY  
IN THE UNITED STATES SINCE THE BEGINNING OF THE  
AUTOMOBILE INDUSTRY SHOWING THOSE MAKES NO  
LONGER BEING MADE IN FIRST NINE MONTHS OF 1935

A line through a name indicates that auto-  
mobiles of that make were not being manufac-  
tured in the first nine months of 1935; an  
asterisk (\*) before the name indicates that  
that make was produced during the first nine  
months of 1935.

AUTOCAR	CANDA-	du PONT-	HATFIELD-	MONROE--	PENNSYLVANIA-	SIMPLICITY-
APPERSON-	CENTURY (Steam)--	*DUESENBERG	HAY-BERG-	MONROE--	POSTAL-	SPEEDWELL-
AUBURN	COTTA-	DRIGGS-	HALLADAY	MADISON	PALMER-SINGER	SAKERS-
AUTO-DYNAMIC-	CUNNINGHAM (Steam)-	DURANT	HEINE-VELOX-	MOORE--	PULMAN-	STAEVER-
AJAX-	CONRAD-	Dr. Ar. Co.-	*HUMMOBILE	MODEL-	PERFECTION-	SPRINGFIELD-
AMCON-	CLARK-	DAGMAR--	*HUDSON	MAZIE-THOMPSON-	PAYNE-MODERN-	SHOENMAKER-
AUTO-MOTOR-	CHILSEA-	DIANA-	HERKESHOFF-	MICHELL-	PETROL-	STUDEBAKER-E. M. F.
AMERICAN (Elec.)-	CAPITOL-	DURANT	HENRY-	MARR-	PATERSON-	*STUDEBAKER
AMERICAN (Gas)-	CLOUGHLEY-	*De SOTO	HUPP-YEATS (Elec.)-	MENOR-	PAIGE--	S. C. V.-
AMERICAN (Steam)-	*CADILLAC	De VAUX-	HENDERSON-	MARMON-	PILOT-	STUYVESANT-
AUTO-VEHICLE-	COVERT-	EMPIRE--	HAYERS-	MORSE--	PARRY-	*STUTZ
ADAMS-FARWELL-	CRESTOSILE-	ELMORE-	HARFF-BROOKS-	MOLINE-	PENN--	SAKON-
AEROCAR-	CLEVELAND-	EOLIPSE-	HOLLIER-	MAXWELL-BRISCOE-	PATHEFINDER-	SPYNN-
AURORA--	CENTAUR-	ECONOMY-	HARVARD-	MERCURY-	PARTIN-PALMER-	STERLING-KNIGHT
ATLAS-	CINCINNATI (Steam)-	ESSEK--	HUPPMAN-	MONARCH-	PILGRIM-	SCRIPPS-BOOTH-
ALLEN-KINGSTON-	CLAREMOBILE-	EVERYBODY'S-	HARGOUN-	NOON-	PILLIOD-	SPOKNER-
ALBANY-	CHEST-	Br. M. F.--	HACKETT-	MARYLAND-	PONDER-	SPAUDING-
ANGUS--	CHURCH-	ELCOR-	H. A. L.-	MCA--	PAN-AMERICAN-	STEWART--
ALCO-	CORBIN-	EVERITT-	HANSON-	MASON-	PENMONT-	SILOER--
AMERICAN--	COLUMBUS (Elec.)-	EVERITT-	HOLMES-	MEDIA-	PAN--	STAPKENS-
AMPLEX-	CRANFORD--	EDWARDS-KNIGHT	HOLMES-	MILK-	PARKETI-	STANDARD-
ALPENA-	CAMERON-	ENGINE-	H. C. S.-	MIDLAND-	PORTER-	SUN-
ABBOY-DETROIT-	COLBURN-	EMPIRE-	HANDLEY-KNIGHT-	MOQUE-	*PONTIAC	SIMPLEX-CRANE-
ARCO (Elec.)-	CARTER-	ELGIN-	HARTZ--	MBTZ-	*PLYMOUTH	RIGER-
ALLEN-	COSMOPOLITAN-	EAGLE-ROTARY-	INTERNATIONAL-	MELTYRE	REXINGTON-	SENECA-
ANDERSON-	CATO-	ESSEK--	IMPERIAL--	MARION-	ROBINSON-	STATES-
ALTER-	C. V. L.-	EARL-	IRROQUOIS-	MARCEL-	ROGERS & HANFORD-	SEVERIN-
AMERICAN-	CONTINENTAL--	ERKINE-	IMPERIAL-	MURGER-	KRADING-	SHAW-
AGE-	C. P.-	FOSTER-	INTERSTATE-	MOLINE-	ROGERS & HANFORD-	SHERIDAN-
AMBASSADOR-	COMET--	FANNING-	JACKSON-	MOTORETTE-	REDER-	SKELTON-
ADRIA-	COATES-COCHEN-	FISCHER--	JEFFERY-	MARQUETTE-	RADLER-	SPENCER-
ADAK-	COLT-	FRIEDMAN--	JONES-CORBIN-	McFARLAN-	MUSSELL-	STANWOOD-
*JUSTIN	CHAMBERS-	FRANKLIN-	JOHNSON-	MARATHON-	REGAS--	STAR-
BAKER-	CHAMPION-	FLINT-	JEWELL-	MIGHTY-MICHIGAN-	RAPID-	TRIUMPH-
BALDWIN-	CASE-	KREDONIA-	JENKINS-	MOLINE-KNIGHT-	*REO	TAUNTON-
BACHELERS-	COLE-	*FORD	JORDAN-	MOCCA-	ROYAL-TOURIST-	THOMPSON-
BOLTE-	CHADWICK-	FRAYER-	JONES-	MOORE--	RODARY--	TWIFORD-
BUFFALO (Elec.)-	CUTTING-	POSTORIA-	JEWETT-	MADISON-	ROSS-	TOLEDO-
*BUICK	CORNEJA-	FRITCHIE (Elec.)-	KENSINGTON-	MONITOR-	RANIER-	*TERRAPLANE
BALDNER-	COURIER-	FULTON-	KING-	MONROE-	RAUCH & LANG-	THOMAS--
BINNEY & BURNHAM-	CUNNINGHAM-	FEDERAL--	KRYSTONE-	MALCOM-	REGAL-	TOURIST-
BRAMWELL-	*CHEVROLET	FLANDERS--	KINDER-	MARION-HANDLEY-	ROADER-	WINGMER-
BUFFALO--	CHURCHFIELD-	FULLER-	KUNZ-	MACON-	R. C. W.-	WINDMILL-
BURG-	CHANDLER-	FARMACK-	KONIGSLAW-	MURRAY-	REPUBLIC-	WOMBLY-
BRASLER-	CAMERON-	Fr. R. P.-	KING-	MARVIN-WASP-	RIDDLE-	TOURAINS-
BRIEFOL-	CROW-ELKHART	FERRIS-	KISSEL-	MARSHALL-	ROAMER-	WELFLAR-
BUCMOBILE-	COLUMBIA-	FOX--	KENTON-	MARSHALL-	REVERE-	TEXAN-
BLOOD-	CORLETT-	FRIEND-	K. R. I. T.-	MERT-	ROCK-FALLS--	ULSA-
BUCKEYER-	COMMONWEALTH	FALCON-	KLINE-	METROPOLITAN-	R. & V-KNIGHT	U. S. LONG-DISTANCE-
BATES-	CLEVELAND--	FARMONT-	KERNS-	MARQUETTE-	RANGER-	UPON-
BLACK DIAMOND-	COLONIAL--	FIAT-	KENT-	NATIONAL-	ROLLS-ROYCE-	U. S.-
BLYERLEY-	CLIMBER-	FLINT-	KELLEY-	NEW HOME--	RICHLETT-	VAUGHAN-
BLOMSTROM-	COATS (Steam)-	FALCON-	KENFORTHY-	NEWTON--	RICKENBACKER-	VIOTER-
BERKSHIRE-	CORINTHIAN--	GROUT-	KURTZ-	NEUSTADT-PERRY	RUBAY--	VERIE-
BABCOCK (Elec.)-	COURIER-	GREAT (Pierce-Arrow)-	LOGMOBILE-	NIAGARA--	ROLLIN-	VOGUE-
BRUSH-	*CHRYSLER	CURLEY-	*La PAYETTE	NORTHMAN-	ROOSEVELT-	WINTON-
BUCMOBILE-	*CORD	GENEVA-	LANE (Steam)-	NEW WALK-	RUXTON--	WILKNEY-
BLACK--	DURYEA-	CLIDE-	LEWIS--	NEW ERA-	ROCKNE-	WOODS-
BAILEY (Elec.)-	DARLING-	GENERAL-	LOOMIS-	NELSON-	STANLEY (Steam)-	WATAM-
BYRIDER (Elec.)-	DESBORON (Steam)-	GREENLEY-	LOZIER-	*NASH-	STEARNS (Steam)-	WALLS-
BROWNLEMAN-	DECKER-	CLIPS (Elec.)-	LOGAN-	NOMA--	ST. LOUIS-	WARWICK-
BENNER--	DARROW--	GRAMAM--	LORRAINE-	*NORWAY-	SPALDING-	WHEAT (Steam)-
BERGDOLL-	DYKE--	CARFORD-	LORRAINE-	*OLDSMOBILE	SEKNE--	WILDMAN-
BRIGHTON-	DOLSON-	GREAT SMITH-	LINGOLN-	OHIO (Elec.)-	SUNSET-	WILKIN-
BRISSOE-	DE-LUXE--	GAYLORD-	LINCOLN-	ORIENT-	SHAIN-	WILKIN-
BEAL-	DOHRIS-	GREAT-WESTERN-	LAMBERT-	OVERLAND-	SMITH & MABLEY-	WAVERY (Elec.)-
BREWSTER-	DUER-	GRANT-	LYON-	OLYMPIAN-	STEAMOBILE-	WAYNE-
BEAL-	DETROIT-ELECTRIC-	CHENT-	LYONS-KNIGHT-	OLYMPIAN-	STEVENS-DURYEA-	WOLVERINE-
BEN-HUR-	EUROCAR-	GARDNER-	LYONS-KNIGHT-	OLYMPIAN-	STOCK-	WALWORTH-
BOUR-DAVIS	DAVIS-	CHARLES-	LEWIS-	OWEN-MAGNETIC	STANDARD-	WOLF-
BIGH-	DE-TAMBLE-	GRAY-	LAUREL--	OGDEN-	STUDEBAKER (Elec.)-	WASHINGTON-
BOHMAN-	DETROIT-STAR-	*GRAHAM PAIGE-	LIBERTY-	OLYMPIAN-	SANDUSKY-	WHITE-
BEGGS--	DODGE	*GRAHAM	LORRAINE-	POPE-HARFORD-	SHELBY-	WARRIN--
BAY-STATE-	DORT-	HAYNES-APPERSON-	LAFAYETTE-	*PACKARD	SANTOS-DUMONT-	WHITING-
BARLEY-	DILE-	HOLYOKE-	LAUREL--	PEERLESS-	STUDEBAKER (Gas)-	WESTCOTT-
BLACKHAWK-	DRUMMOND-	HOWARD--	LONG-STAR-	PEOPLES-	STURTEVANT-	WILLYS-KNIGHT-
COLUMBIA (Elec.)-	DANIELS-	HUDSON (Steam)-	LONG-	*PIERCE-ARROW	SPRINGER-	WILLYS-SIX-
CENTURY (Gas)-	DIXIE-FLYER-	HOLLEY-	*La SALLE	POMERoy-	STODDARD-DAYTON-	WOODS-
CROWDUS (Elec.)-	DIXIE-FLYER-	HOLMAN-	MOBILE-	PRESCOTT-	SAMPSON-	WINTHER-
COLLINS (Elec.)-	DIXIE-FLYER-	HOLMAN-	MARLBORO-	POPE-ROBINSON-	SCHACHT--	WALTHAM-
CLAPMAN (Elec.)-	DIXIE-FLYER-	HOLMAN-	MILWAUKEE-	PHILPS-	SILVER-	WILLS-STE. CLAIRE-
CENTURY (Elec.)-	DIXIE-FLYER-	HOLMAN-		PREMIER-	SUGGESS-	WILKIN-
COLUMBIA (Gas)-	DIXIE-FLYER-	HOLMAN-		PUNCE-FLINCH-	SINGLE-CENTER-	WINDSOR-
	DIXIE-FLYER-	HOLMAN-		POPE-TOLEDO-	SENATOR-	*WILLYS
	DIXIE-FLYER-	HOLMAN-		FLANCHE-	SULTAN-	YALE-
	DIXIE-FLYER-	HOLMAN-				YORK-
	DIXIE-FLYER-	HOLMAN-				ZIMMERMAN-

[fol. 992]

PLAINTIFF'S EXHIBIT 73

Average Hourly Wage Rates Paid Common Labor

Note: Rates in cents per hour. Data are based on entrance rates paid unskilled adult males in important industries requiring considerable numbers of common laborers.

As of July 1 of each year

Industry and geographic division	Average hourly entrance rates (in cents) in—								
	1926	1927	1928	1929	1930	1931	1932	1933	1934
Automobile.....	46.1	46.3	57.2	49.9	48.2	57.7	62.0	46.5	54.9
Brick, tile and terra cotta.....	40.7	42.2	39.4	37.8	38.0	33.9	28.9	24.7	36.9
Cement.....	40.1	39.2	37.2	37.8	37.9	37.2	30.6	29.5	44.7
Electrical machinery, apparatus, and supplies.....	43.1	44.2	46.0	45.9	44.8	42.9	39.6	37.1	43.5
Foundry and machine-shop products.....	37.1	37.8	38.4	39.8	39.0	38.2	34.8	31.8	40.1
Iron and steel.....	42.7	43.2	42.5	42.5	42.1	41.8	31.8	33.6	43.2
Leather.....	40.9	41.4	42.3	42.2	41.9	39.1	32.9	31.6	39.3
Lumber (sawmills).....	33.6	32.2	31.7	32.0	31.6	27.7	21.5	20.8	33.1
Paper and pulp.....	42.8	42.5	44.3	44.0	43.2	37.2	35.6	32.6	40.3
Petroleum refining.....	47.9	44.0	45.4	45.7	48.1	47.5	42.1	40.7	52.6
Slaughtering and meat packing.....	41.5	41.7	42.2	42.0	41.8	41.7	34.6	32.3	43.9
Public utilities.....	42.0	39.8	42.9	42.8	44.6	44.6	41.5	38.7	41.8
General contracting.....	47.1	48.2	47.4	48.3	47.0	42.6	39.9	38.3	45.5
All industries.....	42.8	42.6	44.9	43.7	43.1	41.2	38.1	35.0	43.0
All industries except general contracting.....	40.9	40.4	44.1	42.1	41.6	40.7	37.6	34.2	42.3
New England.....	47.1	46.7	48.2	48.0	49.5	45.4	40.4	37.1	43.3
Middle Atlantic.....	45.1	47.2	47.8	46.4	46.1	45.1	40.4	36.7	45.2
East North Central.....	48.0	46.7	51.6	48.4	47.0	45.2	45.0	38.9	47.0
West North Central.....	40.1	40.6	41.3	41.8	40.6	42.9	35.8	34.5	43.2
South Atlantic.....	32.8	31.5	29.4	30.2	32.1	28.9	23.4	25.3	33.6
East South Central.....	27.6	27.0	26.0	26.8	26.7	25.2	21.0	25.7	34.1
West South Central.....	32.5	31.8	33.8	35.6	33.0	29.9	23.7	23.4	32.7
Mountain.....	44.4	44.4	44.0	44.9	45.2	43.1	39.3	42.3	46.4
Pacific.....	45.9	46.5	46.9	47.9	47.6	43.5	40.2	38.0	46.9

Source: Bureau of Labor Statistics.

Table 333, Page 303, Statistical Abstract, 1934, Except 1934 Figures Which are from Serial No. R. 196 (Dec. 1934 Issue of Monthly Labor Review).

(Here follow Plaintiff's Exhibit 73A, folio 993, and Plaintiff's Exhibit 74, folios 994 to 997.)

AVERAGE HOURLY WAGE RATES PAID FOR ADULT MALE COMMON  
LABOR IN IMPORTANT INDUSTRIES REQUIRING  
CONSIDERABLE NUMBERS OF COMMON LABORERS

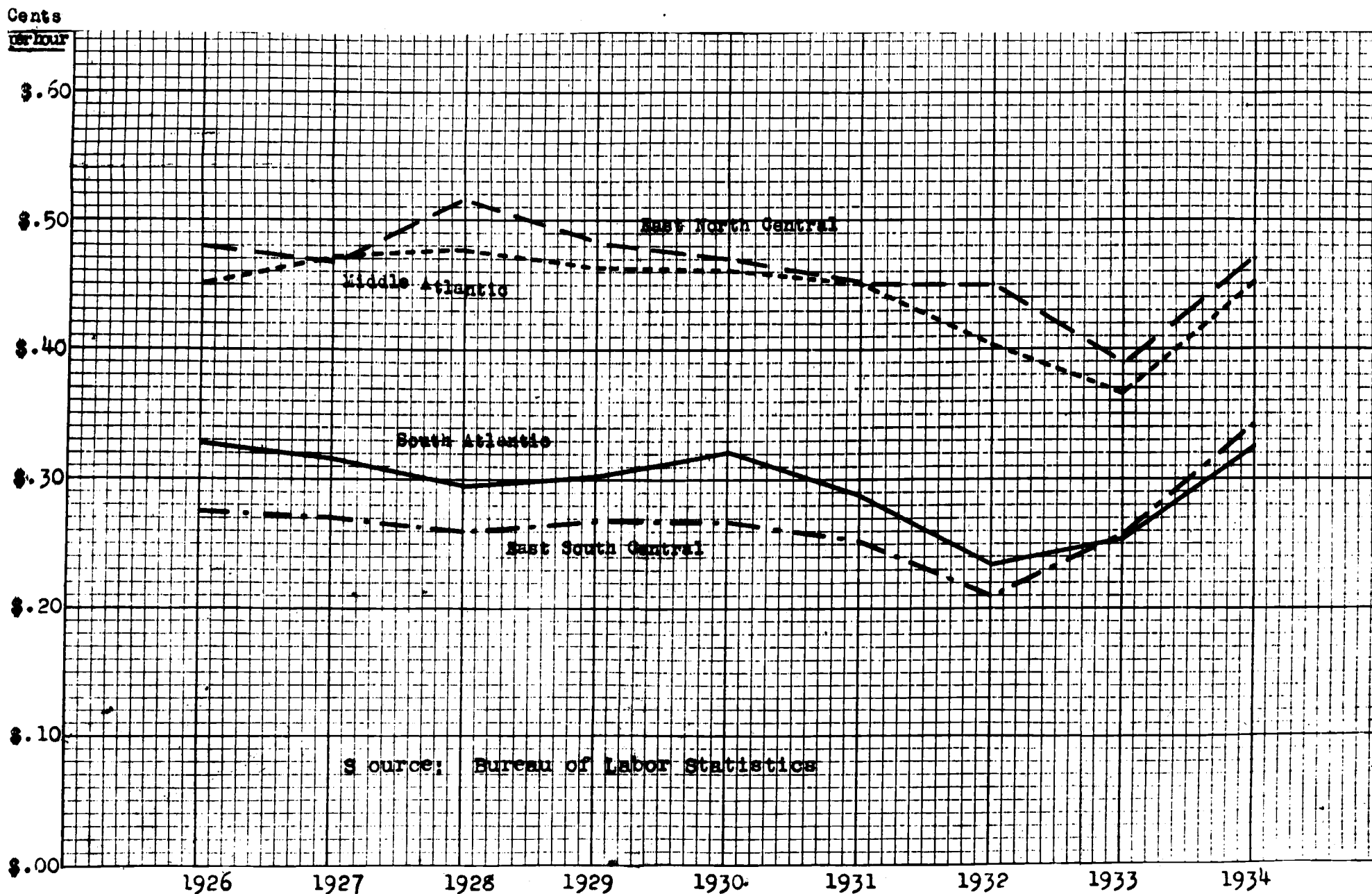
Plaintiff's Ex, 73-A

952A

For Specified Geographic Divisions, 1926 - 1934

As of July 1 of each year

- — — — — East North Central States (Ohio, Ind., Ill., Mich., and Wis.)
- - - - - Middle Atlantic States (N.Y., N.J., and Pa.)
- South Atlantic States (Del., Md., Va., W.Va., N.C., S.C., Ga., and Fla.)
- . - . - East South Central States (Ky., Tenn., Ala., and Miss.)





## REVIEW OF WAGE RATES COTTON-TEXTILE INDUSTRY 1171

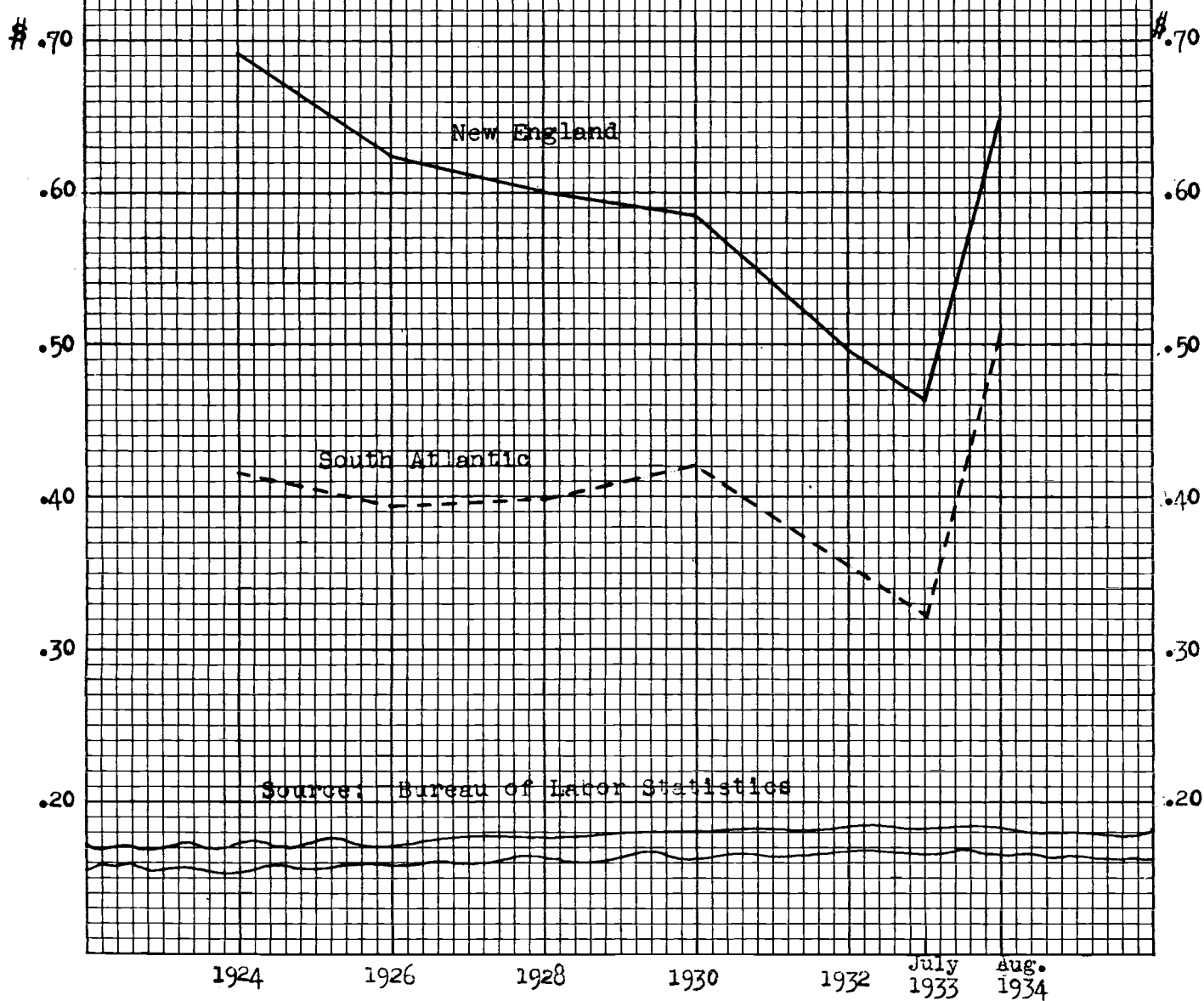
Table 1. Average Hourly Earnings in Cotton-Goods Manufacturing in New England and South Atlantic States, 1924-34, by Occupations

Occupation	New England							
	1924	1926	1928	1930	1932	July 1933	August 1933	August 1934
<i>Males</i>	<i>Cents</i>	<i>Cents</i>	<i>Cents</i>	<i>Cents</i>	<i>Cents</i>	<i>Cents</i>	<i>Cents</i>	<i>Cents</i>
Loom fixers.....	69.1	62.4	60.0	58.5	49.6	46.3	63.1	64.9
Slasher tenders.....	61.7	53.9	51.2	49.7	43.1	(1)	(1)	(1)
Warp-tying machine tenders.....	58.5	53.0	49.8	49.0	40.1	35.0	48.0	50.1
Card grinders.....	56.9	50.7	49.4	47.8	38.5	34.2	48.3	50.4
Weavers.....	53.8	46.7	44.7	46.2	35.3	29.9	43.9	44.2
Slubber tenders.....	55.5	49.8	46.8	46.6	37.5	30.8	46.6	49.1
Speeder tenders.....	51.4	46.5	44.5	45.2	35.0	29.6	43.6	45.5
Card tenders.....	46.5	41.6	40.5	40.2	32.8	28.8	40.7	41.7
Doffers.....	45.3	39.9	39.3	38.6	31.8	27.0	41.7	43.8
Picker tenders.....	43.6	38.4	37.2	36.2	30.4	28.6	40.6	41.0
Drawing-frame tenders.....	39.6	35.5	35.1	35.1	29.3	25.9	38.3	39.2
<i>Females</i>								
Weavers.....	48.6	42.8	41.8	42.6	33.1	28.0	42.6	43.5
Drawers-in, hand.....	44.5	42.3	40.3	40.6	32.0	33.6	43.6	43.1
Spooder tenders.....	44.2	39.5	38.0	36.3	32.1	24.9	39.8	40.4
Warpers.....	44.3	40.4	37.7	36.0	29.8	28.4	39.2	40.0
Spinners, frame.....	42.5	37.0	35.9	34.9	27.7	23.6	37.3	37.8
Drawing-frame tenders.....	35.1	31.7	31.3	32.4	25.6	24.0	35.6	35.4
Creelers.....	32.9	29.1	28.0	29.0	24.9	24.6	33.6	34.6
Spooler tenders.....	39.0	31.8	30.7	29.2	25.2	22.3	36.4	38.0
Trimmers or inspectors.....	31.9	27.9	27.0	27.9	22.3	21.4	33.3	33.5
South Atlantic and Alabama								
<i>Males</i>								
Loom fixers.....	41.6	39.5	39.9	42.0	35.5	32.3	49.8	50.7
Slasher tenders.....	33.4	31.7	32.3	32.4	27.9	(1)	(1)	(1)
Warp-tying machine tenders.....	37.5	36.1	35.9	37.1	31.0	24.9	42.4	43.4
Card grinders.....	37.8	35.4	35.8	36.2	31.4	27.1	44.2	44.4
Weavers.....	35.9	33.2	34.1	34.9	28.9	23.8	39.6	40.3
Slubber tenders.....	33.1	31.2	31.7	32.1	26.4	21.1	37.2	37.4
Spooder tenders.....	33.0	31.3	31.7	32.0	26.0	21.5	36.5	36.7
Card tenders.....	26.8	25.3	26.0	26.4	21.8	19.1	32.4	32.5
Doffers.....	28.4	27.4	28.0	28.7	23.5	19.6	34.5	35.0
Picker tenders.....	24.4	24.4	23.2	23.9	20.5	17.1	30.9	31.3
Drawing-frame tenders.....	26.8	25.8	26.2	26.1	21.5	19.2	32.7	33.7
<i>Females</i>								
Weavers.....	31.3	29.8	30.8	31.9	27.3	21.5	38.6	38.4
Drawers-in, hand.....	28.1	27.7	29.7	29.8	24.0	23.0	38.3	39.4
Spooder tenders.....	29.6	27.5	28.5	28.3	24.2	19.6	34.5	35.3
Warpers.....	29.8	27.3	27.1	28.6	22.9	19.4	29.0	33.3
Spinners, frame.....	23.4	22.2	22.8	22.5	18.5	16.2	32.2	32.0
Drawing-frame tenders.....	20.2	19.8	20.4	21.3	17.4	15.4	31.2	30.8
Creelers.....	23.0	22.7	22.1	23.3	19.2	15.8	31.6	31.0
Spooler tenders.....	22.1	20.6	20.9	22.7	18.8	16.1	32.7	33.3
Trimmers or inspectors.....	20.3	20.2	20.8	20.9	18.2	15.9	31.0	31.0

Source: Monthly Labor Review--May, 1935, Department of Labor

95215

Average Hourly Earnings of Loom Fixers (males)  
in Cotton-Goods Manufacturing in New England  
and South Atlantic States, 1924 - 1934



Average Hourly Earnings of Weavers (females)  
in Cotton-Goods Manufacturing in New England and  
South Atlantic States, 1924 - 1934

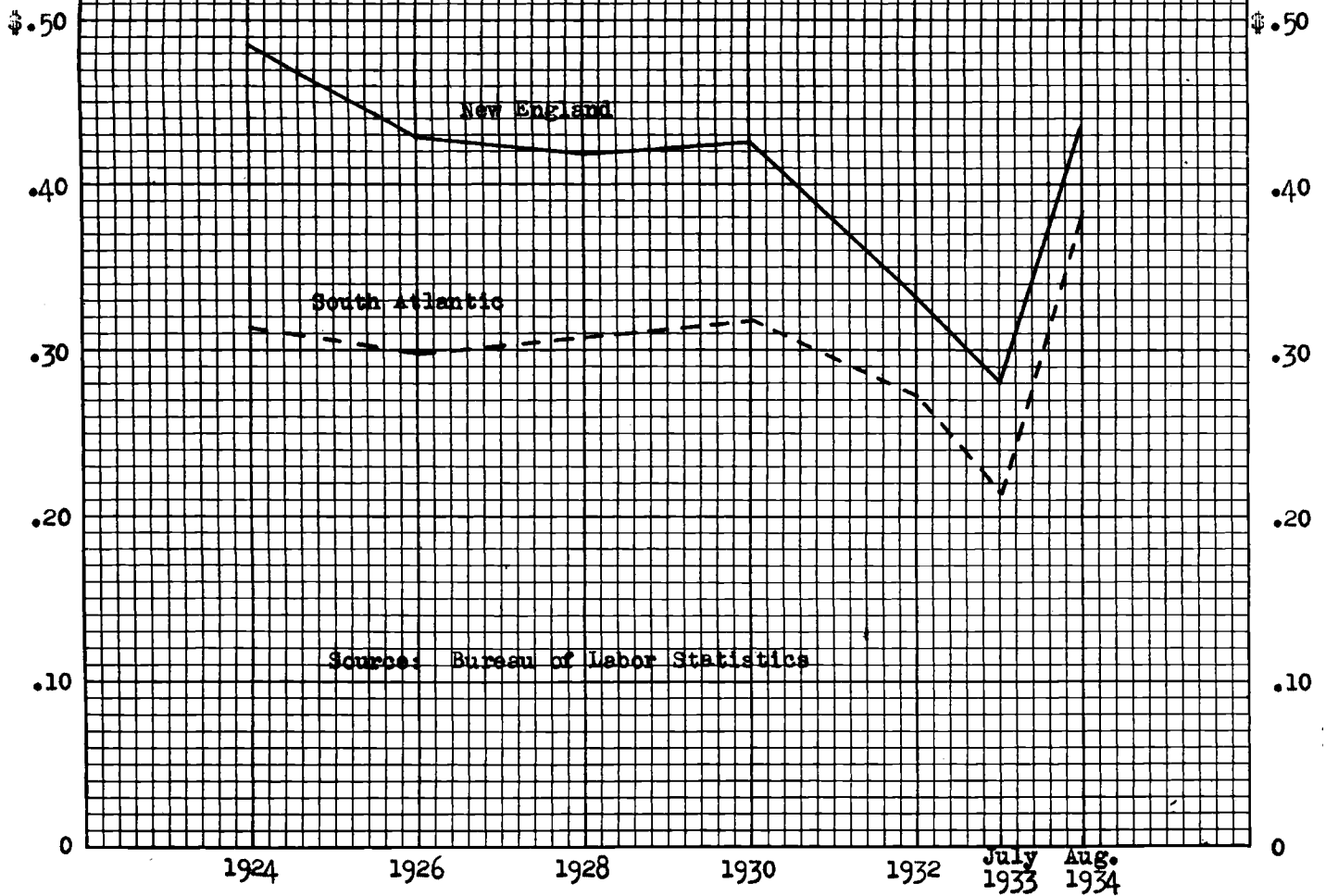


Table 2.—Ratio of Average Hourly Earnings in New England to those in South Atlantic States, by Occupations

Occupation	Sex	Average ratio 1920-32	1912	1913	1914	1915	1916	1917	1918	1919	1920	1921	1922	1923	1924	1925	1926	1927	1928	1929	1930	1931	1932	July 1933	August 1933	August 1934
Slasher tenders.....	Male.....	164.8	166.0	175.6	182.2	189.1	188.0	159.7	181.9	184.7	170.0	158.5	153.3	154.4	(1)	(1)	(1)									
Spinners, frame.....	Female.....	159.0	140.1	144.1	141.1	171.2	162.4	134.2	168.7	181.6	166.6	157.4	155.1	149.7	145.7	115.8	118.1									
Picker tenders.....	Male.....	158.3	-----	-----	-----	-----	-----	140.2	172.1	178.6	157.3	160.3	151.4	148.2	167.3	131.4	131.0									
Card tenders.....	do.....	157.6	127.6	125.8	125.6	142.6	154.3	138.7	168.5	173.5	164.4	155.7	152.2	150.4	150.8	125.6	128.3									
Loom fixers.....	do.....	149.4	146.8	144.0	148.8	163.7	165.8	133.7	160.1	166.1	157.9	150.3	139.2	139.7	143.3	126.7	128.0									
Slubber tenders.....	do.....	148.8	-----	-----	-----	157.6	164.0	127.5	152.0	167.6	159.6	147.6	145.1	142.0	146.0	125.3	131.3									
Spooler tenders.....	Female.....	148.1	-----	-----	-----	166.3	162.5	130.9	166.0	176.4	154.3	146.8	128.6	134.0	138.5	111.3	114.1									
Drawers-in, hand.....	do.....	144.5	-----	-----	-----	161.8	172.8	133.2	162.2	158.3	152.7	135.6	136.2	133.3	146.1	113.8	109.4									
Doffers.....	Male.....	141.2	-----	-----	-----	166.6	147.1	118.7	154.4	159.5	145.6	140.3	134.4	135.3	137.8	120.9	125.1									
Warp-tying machine tenders.....	do.....	139.8	-----	-----	-----	-----	-----	127.5	148.1	156.0	146.8	138.7	132.0	129.3	140.6	113.2	115.4									
Trimmers or inspectors.....	Female.....	137.4	145.5	136.9	140.6	158.0	152.5	125.1	155.9	157.1	138.1	129.8	133.4	122.5	134.6	107.4	108.1									
Warper tenders.....	do.....	136.1	-----	-----	-----	139.2	144.3	121.9	139.6	148.6	147.9	139.1	125.8	130.1	146.4	135.2	120.1									
Card grinders.....	Male.....	135.6	-----	-----	-----	-----	-----	117.0	146.2	150.5	143.2	137.9	132.0	122.6	126.2	109.3	113.5									
Weavers.....	Male and female.....	133.2	128.9	126.4	125.5	143.2	147.7	114.8	143.7	149.2	140.2	132.0	131.6	120.7	126.3	110.4	110.6									
Drawing-frame tenders.....	do.....	131.0	-----	-----	-----	-----	-----	106.3	136.8	142.9	134.5	131.4	134.1	130.7	130.3	112.9	112.3									
Creelers.....	Female.....	129.1	-----	-----	-----	-----	-----	114.3	135.2	143.0	128.1	129.4	124.4	129.6	155.7	106.3	111.6									
Speeder tenders.....	Male and female.....	128.8	-----	-----	-----	-----	-----	112.0	140.5	139.6	133.8	126.4	121.8	127.6	122.6	113.3	114.6									
Weighted average <sup>1</sup> .....	-----	-----	137.7	137.4	137.4	158.7	157.5	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----								
						160.2	157.4	128.2	158.9	-----	-----	-----	-----	-----	-----	-----	-----	-----								
								126.7	157.1	164.3	151.7	143.6	139.0	125.8	138.5	115.9	117.6									

<sup>1</sup> Included under "Weavers."<sup>2</sup> See footnote 4 on p. 1172.

Source: Monthly Labor Review—May, 1935, Department of Labor

[fol. 998]

## PLAINTIFF'S EXHIBIT 74-D

## Wage Differential Between North\* and South\* in Bituminous Coal Mining and Cotton Textile Industries

	Ratio of Average Hourly Earnings in North to Those in South	
	Bituminous Coal Mining	Cotton Textile
1918.....	.....	157.4
1919.....	115.2	.....
1920.....	.....	126.7
1922.....	109.2	157.1
1924.....	126.6	164.3
1926.....	128.4	151.7
1928.....	.....	143.6
1929.....	114.8	.....
1930.....	.....	139.0
1931.....	119.9	.....
1932.....	.....	125.8
1933—February.....	122.5	.....
1933—July.....	.....	138.5

\*States represented in bituminous coal mining comparison are:

North—Illinois, Indiana, Ohio and Pennsylvania.

South—Kentucky, Virginia, West Virginia.

State represented in cotton textile comparison are:

North—New England States.

South—South Atlantic States and Alabama.

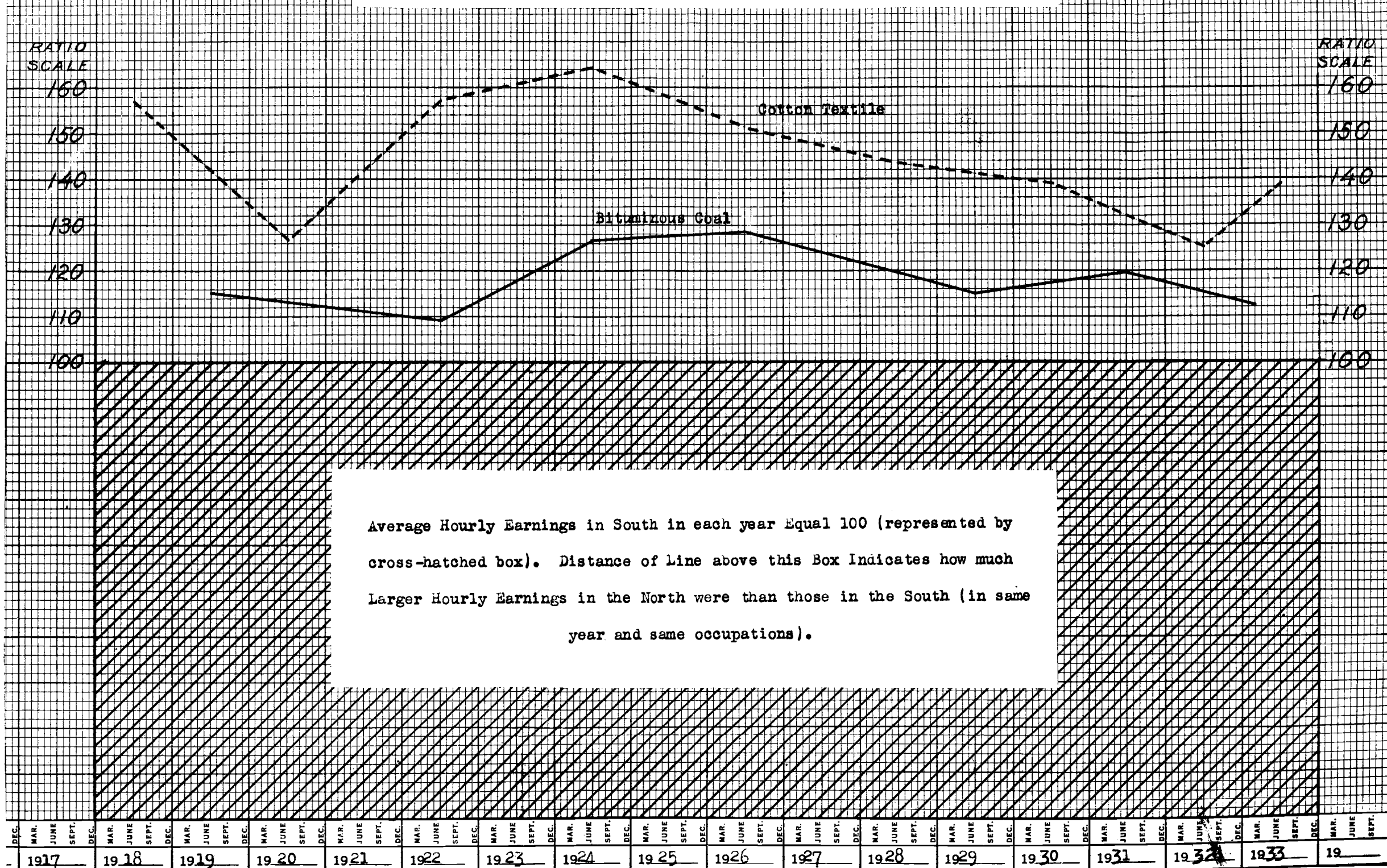
Source: "Historical Review of Wage Rates and Wage Differentials in the Cotton Textile Industry," Monthly Labor Review, May, 1935.

Wage differentials in bituminous coal mining calculated from Defendants' Exhibit 32-A.

(Source: Bureau of Labor Statistics.)

(Here follow Plaintiff's Exhibits 74-E, 75, 75-A, folios 999,  
1000, 10001.)

Ratio of Average Hourly Earnings in North to those in South,  
Separately for Bituminous Coal Mining and Cotton  
Goods Manufacturing, 1918 - 1933



Plaintiff's Ex. 75

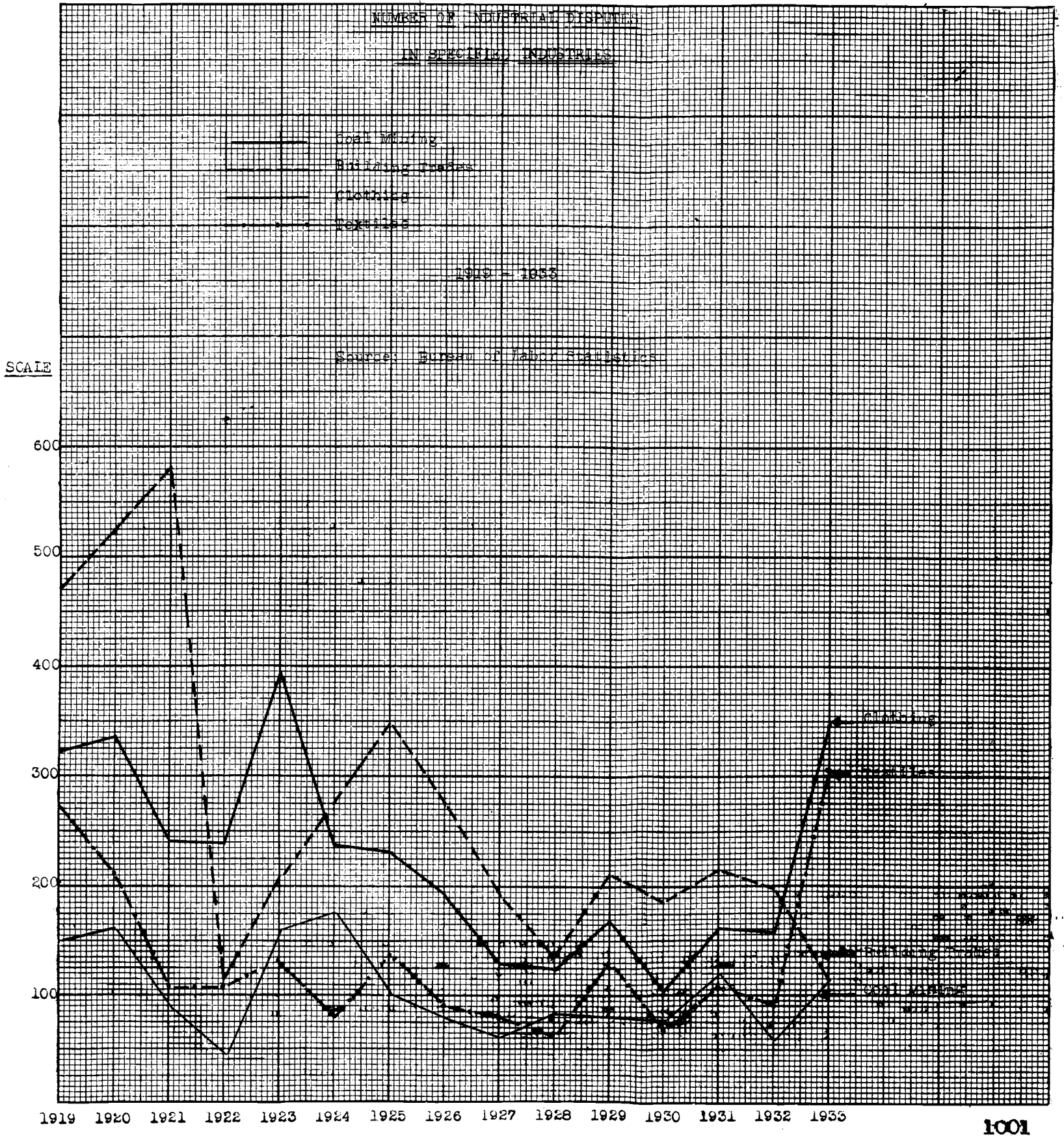
NUMBER OF DISPUTES IN SPECIFIED INDUSTRIES, 1919 to 1933

<u>Industry</u>	<u>Number of disputes</u>														
	<u>1919</u>	<u>1920</u>	<u>1921</u>	<u>1922</u>	<u>1923</u>	<u>1924</u>	<u>1925</u>	<u>1926</u>	<u>1927</u>	<u>1928</u>	<u>1929</u>	<u>1930</u>	<u>1931</u>	<u>1932</u>	<u>1933</u>
Building trades	473	521	583	113	208	270	349	272	194	134	212	186	215	199	113
Clothing	322	336	240	240	395	238	231	194	129	124	169	103	162	157	347
Furniture	35	26	17	4	12	35	56	46	41	25	32	19	31	22	57
Iron and steel	76	25	25	10	10	7	7	2	2	2	3	3	5	4	10
Leather	27	32	26	17	17	5	5	11	12	5	11	5	14	4	36
Lumber	46	38	25	10	19	6	9	3	3	7	3	3	11	4	12
Metal trades	581	452	194	83	113	58	48	75	19	28	53	28	24	15	91
Mining, coal	148	161	87	44	158	177	100	78	60	83	77	76	119	57	113
Mining, other	28	22	8	5	1	1	4	-	-	-	-	-	-	-	-
Paper manufacturing	47	39	42	12	16	6	6	10	1	2	3	2	1	6	11
Printing and publishing	71	83	506	56	19	12	14	9	22	10	8	11	14	22	17
Shipbuilding	109	45	20	4	6	1	-	-	-	2	1	-	-	-	3
Slaughtering, meat cutting and packing	74	42	30	6	11	14	2	5	5	4	3	-	-	-	11
Stone	13	29	34	61	15	15	17	11	4	8	2	5	6	6	8
Textiles	273	211	114	115	134	80	139	90	80	65	130	67	106	92	315
Tobacco	58	38	19	13	16	12	4	14	3	2	5	2	10	2	21
Transportation, steam and electric	191	241	37	67	31	18	7	8	1	3	5	3	-	1	-

Source: BUREAU OF LABOR STATISTICS



Plaintiff's Exhibit No. 75-A





[fol. 1002]

## PLAINTIFF'S EXHIBIT 76

## Average Number of Days Worked and Days Idle, by Causes, in Bituminous Coal Industry, 1913-1933

## Average number of days idle, by causes

Year	Ave. No. of days Worked	All Causes	Strikes, suspensions and lockouts	No market, car shortage and similar difficulties
1913.....	232	76	5	71
1914.....	195	113	19	94
1915.....	203	105	4	101
1916.....	230	78	4	74
1917.....	243	65	4	61
1918.....	249	59	1	58
1919.....	195	113	25	88
1920.....	220	88	6	82
1921.....	149	159	3	156
1922.....	142	166	78	88
1923.....	179	129	2	127
1924.....	171	137	7	130
1925.....	195	113	2	111
1926.....	215	93	1	92
1927.....	191	117	45	72
1928.....	203	105	8	97
1929.....	219	89	*	89
1930.....	187	121	2	119
1931.....	160	148	3	145**
1932.....	146	162	19	143**
1933.....	167	141	9	132**

\*Less than one-half day.

\*\*Identified merely as "other causes" in reports of Bureau of Mines for 1930 on.

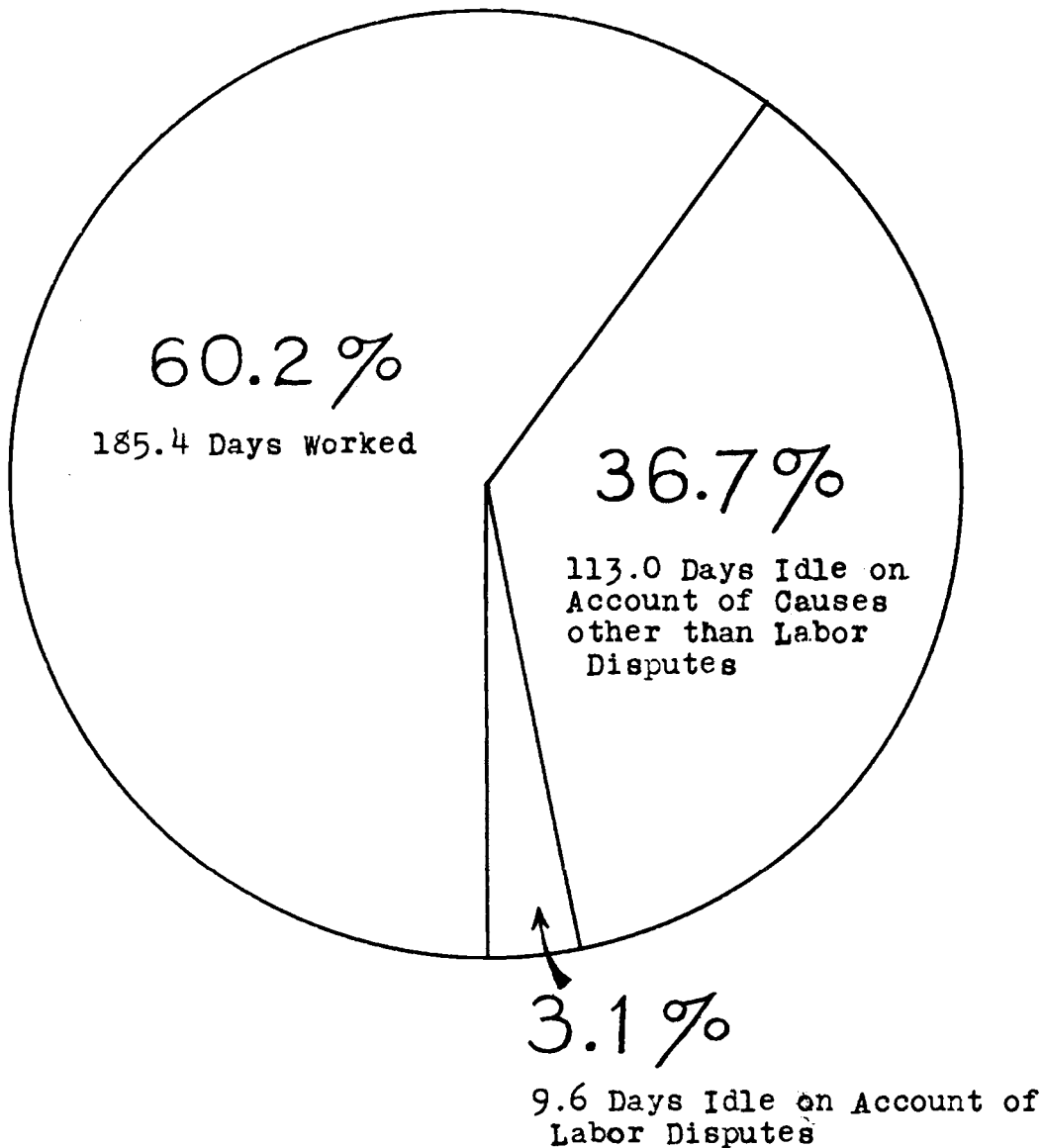
Source: Bureau of Mines.

Source: Figures for years prior to 1931 from Table 5, page 620 of "Coal in 1930," figures for 1931 and later years from Table 1 of annual reports of Bureau of Mines on coal.

(Here follows 1 drawing, folio 1003.)

Percentage of Potential Working Time that  
Bituminous Coal Miners Worked and were Idle,  
By Causes, Annual Average, 1924 - 1933

Potential Working Time in Bituminous Coal Mining is  
Assumed by Bureau of Mines to be 308 days per year



Source: Compiled from reports of Bureau of Mines

[fol. 1004]            PLAINTIFF'S EXHIBIT 76-B

Average Number of Days Worked and Days Idle, by  
Causes, in Bituminous Coal Mining, 1924-1933

	Annual average, 1924-1933	
	Number	%
Days worked .....	185.4	60.2%
Days idle on account of labor disputes...	9.6	3.1
Days idle on account of other causes *...	113.0	36.7
	<hr/>	<hr/>
Potential working time, in days **...	308.0	100.0%

\* Such as no market, car shortage and similar difficulties.

\*\* Bureau of Mines assumes potential working time in bituminous coal mining during years represented above to be 308 days per year.

Source: Compiled from reports of Bureau of Mines.

(Here follows chart, folio 1005.)

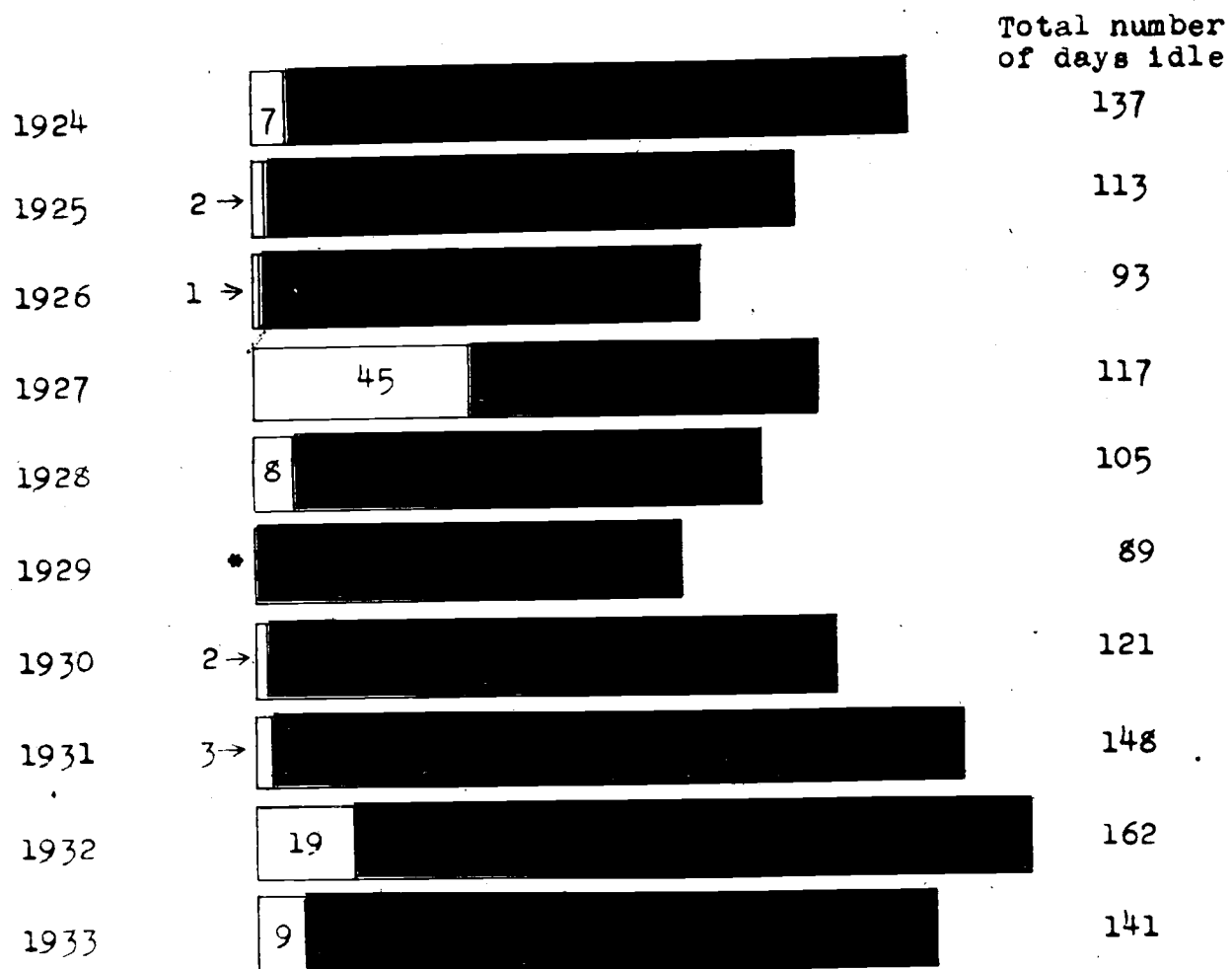
Plaintiff's Exhibit No. 77

Average Number of Days Idle  
per Man Employed, by Causes,

1924 - 1933

Bituminous Coal Mining

On account of strikes, suspensions and lockouts  
On account of other causes, such as no market,  
car shortage and similar difficulties



\*Less than one-half day idle on account of strike

1005

SOURCE: Bureau of Mines.

958A



[fol. 1006]

## PLAINTIFF'S EXHIBIT 77-A

## Percent Days Idle Each Year Due to Strikes Is of Total Days Idle in Bituminous Coal Mining, 1924-1933

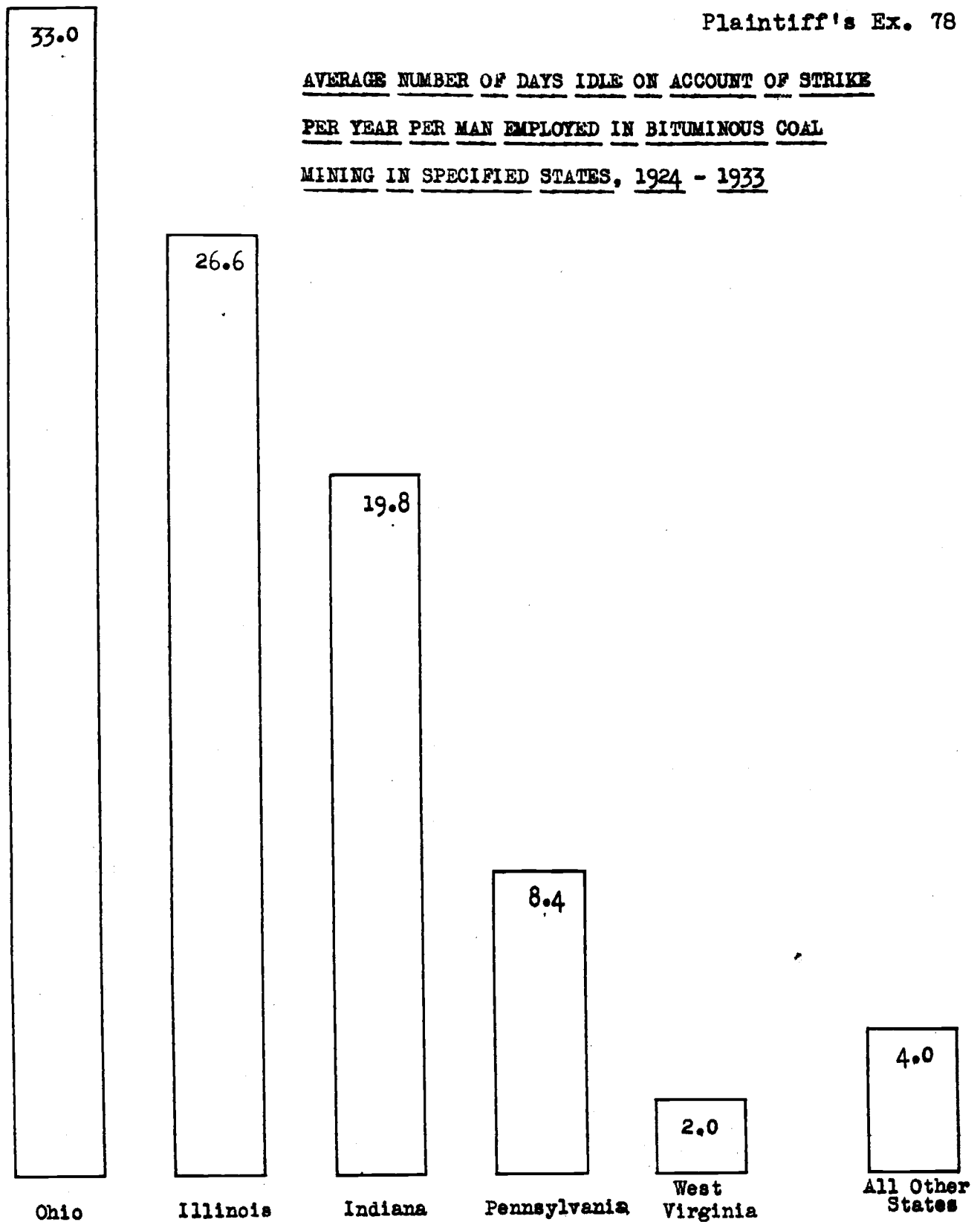
Year	Average Number of days worked	Average number of days idle		% of Days Idle Due to:		
		All Causes	Strikes	Other Causes	Strikes	Other Causes
1924.....	171	137	7	130	5.11%	94.89%
1925.....	195	113	2	111	1.77	98.33
1926.....	215	93	1	92	1.08	98.92
1927.....	191	117	45	72	38.46	61.54
1928.....	203	105	8	97	7.62	92.38
1929.....	219	89	*	89	*	100.00
1930.....	187	121	2	119	1.65	98.35
1931.....	160	148	3	145	2.03	97.97
1932.....	146	162	19	143	11.73	88.27
1933.....	167	141	9	132	6.38	93.62

\*Less than one-half day.

Source: Compiled from reports of Bureau of Mines.

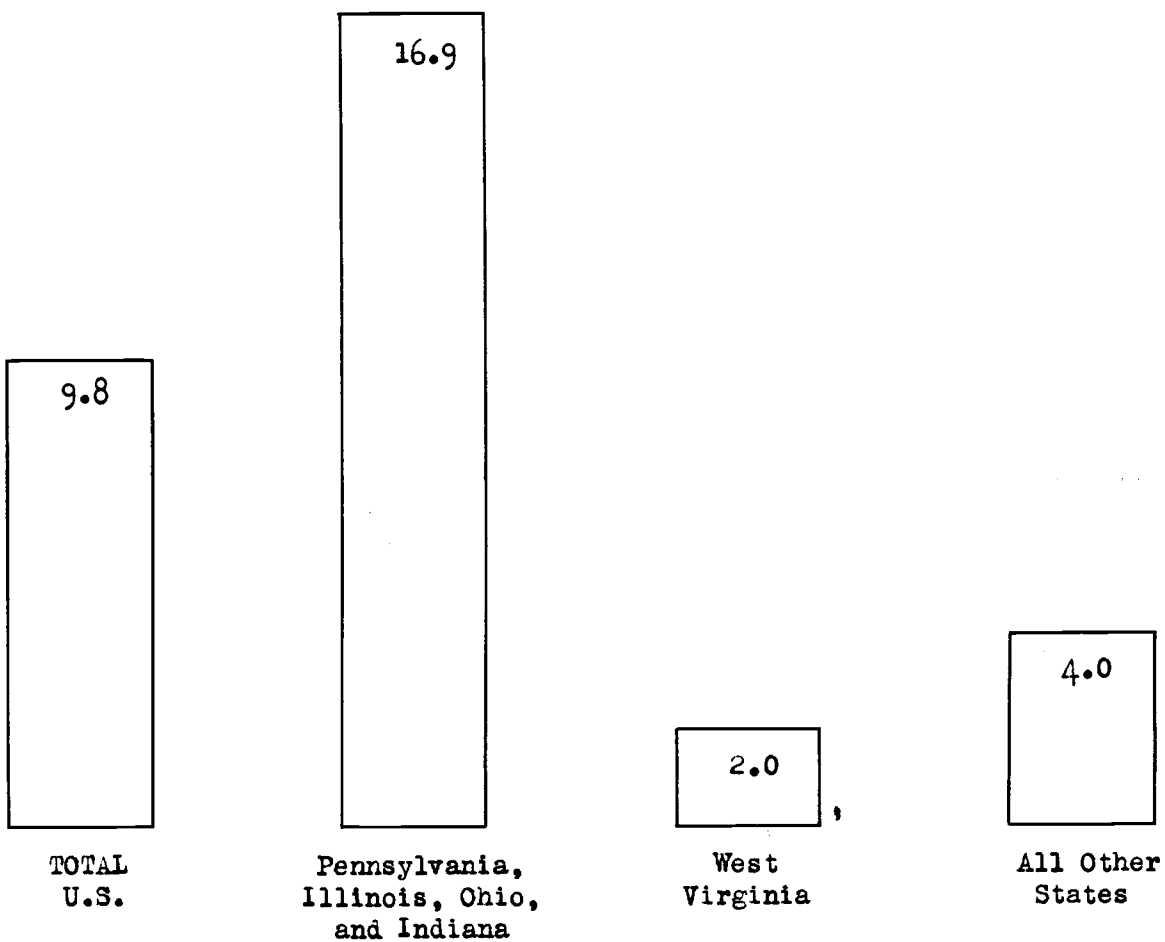
Source: Percentages were calculated from actual number of days idle by causes. Source of data on actual number of days idle in 1930 and prior years is Table 5, page 620 of "Coal in 1930," Bureau of Mines; data for later years from Table 1 of annual reports of Bureau of Mines on coal.

(Here follow 2 drawings, folios 1007 and 1008.)



SOURCE: Compiled from reports of Bureau of Mines

AVERAGE NUMBER OF DAYS IDLE ON ACCOUNT  
OF STRIKE PER YEAR PER MAN EMPLOYED IN  
BITUMINOUS COAL MINING, 1924 - 1933



SOURCE: Compiled from reports of Bureau of Mines