

A. I simply got a wire saying they were out, and asking me to go up there.

Q. You had nothing to do with the initiation of that strike?

A. No, sir.

These replies were given with full knowledge of the telegram which he himself had sent in cipher to the chief executive officers at Denver, and of all the dealings which he had had with the miners at Nanaimo, Ladysmith and Union.

It is interesting to note, in connection with this same matter, that, according to the testimony of witnesses who were examined at Ladysmith, there appears to have been a meeting of Ladysmith miners about the end of April, at which a motion was put requesting that the union men should come out in sympathy. Baker was present at this meeting, and when the question was raised that possibly the constitution of the Western Federation would stand in the way of any action of this kind, he represented to the meeting that there need be no fear of embarrassment or hindrance on this score, as he could secure the consent of the executive at Denver, and that the constitutional difficulties would be overcome. Barber testified that at the joint executive meeting at Nanaimo Baker had given him assurances that the Western Federation of Miners would stand behind a strike at Union and help it financially, and this he (Barber) had construed as the approval of the Western Federation before the strike.

Precipitous Proceedings prior to Strike.

The proceedings preliminary to the meeting of May 2, at which it was decided that the men would go on strike, were hardly less mysterious or hasty in their nature than were the proceedings leading up to the creation of the organization. The delegates to the joint executive meeting at Nanaimo had returned but a short time to Union when the committee of three was appointed from the union to interview the manager of the company and ask for the reinstatement of the officials who had been dismissed, in the order of their dismissal. The manager having refused to accede to this demand, notices were forthwith posted in different

places calling a meeting of the union for May 2. There does not appear to have been more than twenty-four hours' notice given of this meeting. A little over 200 were present when the meeting assembled on May 2. A resolution was carried that because officers had been discharged after the organization had been formed on April 5, a ballot should be taken on whether or not the men should stop work until such time as the officials and members who had been discriminated against by the company were reinstated in their proper order, with full recognition of the Western Federation of Miners. This resolution was voted upon, and only 12 ballots opposing the strike were cast.

It would appear that at this meeting the miners were informed that in the event of declaring a strike they would have the full support, financially and otherwise, of the Western Federation.

Strike declared in Violation of Terms of Constitution.

Article 5, section 1, of the constitution of the Western Federation of Miners declares that:

It shall be unlawful for a union to enter upon a strike unless ordered by three-fourths of its resident members in good standing voting. Such questions shall be decided by a secret ballot at a special meeting called for that purpose, after having received the approval of the executive board of the Western Federation of Miners. Should any employer or employees attack the rights of the members of the union or its established principles, without allowing the union sufficient time to notify the executive board of the proposed change, then the members shall have the right to declare a strike to maintain their rights. In this they shall be assisted by the executive board.

The telegram sent by Moyer and Haywood to Baker, and handed by him to Barber, was read to the meeting as proof that the approval of the executive board of the Western Federation, as required by this clause of its constitution, had been obtained. It did not appear, however, from anything given in evidence that the clause of the constitution requiring that a special meeting should be called for the purpose had been complied with, for, as already mentioned, the notice calling the meeting