

BETWEEN THE LAWS:
INFORMAL DEFINITIONS OF JOB
AND PROPERTY RIGHTS
IN CENTRAL PENNSYLVANIA, 1870-1884

Andrew B. Arnold
Kutztown University

When the miners of Central Pennsylvania held their formal vote to strike in early November, 1872 the coal operators whose works they struck did little but fold their hands. The Central Pennsylvania region became quiet. The Pennsylvania railroad shifted its cars elsewhere. The bustle in the streets slowed. Snow covered the railroad tracks at the mouth of each mine. The sixteen operators chose simply to wait out the miners. In this, they held to the spirit of a new Pennsylvania State law that allowed coal miners' unions for the first time to require their members to strike for higher wages.¹ Managers at only one coal mining operation (headquartered in Philadelphia), decided to challenge that law. Their actions sparked a riot led by local woman activists and a trial for criminal conspiracy against male participants. To focus on these events in the winter of 1872-1873 will be to explain the productive world of coal as coal miners and operators understood it at the time, and why the operators responded as they did. It will highlight a period before the

Panic of 1873, when the answer to the question of where the rights of workers ended and the rights of employers began was far less certain than it would become.

Coal miners' unionism prior to the Panic of 1873 existed more in the mines and mining towns than in any union headquarters. It was a fluid, organic activism that coalesced during strikes and other crises, and then faded away afterwards. It was in mass meetings, in marches, crowds, ad hoc committees, and the collectively-organized processes of getting coal out of the ground. The wives and daughters of the miners played a vital role in this system. It was the miners' wives who managed the scarce financial resources of their families, did the strenuous work of housekeeping, and took in boarders to make ends meet. Women in the coalfields also retained a moral authority and legal ambiguity that allowed them to intervene in the relationship between their families and the industry. Outside of formal unions, miners and their families enforced community norms that held no standing in any court of law. Informal direct action would remain a constant spur and irritant in relations between union leaders, operators and miners. Even at the turn of the century, when United Mine Workers of America leaders achieved the barest legal status, operators would continue to complain bitterly when the national union failed to prevent local wildcat strikes or disruptive community activism.² In 1872, traditional work processes and community norms defined rules of engagement between miners and operators as much as the union or formalistic legal precedent. To understand unionism at this moment, then, is to understand not only the law, unions, or class consciousness, but the mess they made when they met on the ground – and under it. It is to understand that at this time, in this place, coal mining and coal miner communities were inseparable from coal mining unionism.

Indeed, the history of unionism in the coalfields demands just this sort of distinction between formal right and informal practice; between the persistent efforts of courts to eviscerate pro-labor legislation and the equally persistent efforts of union activists to evade the consequences of such judgements. Local labor activists successfully wielded a variety of tactics to slip the grasp of judge-made law. Central Pennsylvania coal miner activists withstood a legal attack that included roughly sixteen prosecutions of more than one-hundred defendants for criminal conspiracy – the crime of organizing unions – between the first arrest in 1869 and the last in 1882. None of these cases was appealed. None was precedent-setting. Only two were known

outside of the region. Between the formal law of legislatures and judges, community unionism survived.

In January 1869, the Tyrone & Clearfield railroad reached north from the Pennsylvania Railroad to firmly connect Clearfield County, Pennsylvania with Philadelphia, New York, and other East Coast markets. Previously, the Susquehanna River had provided a far less certain link between Clearfield and outside markets. It was an unreliable, seasonal highway at best, whose watershed nevertheless defined the pre-railroad commercial limits of the county. Travelers from New York descended along the North Branch of the Susquehanna, past Scranton and Wilkes-Barre, or north from the river's mouth near Baltimore on the Chesapeake, and past the state capital at Harrisburg. From either north or south, travelers then headed up the West Branch of the Susquehanna, past Williamsport, through the great front of the Appalachians, into Clearfield. Loggers and farmers peddling their wares traveled the same route downstream, from tributaries in Clearfield to the sawmills in Williamsport, or down river as far as Harrisburg.

From 1850 to 1870, logging was king on the west branch. Every year, loggers worked through the winter to fell the tall white pine, strip the bark, and skid it to rough and tumble racks on the banks. Safely tucked behind the mountains, the West Branch watershed was one of the rare East Coast regions that had yet to be stripped of its virgin timber. Up to 1850, small-scale loggers took advantage of the lumber trade to float rafts of roughly squared timber downstream. Farmers even neglected their fields for a time in pursuit of this new cash crop. After 1850, however, large-scale loggers imported the method of mass log drives from Maine and Quebec. They monopolized the spring flood, made logging big business in Clearfield, and drove farmers back to their crops.³ Mass log drives financed the lumber barons who provided the initial local financing for the railroad.⁴ By 1867, the railroad would lapse into bankruptcy and then be acquired by the Pennsylvania Railroad. Soon, the region would be known more for coal than for lumber.

In 1869, the Pennsylvania state legislature passed its first law intended to end criminal prosecutions for the common law offense of forming unions and calling strikes. The first law granted workers the right to "form societies and associations for their mutual benefit." At the insistence of Pennsylvania state Senator Thomas J. McCullough, the law excluded his district, the new Central Pennsylvania coal mining counties of Clearfield and Centre.⁵

McCullough argued that the "region was on strike" and that without such an exemption, the law would reward the miners who were even then "tearing down houses and murdering people." He exaggerated. Court records and newspapers at the time reveal no great outpourings of violence. The *Tyrone Herald* had noted an account of miners who "ku kluxed" the dwelling of a non-striker in November 1868, and a "fracas" in which a man was shot in connection with a strike in February 1869.⁶ But McCullough was responding to a relatively peaceful strike called in March 1869.

The previous fall, Darius Ellsworth, editor of the *Philipsburg Journal* located along the line between Centre and Clearfield, had agreed to print up the constitution, bylaws, and odes of a new coal miners' union called the United Sons of Liberty. He swore an oath not to reveal the society's secret ceremonies. The only mention of the union in Clearfield newspapers during the fall was a cryptic reference to successful strikes at a number of mines in the mountains South of town.⁷ In March, however, the union ordered a strike throughout the region, and Clearfield officials made charges of criminal conspiracy against thirteen men, including miner John Malee, who received the heaviest fine from Judge Charles Mayer. There is little evidence to establish exactly what these men had done to precipitate their arrest. Though charges of conspiracy generally required some illegal act, the evidence (or lack of it) suggests that the men were arrested for what the *Philipsburg Journal* described as a "technical" violation of the law; that is, for the crime of belonging to an organization that was attempting to raise wages.⁸

The arrest of the miners put editor Ellsworth in an awkward position, and he struggled to explain his relationship to an outlaw organization. Ellsworth argued that his was a purely business relationship that had taken place before the union engaged in any illegal activities. But Judge Mayer ruled a few months later that the United Sons of Liberty was an outlaw organization even before it ordered any strikes. For Mayer, the very fact that the miners had associated to affect their wages put them afoul of the law. The union was a conspiracy even as Ellsworth printed up its materials.⁹

Ellsworth was not the first to be confused by the scope of British common law regarding unions. That scope was only partially settled in *Commonwealth vs. Hunt*, the famous 1842 opinion that drew the first era of criminal conspiracy doctrine in this country to a close. In this case, Judge Lemuel Shaw used the common law conspiracy doctrine to finess the main problem: the confusing judicial record in the Common Law made it difficult, if not impossible to untangle local British statutes (which he argued did not apply in

America) from common law precedents (which he argued did apply in America). Shaw reaffirmed the general common law prejudice against all labor combinations. He insisted merely that indictments specify how such a combination engaged in illegal means or enabled illegal ends.¹⁰ Instead of long arguments over the provenance of common law, Shaw directed prosecutors to concentrate on whether people involved in conspiracies intended to achieve illegal ends or legal ends through illegal means. Nevertheless, as shown by events in Clearfield, the careful parsing of *Commonwealth vs. Hunt* barely penetrated the hinterlands of coal mining.

In 1869, Clearfield miners responded to the arrests, not by giving up their strike but by continuing in marches and mass meetings. Town officials were far from resolute or consistent in enforcing the common law's prohibition against all labor organization. On Friday, April 16, 150 miners marched two abreast from the town of Osceola at the center of the mining region, just north along the railroad tracks to the Powelton and Enterprise mines. There they successfully and peacefully called the men out. There is no mention of exactly how they accomplished this. They may have intimidated them through force of numbers. But the newspaper reports suggest that they simply "dissuaded" the men from working. Reports of miners' actions the next day only reinforce the impression that they were relatively peaceful in their object and method. On Saturday, the miners descended a few more miles north and west to the Derby and Nuttal mines, where mining superintendents refused to allow them to assemble the men at work. According to the *Philipsburg Journal*, the miners then dispersed. The *Journal* opined that it would have been "imprudent" for the miners to have engaged in violent demonstrations and the miners seem to have agreed. The strike soon ended, unsuccessfully.¹¹ In June, thirteen Clearfield miners were convicted of criminal conspiracy for the crime of joining the union.¹² John Malee received the most severe sentence: three months in the county jail, and a twenty-five-dollar fine.

In 1872, the legislature passed a law that more closely defined the right of workers to form unions in order to raise wages and to call strikes. But again, a legislator from central Pennsylvania, state Representative John Lawshe, offered up a key amendment. Lawshe insisted that the law not protect workers who "hinder[ed]" men from working if they so chose. Lawshe's amendment mirrored the reasoning of judges in conspiracy cases. Workers had the right to associate, but not to enforce union strike decisions on those who chose to defy them. Nevertheless, the new statute seemed to

give union activists rights denied in Mayer's ruling. The law of 1872 stated that workers had a right to collectively make rules that included calling a strike.

In addition to this new legislation, the coal miners were also armed with a new sort of unionism. In 1872, the miners of central Pennsylvania organized again, this time as the Miners' and Laborers' Benevolent Association, also called the Workingmen's Benevolent Association. The WBA was originally based in the eastern Pennsylvania anthracite region. There, under the leadership of John Siney, it attempted to manage the hard coal trade. Siney developed the first real administrative purpose to unionism outside of managing strikes or craft. He sought to manage the entire anthracite coal industry through miners' control over production levels. As Siney's efforts in anthracite attracted the wrath of Reading Railroad president Franklin Gowen (who wished to control anthracite production levels himself), many WBA members and officers had moved west to central Pennsylvania. They brought with them their union and the excitement of a new idea.¹³ By summer of that year, the Clearfield miners had organized themselves into a regional union with the same ambitions as the WBA. By fall, they were on strike.

In the middle of December 1872, four weeks into the strike, editor S.J. Row of the Clearfield *Raftsmen's Journal* printed "A Warning to Strikers" which offered an interpretation of the legal limits to worker activism. To illustrate his point, Row followed the warning with an article that had appeared in the *New York World* only a week earlier. During a New York carpenter's strike in the summer of 1872, two strikers had confronted a brother carpenter for working below the union price. When he refused to stop working, they threw his tools out into the street and forced him from the shop. Where one of them shot him through the cheek. The striker accused of firing pleaded innocent to charges of felonious assault. Without precisely saying so, the prosecutor relied upon common law conspiracy doctrine to make his case: the strike should be an aggravating factor in the jury's deliberations, he argued, not a mitigating factor, as the defendant seemed to believe. This assault in the midst of a strike was not just a crime against a single man but "a great offense... against... the rights of the whole people." The New York jury retired for half an hour before returning a verdict of guilty, but with a recommendation of mercy. The judge agreed more with the prosecutor's view than with the jury's. He gave the defendant the maximum sentence allowed: seven years at Sing Sing Penitentiary.¹⁴ In reprinting the article, Row clearly meant for Clearfield's strikers to accept the message intended by the New

York District Attorney and the judge in the case; strikes should not be seen as the exercise of freedoms, but as attacks on the rights of all non-striking workers. When it was printed, however, this was still a moot issue in central Pennsylvania – no operators had acted on their implicit right to hire any individuals they chose.

Edward McHugh, regional manager of all R.H. Powell coal mines, was possibly inspired to action by the article (if he did not write it himself).¹⁵ Soon after the article appeared, he decided to test the limits of the strike. He instructed his subordinate, Powelton mine superintendent David Shorthill, to bring any willing strikebreakers to Sterling. Shorthill found sixteen relatives, local businessmen, and a few experienced miners willing to defy the strike vote. On 23 December, 1872, he took them on the train to Sterling.¹⁶ When McHugh brought strikebreakers from his Powelton mine to the small central Pennsylvania mining town of Sterling in Clearfield County – just two days before Christmas 1872 – the result was a running battle, gunplay, and charges of riot and criminal conspiracy against twenty-seven men and women of the town. When word of the riot arrived in the county seat, union leaders denied all involvement. Union members, they said, had peacefully ceased work five weeks earlier, as was their right explicitly laid out in the new state law. The rioters, they claimed, were a secret group of Irish terrorists– the Molly Maguires. As evidence, they pointed to the quiet conduct of the strike up to that point and the peacefulness of a far longer strike in the nearby town of Morrisdale. But as they also knew, the riot had required neither a mysterious cabal nor union involvement. It was predictable.¹⁷

In denying involvement, union leaders were simply responding to what has remained a classic dilemma of American unionism. Union leaders have had to explain away the union's relationships to the close combat of strike tactics and at the same time maintain all of their relationships – with businessmen, political leaders, and union members in scattered communities. In this case, the Molly Maguires were more important to union leaders as a useful myth than a credible historical agent.¹⁸ Blaming the riot on the Molly Maguires helped distance union leaders and the institution of the union from illegal strike tactics. Had union leaders admitted a connection to the rioters or failed to offer the Molly Maguires as an alternative, fallen version of themselves, they could have left themselves open to arrest for conspiracy as well. Had they argued for the sheer spontaneity of the riot or even that the rioters had been defending valid community norms, they would have put in doubt the union's very stock in trade with operators and civil authorities: its ability

to represent Clearfield miners, and to shepherd them through an orderly process of negotiation.

Until McHugh acted, the new 1872 law seemed to effectively protect union leaders against prosecution for criminal conspiracy. It was not at all clear that the legal precedent against "hindering" workers created an immediate contradiction between building a legal role for unions and enforcing strikes against strikebreakers. For the first five weeks of the strike, there was no one to hinder. The new law gave union members the right to vote themselves on strike. It made no mention of strikebreakers. Operators imported no new men, nor did any men choose to come on their own.

For the miners of Clearfield, Row's warning was therefore irrelevant until Shorthill and McHugh broke the rules that both operators and miners had lived by. The two operators were attacking the commonly understood relationship between workers and their jobs. These were not just jobs to be filled by any man who chose to work (as common law doctrine implied); these were particular jobs owned by particular men – or at the least, a particular set of jobs owned by the men of the community. As one of Shorthill's men later admitted, "Miners generally take a room... As long as the tools are in a place no miner will go in to work there. [The] rooms are considered to belong to them just as much as the houses."¹⁹ In the central Pennsylvania coalfields of 1872, it was a commonplace fact of productive life – though not a legal right – that coal miners held a sense of ownership over their workplaces, a sense of traditional responsibilities and privileges on which mine owners had come to rely. By virtue of proximity and history, mineworkers believed they had a right to contest the conditions of their employment to the point of walking off the job, while still retaining their right to that job. It was a right based more in community norms and the everyday realities of getting the coal out of the ground than in any legal doctrine. The persistence of these informal rights was rooted in the reliance of operators on the self-supervised culture of production in the mines. Although miners ultimately competed in and reacted to a world market for labor, they experienced that market in local, personal terms of kinship networks, communities, and workplaces.

In everyday practice, the operators of Clearfield accepted this arrangement. It was part of a production system that helped operators match the extreme shifts in production levels that were endemic to the industry.²⁰ Very few operators had the luxury of steady contracts. The vast majority had to be ready to produce a broad range of tonnage levels in response to sudden orders and seasonal shifts in demand. In this hand-loading era, preparedness meant

possessing a surplus of men who mined a minimum amount per man. At moments of peak demand, the operator could then quickly increase output by increasing the number of cars available for each man to fill.

Inferred ownership of specific areas or rooms gave miners an incentive to remain with a company even when there was little work. It shifted to the miners many of the risks and problems inherent in a volatile, often marginally profitable business. This early "just in time" system fit the needs of the market and of the practice of coal mining – but it also conferred an implied set of rights on coal miners that was not reflected in the law.

More than a reflection of a community sense of ownership, the idea that coal miners held a right to their jobs was also an artifact of the real productive processes in the mines. Miners were like sharecroppers or skilled tradesmen in that their product was the end result of a multi-step process, much of which was unpaid "deadwork." They did not simply dig coal, but prepared it and their workplace, propping the roof for safety, undercutting the coal, and taking up the worthless clay floor in thin veins to make a serviceable room. For another man to then take the room of a miner who was sick or on strike, to "take down" the coal that had been undercut, or to load already mined coal, would be like a landlord dispossessing a sharecropper after he'd plowed and seeded, watered and hoed. It would be like taking a weaver's loom after he had carefully set web and selvage, or finishing a machinist's roughed-out part. This responsible, multi-step mining process was part of what made miners craftsmen and preserved their ownership of places in the mine long after machinists became operatives.

Coal mine operators needed the responsible work practices of the miners. But in the midst of strikes such as that in Sterling, such informal mechanisms became more galling than useful to the managers of R.H. Powell. Shorthill and McHugh asserted a property right that in the course of normal production would have flown in the face of common sense and standard mining practice. But as Shorthill and McHugh well knew, there was little the union itself could legally do to prevent new men from working in place of those on strike. They were to find, however, that local activists were intent on preserving the prerogatives of craft and community.

Those activists recognized a set of limits, rooted less in the union's orders or the law's strictures than in the power of community norms and gendered tactics – including control mechanisms such as insult, shame, and physical assault. When Shorthill and McHugh put their men to work clearing five weeks of accumulated snow off the railroad tracks, they did so – as they

expected – under a mild hail of snowballs and insults from the men and women of Sterling. Shorthill's men dodged snowballs from small groups of women and the taunt of "blackleg" from strikers.²¹ Occasionally, individual strikers came closer and demanded that they fight "if they were men." Shorthill moved any of his workers who seemed likely to fight closer to the mine mouth and farther from the strikers.²² He kept his men a safe distance from the strikers, and interposed himself in the breach – not necessarily because his men were in danger, but because he feared they might accept the strikers' challenge. He wanted to mine coal in defiance of the union – to challenge the sense that miners held the property right to their jobs implied by the union's strike order. There was little point in fighting skirmishes.

These local residents acted as the tactical arm of the union, and their insults effectively cut through Shorthill's larger agenda to reach the strike-breakers as individuals and as men. The strikers' sentiment was clear: if you consider the blackleg label to be wrong, if you consider your actions to be defensible, you should be willing to fight to defend your actions.²³ The argument and the epithet hit home for the strikebreakers, and Shorthill held them back only with difficulty. They had something at stake here. The term "blackleg" was a deeply offensive label on its own. In addition, though, it carried implications for their permanent status within the wider coal miner community. Blacklegs and their progeny might carry such labels and ostracism for generations.²⁴ At trial months later, Shorthill's men tried to lessen the sting by dismissing these challenges as mere "bantering." They refused to consider them serious or meaningful forms of intimidation, despite the promptings of the prosecuting attorney.²⁵ Nevertheless, their strong reactions at the time suggest that the term "blackleg" and other insults carried full potency during this confrontation, undiluted by time or the strike's ultimate failure. As long as men intended to remain in the area, insult was at least a partially effective tactic of community unionism.

Shorthill and McHugh were correct: *Within* the legal parameters of the 1872 law, there was little for union leaders to do about men who defied the strike vote. They were also uncomfortably aware, however, that *outside* the union – *outside* the formal protection of the law – they were transgressors of peace and community. Still, the miners at Sterling let them know the different levels at which community norms might be violated and different levels of penalty. The strikers sprinkled their offers to fight with the more menacing notice that Sterling was "no Morrisdale." It was a warning.

Shorthill's men might clear all the snow they wanted, yelled the strikers, but they would not move a single car of coal. In Morrisdale (and Powelton), the only two area mines still at work during the strike, men mined coal without the kind of harassment strikebreakers faced in Sterling.²⁶ They defied the strike with impunity. But then, the relationship of the miners at Morrisdale and Powelton to the strike was far different than that at Sterling and the rest of the mines in the area. The reason has everything to do with the structure of the union at that time.

The formal Clearfield miners' union, similar to most local unions of this period, left little trace of its existence. There are no surviving papers or membership logs. Newspaper reports at the time omit the names of leaders. Only a bitter personal feud between at least two of the leaders of the 1873 strike that resurfaced in 1880 gives some evidence of how the union worked. One author, using a contemporary source, gives the 1873 Clearfield union the intriguing, if slightly sinister name "The Big Wheel." The name suggests the union's probable mode of organization. Coal mining unions at this time tended to be closely rooted in individual communities and workplaces. Each mine had its own pit committee. It was linked to the formal union only during crises or strikes – like the spokes of a wheel – in order to coordinate regional wage demands and to pool resources. Their organization consisted of a loose, informal confederation of men in the different mines and governed by mass meetings.²⁷

In fall of 1872, the executive committee of Clearfield met to decide whether to call a strike. Dennis White, president of the county union presided over the meeting of eight delegates, two each from: the Morrisdale Branch of the railroad, the Moshannon Branch, the Coaldale Branch, and the Mapleton Branch. White was a devout Catholic (a fact that would eventually complicate his son's participation in the Knights of Labor). He had come to the United States from Ireland in 1856, and had lived in Clearfield County since at least September of 1869. White argued against the strike at his own district meeting and was accused of cowardice. Nevertheless, his branch union board voted against the strike. He argued against it once more as the executive committee deliberated. However, the vast majority of the miners had voted to strike. When the executive committee deadlocked, Dennis White reluctantly voted with the majority of the miners. When the strike ended in failure, he left town, probably to escape the blacklist. After mining coal in Latrobe for several years,

White returned to Clearfield in the late 1870s as a Greenback Labor Party activist and opened a tavern. His son succeeded him as a union leader in the Knights of Labor and the United Mine Workers of America.²⁸

An earlier strike in the summer of 1872 in Morrisdale sparked the interest of the Clearfield union. In Morrisdale, an isolated company town north of Clearfield, miners had struck that summer over what they were convinced was a "crooked" weighmaster. Since miners were paid by the ton, this was a particularly serious charge that quickly led to confrontation. The company simply evicted the protesters. Once the miners were turned out of their houses, there was no local community to support their direct action. Nevertheless, at the end of August 1872 area miners mustered an impressive show of strength. The *Philipsburg Journal* reported a parade of 1,000 miners through the town of Osceola Mills. Twice that number gathered to hear addresses later in the afternoon. If these numbers are correct, nearly every miner in the region must have attended.²⁹ With such massive local support, the passive tactics of the strike against Morrisdale appear to have been somewhat effective. The Morrisdale company continued to have difficulty attracting miners into the fall of 1872.³⁰

But what, specifically, were the strengths of this mass organization? The mobilization of all the miners in the region into a single organization suggests that its decisions ought to have carried a legitimacy backed by substantial combined resources. There seems to have been little meaningful difference between the will of the central Pennsylvania union and the collective will of the central Pennsylvania coal miners. With the allied support of almost all the miners of the region, the union could define the context of the region's economic fortunes. It did not have to pit the workers of one mine against another; instead, it might act for the good of all area miners. Its leaders could potentially engage in negotiations with regional operators as a body and with some expectation of success. Representatives traveled from Clearfield to Maryland and other mining regions to collect donations.³¹ Tactically, however, the formal union could still do very little to enforce the strategic vision of its leaders. The union's legal legitimacy stopped abruptly outside of its ranks. If faced with men from outside the region, or men who chose to disobey its edicts, it had no legal recourse. The 1872 strike at Sterling drew new men from only a few miles away, but the miners from Powelton and those still at work at Morrisdale had never voted to join the strike. In neither town did strikebreakers try to take the places of men who had chosen to cease work, or take places that belonged to other men. In

neither town did strikebreakers directly attack the legitimacy of the miners' decision to cease work through the union. Even at Sterling, they had done little except to clear the tracks. Nevertheless, as the women and men of Sterling screamed to Shorthill's blacklegs: shoveling snow was one thing; shoveling coal would be quite another.

Unlike shoveling snow, shoveling coal signified theft to the men and women of Sterling. Despite the warnings of the previous day, on the following morning Shorthill's men took themselves another step outside the strike's implicit boundaries of peaceful engagement. They found their way to workplaces underground and spent a few hours loading two mine cars with loose coal. Miners now on strike had undercut that loose coal with their short picks. They had crawled entirely underneath the overhanging vein of coal to chip away the supporting layer of slate and had emerged black with coal dust from the bottoms of their toes to the tops of their heads. They had wedged or blasted every chunk of that coal down, cleaned off the slate, and had broken it into the large pieces that were the mark of a trained collier. The coal in those mine cars came from other men's workplaces. It came, as well, from other men's labor. Shorthill's men had now earned the label "blackleg" in what was perhaps the literal source of the term's metaphorical power. Not only did they suffer the pejorative weight of this epithet, and the comparison to diseased cattle or potatoes, but as mere loaders of other men's coal, they must also have been — for miners — suspiciously non-black above their legs.³² None of them had crawled entirely under an overhanging ledge of coal. None of them had lain on their side in the wet floor of the mine, placing elbow on knee and rapidly hacking away until the job was done and his entire body was thoroughly black. As one central Pennsylvania union leader wrote several years later: it was "the blackest kind of blackleg...who would be immensely gratified to get an opportunity of *loading their fellow-miners' coal*..."³³ McHugh recognized the ambiguous ownership status of those symbolic cars of coal by giving them to the miners of Sterling to heat their homes. By the time Shorthill's crew of strikebreakers walked out of the mine in late morning, they had most certainly worked in other men's places and had stolen from them. In the same sense that a miner might undercut a vein of coal, they had also undercut the peaceful authority of those community judgments in guiding their behavior. The weight of those judgments was about to come crashing down upon them.

Just after noon, some of the women of Sterling decided to collect the final pay still owed their husbands—an act that would sever their relationship to

the company. As Shorthill's men gathered to take the train home for Christmas Eve, a small crowd gathered in and around the nearby company boarding houses. Sarah McGowan, the wife of a Sterling miner, led the crowd through the snow to the office and walked in to collect her money. As was common practice in the coal regions, she had collected her husband's pay several times. If coal mining men were the family breadwinners, patriarchs, and union leaders, women like Sarah McGowan were its strategists for household survival. They were also the enforcers of community sanction.

Miners' wives generally expected respectable husbands to hand over, or "tip-up," the bulk of their pay, sometimes on the doorstep, in full view of the neighbors. A visitor to Pennsylvania's anthracite coal fields observed that after a Welsh miner received his pay and his "fill of beer," his remaining wages went to his wife, "who acts as treasurer with much discretion, making all the purchases of the house and transacting the business of the family." One miner who worked in the Clearfield coal mines in the mid-1890s credited his family's success in staying housed and out of debt not to his father's labor, but to his mother's financial discipline. As an editor from the Clearfield region wrote after a tour of local coal mines, "The woman of the house is 'boss' over this domain, and it is in her that the wages of the month are handed by the husband, he removing only a small pittance to treat himself and 'buddy' ... to a 'swig' or two of 'schnaps.' (sic) ... to her judgment is left all the business usually attended to by the 'man of the house.' That she exercises this in the right manner is proven by the fact that the majority of the miners give their wives this privilege."³⁴

Of course this last word provides the rub. Control over the finances was a privilege, not a woman's right men that were bound to respect. If it is too much to dub this a universal practice in the coalfields, however, it was clearly a recognized custom. The practice reinforces the idea of working-class families as functional institutions, one in which women played a decisive role.³⁵ In this sense, the cultural authority of women to manage the household money may have been an adaptation to the culture of manhood which emphasized drinking and individual daring over financial responsibility. But it also suggests that coal mining as a way of life was not centered entirely on the job of mining coal. It was also in the gardening, laundering, cooking, and managing of scarce and intermittent resources. Mining was, after all, routinely a part-time occupation. It was seasonal and vulnerable to cold snaps that froze railroads in their tracks, floods, sudden shortages of railroad cars, cave-ins, injuries, strikes, or the whim of the market. Central Pennsylvania coal

operators benefited by relying on coal miners and their families to absorb many of the risks of the business.

In the office, buttressed by a friend who had come for the same purpose, Mrs. McGowan demanded her husband's pay and announced that he would no longer work for a company that acted this way. In the relatively isolated, sparsely populated, and booming Clearfield coal economy, Mrs. McGowan's act was far more than a merely symbolic act; it was a tangible extension of community unionism. Operators could scarcely afford to sever relationships such as those between themselves and Sarah McGowan's family. Operators needed skilled miners like Henry McGowan to produce the clean, large chunks of coal demanded by their customers in the high-quality steam coal market. As important, operators need family men who could house themselves, who would buy more at the company store, and with the greater resources of wife and family, could better accept the industry's feast and famine rhythms.³⁶ As indicated by the failure of Morrisdale's managers to fill two thirds of their places in 1872, such men were difficult to come by in Clearfield. For this very reason – he wanted the miners to return to work – McHugh announced strict conditions under which he would pay off the striking men: the miners had to live in non-company housing, not owe the company any money, and they had to have removed their tools from the mine. This last point was important, since even McHugh accepted that a man's tools left in the workplace signified his ownership of that room.³⁷ The price of getting paid off, McHugh was saying, was agreeing to give up the right to your job. And there was a penalty: to give up your right to your job was to abandon any coal you had prepped for loading, and to abandon the workplace you yourself had built. Again, McHugh was raising the crucial question of the strike: Who held the power to define a man's relationship to his job?

Sarah McGowan was also being deliberately provocative. As she must have known, her husband Henry had requested that store orders and outstanding payments on his account be paid only to himself.³⁸ She knew she would be refused. Knowing his wife's plans and temperment, perhaps Henry McGowan wished to accentuate the distance between his relationship to the mine and that of his spouse. Mrs. McGowan took advantage of the fact that she was unfamiliar to McHugh and sought to confuse the issue. She and her family met all of McHugh's conditions for receiving final payment, she argued. The McGowans did not have to leave the company boarding house because they owned their own home.³⁹ Henry McGowan had taken his tools out of the mine, thus

relinquishing his claim to his workplace. The strike was no longer a matter of simply withdrawing labor in the region until the miners voted to go back to work. Evidently, the McGowans – or Mrs. McGowan at least – had decided their family would no longer associate with R.H. Powell. Sarah and Henry McGowan appear to have disagreed on this point. When the strike ended, he soon went back to work at Sterling. His relations with the company remained cordial. The “good cop – bad cop” game apparently played by the McGowans seems to have effectively attacked the company’s actions while still preserving Henry McGowan’s ability to make a living. That morning Henry was absent from the confrontation. Mrs. McGowan finally got McHugh to settle her husband’s account. He did so, but with a caveat. Unless she could get the papers to the bank in a neighboring town that afternoon, her family would have to wait till after Christmas to get their money.

For Mrs. McGowan, still acting in the dual capacity of miners’ wife and community leader, this provided proof of the company’s poor faith. She said as much to McHugh, loudly, and informed the waiting crowd. Michael Mack, a visibly drunk older miner, responded by repeating the challenge of the previous day. He stripped off his coat, stepped past her to the office door, and demanded that McHugh come out and fight. But at this point, Sarah McGowan found Mack’s efforts more annoying than useful; or perhaps she considered it past time for such semi-honorable challenges. She heaved “Old Mack” off the porch into a snow bank and stalked back into the house. She called McHugh an “old grey-headed son of a bitch” and every other epithet she could think of. In effect, Shorthill, McHugh, and his men had placed themselves beyond even the civil consideration of an honest fist fight. As her friend Mrs. Carwell said: they would not “sit down with G-d damn blackleg wh-res.”⁴⁰ Mrs. McGowan went outside. She and several other women put up a supply of snowballs and chunks of ice and lay in wait for the blacklegs to come to the train.

In the Sterling Mine office, the strikebreakers knew they were in for a difficult time. Shorthill told his men to say nothing. They were not to respond to any abuse from the strikers. He lined them up and marched them the 300 feet to the train platform. McHugh snuck around a different way. Sarah McGowan and the other women were ready with their snowballs. The women heaved snow up in the faces of the blacklegs, yanked at their coats, and shoved ice down their backs. The striking miners limited themselves to taunts and catcalls. As in the one-sided snowballing and war of words of the previous day, the women maintained a sort of buffer area between the two

sets of men. There were no serious casualties in this mock combat. Both sides floundered in deep snow and slippery ice.⁴¹ Though unpleasant and suggestive of violence, this rough treatment was still more an instrument of humiliation than of decisive battle. Nevertheless, Sarah McGowan's field generalship was a necessary corollary to the union's simple injunction not to work — an injunction otherwise enforced only by the restraint of operators, the persuasiveness of union officers, and the commitment of area miners and their families to abide by the union organization's majority vote.⁴²

But what were the strikers to do with men who so clearly flaunted community rules of conduct and standards of shame? Just as Shorthill and McHugh were more interested in mining coal than in creating physical confrontation, community leaders like Sarah McGowan were more interested in preventing them from mining the coal than in a pitched battle (They knew as well that both sides carried firearms.). Leaders on the strikers' side fought an increasingly difficult battle to keep harassment from escalating into real physical conflict. Sarah McGowan dragged Old Mack away from the railroad platform.⁴³ By this time, her husband Henry had walked to the scene and tried to quiet the crowd. Shorthill's men stood in a row on the platform. They waited silently for several difficult minutes while the men and women of Sterling harassed them with words, snow, ice, and pieces of slate. Finally, the locomotive slowed to the platform, towing its single passenger car. Several striking miners dropped off and ran toward the platform. The strikebreakers, in an unintentional parody of their blackleg status, stood marked by the white snow that covered their upper bodies.⁴⁴ Several leapt for the first part of the train that they could reach. The engine crew refused to let them stay up on the locomotive, and the blacklegs jumped down away from the platform. They ran for the open rear door of the passenger car. Confusion reigned as the train, the strikebreakers, the miners, and the women all converged. The once distinct groupings of women at the front, men at the back, and strikebreakers at a distance broke to form a mob. The strikers caught one blackleg and beat him briefly. Another clung to the railing of the rear car. Striking miners tore his pants off as he struggled to climb aboard. For the moment, the informal structure of mock battle had been replaced with genuine violence.

When the confusion ebbed, and all his men were aboard, David Shorthill put his cane on his arm, his hand on the rail, and his foot on the train's step. Michael Mack, who was now on the platform, pulled Shorthill down. When Mack and at least one other man dragged Shorthill from the train to the

ground, Shorthill drew his revolver and fired the first shot of the strike. He hit Mack in the stomach. A miner who had arrived on the train immediately raced from where he was standing and wrestled Shorthill for the gun. When another striking miner grabbed Shorthill, the first miner got the gun. As he turned to walk away, Shorthill's nephew Joseph Higgins pried open the jammed front door to the passenger car. He stepped on to the coupling, shot one man in the face, another in the back, and was aiming at a third when he was hit with either a piece of slate or a bullet. He fell, hauled himself back on board, vomited, and passed out. The conductor dragged the exhausted Shorthill on to the locomotive and ordered the train away as quickly as possible.⁴⁵

The violence at Sterling did not lose the strike for the men and women of Sterling and Clearfield – or for the union. Nor did the operators win because they were able to replace the men on strike. Neither McHugh nor any of the other operators made further attempts to import outsiders that year. The strike continued for over a month, and included the burning of the Sterling mine's main building.⁴⁶ The strike ended only with the onset of the Panic of 1873, which precipitated an agreement by district operators – and accepted by the union – that they would not only refuse a raise, but would reduce wages by an additional ten cents per ton.⁴⁷

At the June 1873 trial that followed, the judge sternly lectured the miners that they, too had recourse to the law if wronged. This must have been little comfort. The court rejected the implied defense that the union's decision to strike held a region-wide legitimacy – that a vote by the miners of a region to strike ought to end only when those same men voted to return to their places in the mines. The miners believed that their vote ought to be recognized by civic authorities, or at least that the existence of the strike conferred certain rights and duties on strikers, on operators, and on all miners who joined with the union. The miners could only defend their perceived rights outside of the courtroom and in those narrow spaces controlled by the mining community – in the gap between common and legislative law. In the court, ownership of a place underground had no formal legal standing, nor did the decisions of the union. In short, the men and women of Sterling had no effective defense in court, except, perhaps, to claim that the blacklegs had been conspicuously violent. Some individual defense witnesses made this claim. They argued – as if it were legally relevant – that Shorthill's men had flourished pistols, and that, for instance, McHugh had yelled "shoot them all

down!" at the station. While at least five of Shorthill's men were armed, the argument that they were gratuitously violent is not born out by the rest of the evidence.

The union's legal standing under the 1872 state law did not prevent R.H. Powell from importing strikebreakers. Nor did it ameliorate or excuse any illegal actions of the strikers before the law. But the 1872-1873 strike and trial conferred a measure of legitimacy on formal and informal unionism in Clearfield. Local union leaders proved that they could organize an effective work stoppage without bringing immediate prosecution from civil authorities or operators – a new accomplishment in Clearfield. They managed to elicit a strategy of peaceful discipline from area miners for three very cold months – with the brief exception of the Sterling riot. Even the trial of the Sterling miners for riot and criminal conspiracy focused not on eliminating the regional union, but on maintaining order in the community. In the week following the riot, David Shorthill swore out warrants against 27 Sterling men and women for riot and conspiracy.⁴⁸ His charge named both rioters and those who had tried to keep the peace. It included Sarah McGowan and her husband Henry, as well as Michael Mack. Its prime target was not union leadership; instead, the target was Michael Mack, an inebriated, obstreperous older miner. The eight men who were most active in the riot went to prison for a month. Sarah McGowan paid a \$25 fine and costs. The charges against her husband Henry were dropped. Michael Mack served three months in the county jail.

The women's names were crossed out on the official, hand-written conspiracy charge. The women were excluded from the charge, even when they were at the forefront of the efforts to intimidate the blacklegs. Perhaps prosecutors did not wish to admit intimidation by women. Perhaps they wished to focus the conspiracy charge on proper, civil conduct for striking miners. In any case, the gendered nature of the conspiracy charge suggests that women would continue to enjoy a wider scope of acceptable direct action than men. In this sense, women's activism might be cast as separate from the formal realm of union activism. Women such as "Mother" Jones rose in stature within the ranks of union leaders because they married community justice and union priorities without incurring all the legal risks of union activism. As with Sarah McGowan, they were tactical assets to the formal union.

The Clearfield men also widened their scope of legal union activism in this strike, riot, and conspiracy trial. In a strike two years later, both sides maintained an almost total public silence on previous events. Both sides made

little or no mention of the previous riot and trial. Union leaders insisted that they had accepted the wage concessions of 1873 as part of their role as regional boosters – only as a “loan” for the good of the region’s coal industry. The union’s loan, they argued, had come due with the return of prosperity.⁴⁹ They continued to claim the right to represent the economic interests of all Clearfield miners as a class. Indeed, this claim was not much of a stretch: evidence suggests that at times, nearly all miners in Clearfield were members of the union.⁵⁰ In 1875, operators accepted the right of strikers to demand and witness a free vote of men at work in the mine as proof that they had not been intimidated into defying the union’s strike order. Most operators, including Edward McHugh, allowed union leaders to hold strike votes in each mine. On the occasions when operators refused to allow the exercise of this democratic prerogative, they found that the disorder of community unionism lurked just below formal unionism’s veneer of civility. In one case, denied the right to demand a public strike vote among blacklegs, George McGowan, probably Sarah McGowan’s brother-in-law, led a crowd of men and women in a rush through a line of Coal and Iron Policemen that blocked their way.⁵¹ Even if coal operators did not entirely accept the union as the legitimate representative of all area miners, they did recognize the right of miners to constitute themselves into temporary democratic polities.

Even as the rich veins of formal working-class organization in Clearfield thickened and thinned over the next several years, miners and their families refused to cede the claim of the community on the workplace. A tension continued between a formal unionism that operated within the rubric of the law and informal unionism that operated under standards of the community. Operators knew that behind the negotiators of the union waited a disorderly army of McGowans. It was in part the success of that army that would eventually convince operators to accept more formal, and hopefully more predictable, layers of unionism into the structure of the regional coal industry. The fruitful tension of formal and informal unionism continued to characterize unionism in Clearfield and throughout the U.S. This was even true under the Knights of Labor and the United Mine Workers of America. The events at Sterling indicate the historical importance of measured, informal, gendered tactics of unionism that fall outside the formalism of miners’ unions as well as that of spontaneous, angry outbursts.

The riot and the response of Clearfield union leaders was emblematic of the defining structural characteristic of coal mining unions. Labor leaders had taken the measure of their opponents. With an eye towards building

stable institutions, they nominally accepted legal limits on their ability to enforce union decisions. No one was quicker to condemn disorderly or violent behavior. It was this nexus between unions and individual workplaces and workmen that focused the debate regarding legal unionism over the next few years. For editorial writers, businessmen, and local officials, labor's acceptance of any individual's right to work became the effective price of the right to unionize. But at the same time, the men and women of coal mining communities insisted that they held a certain property right over the mines. In particular, they shared a belief that men had a right to their places in the mines – even if they went out on strike. The women were not simply auxiliaries in this fight. Coal mining was a way of life in which the miner played only a part. The story of the Clearfield strike and riot of 1872–1873 helps to explain the inner workings of coal mining and community unionism.

The record in central Pennsylvania suggests a similar doggedness in legal decision-makers. The sixteen cases of criminal conspiracy for the crime of labor activism roughly doubles the number of such cases known to have occurred in Pennsylvania after the Civil War.⁵² Yet from the perspective of local activism and local law, legal victories were less complete and less consistent. Even when judges clearly intended to sentence labor activists for the crime of simply leading a union, they often failed to convince juries. The actions of coal miners within and without their unions belied the property rights of their employers as understood by judges. Outside the law and outside of the union, the men and women of the coalfields consistently showed themselves unwilling to accept legal interpretations that elevated the right of individuals to work over the right of the miners to collectively maintain their jobs.

In particular, the targets of prosecution shifted in a way that only selectively reflected up-to-date legal precedent. In 1869, Judge Mayer apparently ignored precedent to sentence thirteen men for the crime of combining to raise wages. The next case, in 1872–1873, saw twenty-seven men and women convicted. This case singled out not those who were most responsible for organizing the union, but those who were most prominent in a riot to keep out strikebreakers (In this case, “conspiracy” was seemingly added to “riot” similar to the way “aggravated” might be added to “battery”). The legal reasoning in the case that followed was far different. In 1875, local prosecutors, prompted by the Pennsylvania Railroad began to focus again on outlawing unionism itself. Fifty-seven men active in a strike were charged and sentenced according to their level of leadership within the union. Still, John Siney,

President of the Miners' National Association escaped conviction by the simple expedient of always counseling restraint and non-violent, legal action. Despite clear prompting from the judge, and an earlier trial that had sentenced dozens of local men, the jury returned a verdict of "not guilty" for Siney – though it convicted fiery organizer Xingo Parks.

After 1875, there would be no more significant convictions for this crime in central Pennsylvania. Union leaders learned to keep their distance from direct action. By the time that Knights of Labor national organizer Myles McPadden and leader of the Central Pennsylvania District Assembly Cornelius Cotter became the last men so charged, criminal conspiracy was more a method of harassment than a serious criminal proceeding. These changes seem to have been caused less by changes in legal precedent than in modes of labor organizing. The criminal conspiracy charge was apparently abandoned when it became clear that leaders could not be held liable for the actions of their followers unless they encouraged them to break the law. In this sense, the virtue of the injunction, the next phase of legal efforts to control organized labor, was in its ability to do just that: to hold union leaders responsible for the actions of their members even as judges insisted that union members could not be bound by union strike votes. As important, the injunction, even as it relied upon the same common law logic as criminal conspiracy, held labor leaders responsible for preventing future actions by their supposed followers. Not until 1899, when Mary "Mother" Jones developed her tactics of mobilizing entire armies of women, would the union movement find an instrument of direct action that might carry less of a burden of legal prosecution.⁵³

NOTES

1. In this law, workers in Pennsylvania gained the right to form associations to raise wages and to cease work as a body. Union members were specifically freed to cease work if doing so would put them at fault of union rules. *Pennsylvania General Assembly, Regular Session, 1872*, No. 1195, "An Act to relieve laborers, working men and journeymen from certain prosecutions and indictments for conspiracy under the criminal laws of this Commonwealth."
2. See for example, Carroll D. Wright, *Eleventh Special Report of the Commissioner of Labor, Regulation and Restriction of Output* (Washington: Government Printing Office 1904), 4732.
3. Logging on the West Branch of the Susquehanna peaked in 1885. E. Willard Miller, ed., *A Geography of Pennsylvania* (University Park: Pennsylvania State University Press, 1995), 78., For an account of log drives in Clearfield, see Samuel A. King, "A Log Drive to Williamsport in 1868," *Pennsylvania*

- History* 29:2 (April 1962), 151-174. The *Clearfield Raftsmen's Journal*, as the name indicates, was founded to cover the logging business, in 1854. See also Peter C. Mancall, *Valley of Opportunity: Economic Culture Along the Upper Susquehanna, 1700-1800*, (Ithaca: Cornell 1991), 16.
4. For a brief history of early railroads in Clearfield, see *County Review* (Clearfield), 1:3, March 1882, 1. The *Raftsmen's Journal* covered early meetings of railroad boosters in Clearfield, starting in June of 1854, and continuing for the next several years.
5. *Daily Legislative Journal* (Pennsylvania) 12 April 1869, 144:1146.
6. *Daily Legislative Journal* (Pennsylvania), 12 April 1869, 144:1146. *Tyrone Herald*, 13, November 1868., *Tyrone Herald*, 26 February 1869. Since the Ku Klux Klan had only recently been formed, the use of it here as a verb may be suggestive of links between the Klan, the new Southern railroads and the Pennsylvania Railroad (Tyrone, PA was almost entirely a creation of the Pennsylvania Railroad. Cf Scott Nelson, *Iron Confederacies*; See also Allen Trelease, *White Terror: The Ku Klux Klan and Southern Reconstruction* (Baton Rouge, Louisiana: Louisiana State University Press 1995), Scott Nelson, *Iron Confederacies: Southern Railways Klan Violence, and Reconstruction* (Chapel Hill, North Carolina: University of North Carolina Press 1999).
7. *Philipsburg Journal*, 16 November 1868.
8. *Philipsburg Journal*, 26 July 1869, 2:2 "The defendants did not deny that they belonged to the society, but alleged that there was nothing illegal in it - that it was a benevolent association. The Court held, however, that it came under the technical definition of a conspiracy."
9. "Our Position," *Philipsburg Journal*, 3, April 1869, 2:2.
10. Between 1806 and 1842, American judges came increasingly to consider conspiracy only applicable where agreements existed to achieve illegal ends or legal ends by illegal means. Victoria Hattam, *Labor Visions and State Power: The Origins of Business Unionism in the United States* (Princeton, New Jersey: Princeton University Press 1993), 67-69. Christopher Tomlins discusses the case at length, but substantially agrees with Hattam. Their differences are on focus. To Hattam, *Hunt* is an example of a judge attempting to preserve the rule of common law in an atmosphere hostile to the idea. Tomlins considers the battle over acceptance of common law doctrine to be largely won by this point. He is more interested in pointing out that the decision was not a "Magna Charta" for labor, and the more subtle point, that Shaw had shifted the point of battle regarding the legal scope of unions. It was no longer in the courts, but in the actual relationship between individual employers, and groups of employees. Here, the individualist structure of common law favored employers. Christopher Tomlins, *Law, Labor and Ideology in the Early American Republic* (Cambridge and New York: Cambridge University Press, 1993), 209-16.
11. "The Miners' Strike," *Raftsmen's Journal*, 21 April 1869, 3:2.
12. *Philipsburg Journal*, 24 June 1869.
13. Andrew Roy, *A History of the Coal Miners of the United States From the Development of the Mines to the Close of the Anthracite Strike of 1902* (Columbus: Columbus: J.L. Trauger Printing Company, 1925), 103.
14. *Raftsmen's Journal*, 14 December 1872. See also a *New York Times* editorial, 9 December 1872.
15. It was suggested in private correspondent that the *Philipsburg Journal* and other area newspapers often "opened its columns" to the operators. George Brisbin to George Magee, Pennsylvania Historical and Museum Commission Archives "Fall Brook Collection" MG-48, 26 May 1883.

16. At least two of the men were direct relations of Shorthill's. Three of the men, the Zimmermans, consisted of a father and his two sons. They were probably owners of the J. Zimmerman & company sawmill. *Philipsburg Journal*, 3 August 1872
17. *Philipsburg Journal*, 11 January 1873.
18. If there were clandestine groups of semi-organized Irish miners in Clearfield who used threats, violence, or arson in service of class or ethnic warfare, they were never a dominant presence, either in practice or in the public imagination. Threats were issued at times in Clearfield, violence and arson committed, and "Mollie Maguirism" charged by the press. See in particular the George Evans murder case. "Murder," *Raftsman's Journal* 23 June, 1880. In this sense, Molly Maguirism in Clearfield parallels Harold Aurand's skeptical assessment of this phenomenon as class warfare in the anthracite region. If "...Schuylkill was not the Harlan County of the 1870s," neither was Clearfield. Harold Aurand and William Gudelunas, "The Mythical Qualities of Molly Maguire," *Pennsylvania History* 49:2 (April 1982): 98. For a recent account of the Molly Maguire trials in the anthracite region of Pennsylvania, see Kevin Kinney, *Making Sense of the Molly Maguires* (New York and Oxford: Oxford University Press, 1998).
19. *Notes of Evidence, Prosecution* 17. Testimony of John J. Leigh, See also Andrew Roy, *A History of the Coal Miners of the United States From the Development of the Mines to the Close of the Anthracite Strike of 1902* (Columbus: Columbus: J.L. Trauger Printing Company, 1925), 42. Carter Goodrich, *The Miner's Freedom: A Study of the Working Life in a Changing Industry*. (Boston: Marshall Jones Company, 1925), 20, 112.
20. On difficulty of matching production levels to demand, see Anton Hardt (Superintendent, Fall Brook Coal Company, Antrim, Tioga County, Pennsylvania) to George Magee (President, Fall Brook Coal Company and Fall Brook Railway, Corning, New York), 30 January 1873, Fall Brook Railroad Collection, Pennsylvania Historical and Museum Collection, MG-48, Box 7-3919 ("George Magee Correspondence"). The standard sources for production practice in coal are Keith Dix, *Work Relations in the Coal Industry: The Hand-Loading Era, 1880-1930*. (West Virginia University: Institute for Labor Studies Division of Social and Economic Development Center for Extension and Continuing Education, 1977), Carter Goodrich, *The Miners Freedom: a study of the working life in a changing industry* (Boston: Marshall Jones Company 1925).
21. I have assembled this account from *Notes of Evidence*, "Abstract of evidence from phonographic notes," and the "True Bill," *Commonwealth vs. Mack, and others*. With good luck and persistence, this record may be found in the attic of the Clearfield County courthouse. Photocopies in author's possession. June Quarter Sessions, 1873. See also Docket Book "Quarter Sessions, 1863 - 1873," p.642, No. 36.
22. *Notes of Evidence, Prosecution* 17. Testimony of John J. Leigh, "Some of the men were getting a little excited and Shorthill sent them further up the track."
23. *Notes of Evidence, Prosecution* 21 Testimony of John J. Zimmerman.
24. Barry Michrina, "Lives of Dignity, Acts of Emotion: Memories of Central Pennsylvania Bituminous Coal Miners (Ph.D. diss., The Pennsylvania State University, 1981), 68-73., Katherine Harvey, *The Best-Dressed Miners: Life and Labor in the Maryland Coal Region, 1835-1910* (Ithaca and London: Cornell University Press 1969), 248.
25. *Notes of Evidence, Prosecution* 24.

26. The Derby mine worked briefly with union men. It soon closed down again. *Philipsburg Journal*, 23 November 1872 and 7 December 1872.
27. Thomas Lincoln Wall, *Clearfield County Pennsylvania, Present and Past* (Privately Printed, 1925), 203.
28. *The National Labor Tribune*, 10 April 1880, "White-Shannon Controversy."
29. The 1870 census compendium lists 581 miners in the region, split evenly between Clearfield and Centre counties. By 1875, according to reports submitted to Pennsylvania's Secretary of Internal Affairs, at least 1,000 miners worked in the region. That same year, Clearfield's District Attorney, Frank Fielding estimated the region to hold 1,200 - 1,500 miners.
30. The union was assisted by the accident-prone tendencies of the Morrisdale hands. The *Philipsburg Journal* reported four serious accidents at Morrisdale in 1872. One of these accidents included Henry Cushard, a miner who listed the substantial sum of \$1,400 in real estate holdings in 1870. Cushard was no stranger to readers of the *Journal*, as he had an unfortunate talent for picking fights with other miners. He soundly beat an inebriated miner in summer of 1872, and was himself almost killed by another in separate brawls. A clerk in a clothing store was also injured in Morrisdale's mines that year. Apparently, Morrisdale's managers were turning to non-miners for labor. *Philipsburg Journal*, 21 September, 1872, 28 September, 1872 and 21 December, 1872.
31. *The National Labor Tribune*, 1 July 1876, "Reply to Jerome"
32. *The Random House Dictionary of the English Language*, 2nd Ed., Unabridged, 1987, "Blackleg." I am not arguing that I have discovered the term's origin, but simply a way in which it may have held some metaphorical power.
33. "From the Districts," *United Mine Workers' Journal*, 20 August 1891. Emphasis added.
34. *Philipsburg Journal*, 9 January 1885. See also Anonymous, "The Miners of Scranton," *Harper's New Monthly Magazine* 55, (1877), 920. John Brophy, *A Miner's Life*.
35. Of course, there was no sure way to retrieve the family's fair share from the man's control. It is this point that has caused some commentators to deny the significance of this practice. See Gita Sen, "The Sexual Division of Labor and the Working-class Family: Towards a Conceptual Synthesis of Class Relations and the Subordination of Women" *The Review of Radical Political Economics* 12:3 (Summer 1980), 83-84 for a good discussion of how miners and other workingmen may have divided their pay with their wives to their mutual benefit. Sen's article is a response to the debate between Jane Humphries and Heidi Hartmann over the role of the family in working-class survival. Should the working-class family be seen primarily as a patriarchal artifact, or as a mutually beneficial partnership? As Humphries argues, the two are not necessarily mutually exclusive. Most important, she develops the idea of the family's "fair share" of wages. Jane Humphries, "Class struggle and the persistence of the working-class family," *Cambridge Journal of Economics* 1977:1, 241-258. Heidi Hartmann, "Contemporary Marxist Theory and Practice: A Feminist Critique," *The Review of Radical Political Economics* 12:2 (Summer 1980), 87-94. Some women met their husbands at the pay office to make certain they got that share. This solution is also mentioned in Anonymous, "The Miners of Scranton," *Harper's New Monthly Magazine* 55, (1877), 920.
36. Operators believed married men tended to work steadier. Married men also brought with them some of the community benefits not supplied by single men, and relatively rare and valuable in mining towns. They bought more at the company store — in economic downturns, some operators fired single men for just this reason — they had children to fill jobs in the mines, and they could and would

- survive on lower individual wages. Millie Beik, *The Miners of Windber: The Struggles of New Immigrants for Unionization, 1890s-1930s*. (University Park, Pennsylvania: The Pennsylvania State University Press, 1996), 82-106 passim. John Whitehead of the Goss Run Coal Company in Clearfield supposedly fired 23 single men because married men were more likely to use the company store. "Houtzdale, PA," *National Labor Tribune*, 18, January 1875, 2:2. In a related vein, for a debate from the point of view of unionists on the relative rights of single and married men to receive a portion of available work, see that between "Young Miner" and George Harrison, a delegate in the founding meetings of the National Federation of Miners and Mine Laborers in 1885 and of the UMW in January, 1890, but in 1889 was superintendent of an Ohio mine, in the *Miners' Independent* (Massillon, OH), January 1889.
37. In a similar case, a company in Springhill, Pennsylvania also refused to pay striking miners unless they removed their tools. *National Labor Tribune*, 13 March 1875. In 1875, an anonymous Clearfield superintendent on the railroad branch that included Sterling, one suspects Shorthill, took the bold step of going through the mine with a coal car, collecting all the tools he could find, and placing them above the coal chute. *Philipsburg Journal*, 24 April 1875.
 38. *Notes of Evidence, Defense 7* Testimony of Sarah McGowan.
 39. Henry McGowan listed real-estate property of \$450 and personal wealth of \$100 in the 1870 Census.
 40. *Notes of Evidence, Prosecution 17*. Testimony of John J. Leigh.
 41. At the very edge of this subject matter, John Keegan's *Face of Battle* demonstrates how to incorporate practical details of terrain and human and technological frailties into the ebb and flow of opposed groups. Though his focus is on armies, his insights have also been useful in understanding labor activism when its main manifestation comes in the form of marches and crowds. Lawrence Goodwyn and his student Paul Krause have also shown ways to usefully draw lessons about organization from the makeup and direction of crowds and riots as well as the surprisingly purposive targets noted by historians plumbing crowd behavior. E.P. Thompson, "The Moral Economy of the Crowd," *Customs in Common: Studies in Traditional Popular Culture* (New York: The New Press 1993), 184-258. John Keegan, *Face of Battle* (Middlesex, England: Penguin Books, 1978), Paul Krause, *The Battle for Homestead, 1880-1892: Politics, Culture and Steel* (Pittsburgh: University of Pittsburgh Press 1992), Lawrence Goodwyn, *Breaking the Barriers*. For a discussion of primitive warfare, see John Keegan, *A History of Warfare* (New York: Vintage Books, 1993), 94-114.
 42. The harassment of strikebreakers would seem to fall into the broad category of "rough music" defined by E.P. Thompson, even if outside the specific cultural context of 18th century England, it certainly served a similar purpose of imposing community norms. *Customs in Common: Studies in Traditional Popular Culture*, "Rough Music," 466-533. See Archie Green for a similarly broad application of the term, Archie Green, *Wobblies, Pile Butts, and Other Heroes: Laborlore Explorations* (Champaign: University of Illinois Press, 1993).
 43. *Notes of Evidence, Defense 7* Testimony of Sarah McGowan.
 44. *Notes of Evidence, Prosecution 21*. Testimony of John J. Solomon.
 45. *Notes of Evidence, Prosecution 5* Testimony of David Shorthill, 23, Testimony of Joseph Higgins.
 46. *Philipsburg Journal*, 11 January 1873.
 47. *Philipsburg Journal*, 14 June 1873.

48. Official Charge, "In the Court of Quarter Sessions of the Peace on and for the County of Clearfield in the Commonwealth of Pennsylvania," Clearfield County Courthouse.
49. *New York Times*, 15 May 1875.
50. See note 29, above.
51. *National Labor Tribune*, 22 May 1875, 2:6.
52. To include those cases in which the assumptions of criminal conspiracy played a role in sentencing would vastly increase this number. See Victoria Hattam, *Labor Visions and State Power: The origins of Business unionism in the United States* (Princeton, New Jersey: Princeton University Press 1993) 217-218. For a list of postbellum criminal conspiracy cases.