U. S. DEPARTMENT OF LABOR
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KANSAS COURT OF INDUSTRIAL RELATIONS

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BULLETIN OF THE
U. S. BUREAU OF LABOR STATISTICS.

NO. 322 WASHINGTON APRIL, 1923

KANSAS COURT OF INDUSTRIAL RELATIONS.

Numerous inquiries have reached the Department of Labor as to the nature and operations of the industrial court law of Kansas. This body has been in existence for nearly three years, and during this initial period has not only made a number of rulings, but has been a party to or the subject of a number of decisions by the courts of the State, one case coming also to the Supreme Court of the United States. Two annual reports have been issued, covering the first 22 months of the history of the court.

The following account of the law and its workings is based exclusively on the official data named and presents no other viewpoint or comment than that of the body under consideration or of the courts in discussing it. A bibliography of books and articles on the Kansas court of industrial relations, from various viewpoints, is appended at the conclusion of this record.

TEXT OF LAW.

The provisions of the law are as follows:

ACTS OF 1920—EXTRA SESSION.

CHAPTER 29.—*Court of industrial relations.*

Court created.

SECTION 1. There is hereby created a tribunal to be known as the court of industrial relations, which shall be composed of three judges who shall be appointed by the governor, by and with the advice and consent of the senate. Of such three judges first appointed, one shall be appointed for a term of one year, one for a term of two years, and one for a term of three years, said terms to begin simultaneously upon qualification of the persons appointed therefor. Upon the expiration of the term of the three judges first appointed as aforesaid, each succeeding judge shall be appointed and shall hold his office for a term of three years and until his successor shall have been qualified. In case of a vacancy in the office of judge of said court of industrial relations the governor shall appoint his successor to fill the vacancy for the unexpired term. The salary of each of said judges shall be five thousand dollars per year, payable monthly. Of the judges first to be appointed, the one appointed for the three-year term shall be the presiding judge, and thereafter the judge whose term of service has been the longest shall be the presiding judge: *Provided*, That in case two or more of said judges shall have served the same length of time, the presiding judge shall be designated by the governor.

Public utilities.

SEC. 2. The jurisdiction conferred by law upon the Public Utilities Commission of the State of Kansas is hereby conferred upon the court of industrial relations, and the said court of industrial relations is hereby given full power, authority and jurisdiction to

supervise and control all public utilities and all common carriers as defined in sections 8329 and 8330 of the General Statutes of Kansas for 1915, doing business in the State of Kansas, and is empowered to do all things necessary and convenient for the exercise of such power, authority and jurisdiction. All laws relating to the powers, authority, jurisdiction and duties of the public utilities commission of this State are hereby adopted and all powers, authority, jurisdiction and duties by said laws imposed and conferred upon the public utilities commission of this State relating to common carriers and public utilities are hereby imposed and conferred upon the court of industrial relations created under the provisions of this act; and in addition thereto said court of industrial relations shall have such further power, authority and jurisdiction and shall perform such further duties as are in this act set forth, and said public utilities commission is hereby abolished. That all pending actions brought by or against the said public utilities commission of this State shall not be affected, but the same may be prosecuted or defended by and in the name of the court of industrial relations. Any investigation, examination, or proceedings had or undertaken, commenced or instituted by or pending before said public utilities commission at the time of the taking effect of this act are transferred to and shall be continued and heard by the said court of industrial relations hereby created, under the same terms and conditions and with like effect as though said public utilities commission had not been abolished.

Chapter 260, Acts of 1921, created a public utilities commission as a distinct body and transferred to it the powers and duties of the court of industrial relations as defined by sections 8328, 8329, and 8330, General Statutes.

Chapter 261 amended section 2 of the industrial courts act, so that it now reads as follows:

Jurisdiction, etc.

SEC. 2. The court of industrial relations shall have such power, authority and jurisdiction, and shall perform such duties as are in this act set forth.

Employments, etc, affected.

SEC. 3. (a) The operation of the following named and indicated employments, industries, public utilities and common carriers is hereby determined and declared to be affected with a public interest and therefore subject to supervision by the State as herein provided for the purpose of preserving the public peace, protecting the public health, preventing industrial strife, disorder and waste, and securing regular and orderly conduct of the businesses directly affecting the living conditions of the people of this State and in the promotion of the general welfare, to wit: (1) The manufacture or preparation of food products whereby, in any stage of the process, substances are being converted, either partially or wholly, from their natural state to a condition to be used as food for human beings; (2) the manufacture of clothing and all manner of wearing apparel in common use by the people of this State whereby, in any stage of the process, natural products are being converted, either partially or wholly, from their natural state to a condition to be used as such clothing and wearing apparel; (3) the mining or production of any substance or material in common use as fuel either for domestic, manufacturing, or transportation expenses; (4) the transportation of all food products and articles or substances entering into wearing apparel, or fuel, as aforesaid, from the place where produced to the place of manufacture or consumption; (5) all public utilities as defined by section 8329, and all common carriers as defined by section 8330 of the General Statutes of Kansas of 1915.

(b) Any person, firm or corporation engaged in any such industry or employment, or in the operation of such public utility or common carrier, within the State of Kansas, either in the capacity of owner, officer, or worker, shall be subject to the pro-

visions of this act, except as limited by the provisions of this act.

Office.

SEC. 4. Said court of industrial relations shall have its office at the capital of said State in the city of Topeka, and shall keep a record of all its proceedings which shall be a public record and subject to inspection the same as other public records of this State. Said court, in addition to the powers and jurisdiction heretofore conferred upon, and exercised by, the public utilities commission, is hereby given full power, authority and jurisdiction to supervise, direct and control the operation of the industries, employments, public utilities, and common carriers in all matters herein specified and in the manner provided herein, and to do all things needful for the proper and expeditious enforcement of all the provisions of this act.

Powers.

Rules and regulations.

SEC. 5. Said court of industrial relations is hereby granted full power to adopt all reasonable and proper rules and regulations to govern its proceedings, the service of process, to administer oaths, and to regulate the mode and manner of all its investigations, inspections and hearings: *Provided, however*, That in the taking of testimony the rules of evidence, as recognized by the Supreme Court of the State of Kansas in original proceedings therein, shall be observed by said court of industrial relations; and testimony so taken shall in all cases be transcribed by the reporter for said court of industrial relations in duplicate, one copy of said testimony to be filed among the permanent records of said court, and the other to be submitted to said supreme court in case the matter shall be taken to said supreme court under the provisions of this act.

Continuous operation.

SEC. 6. It is hereby declared and determined to be necessary for the public peace, health and general welfare of the people of this State that the industries, employments, public utilities and common carriers herein specified shall be operated with reasonable continuity and efficiency in order that the people of this State may live in peace and security, and be supplied with the necessaries of life. No person, firm, corporation, or association of persons shall in any manner or to any extent, willfully hinder, delay, limit or suspend such continuous and efficient operation for the purpose of evading the purpose and intent of the provisions of this act; nor shall any person, firm, corporation, or association of persons do any act or neglect or refuse to perform any duty herein enjoined with the intent to hinder, delay, limit or suspend such continuous and efficient operation as aforesaid, except under the terms and conditions provided by this act.

Interference.

Disputes.

SEC. 7. In case of a controversy arising between employers and workers, or between groups or crafts of workers, engaged in any of said industries, employments, public utilities, or common carriers, if it shall appear to said court of industrial relations that said controversy may endanger the continuity or efficiency of service of any of said industries, employments, public utilities or common carriers, or affect the production or transportation of the necessaries of life affected or produced by said industries or employments, or produce industrial strife, disorder or waste, or endanger the orderly operation of such industries, employments, public utilities or common carriers, and thereby endanger the public peace or threaten the public health, full power, authority and jurisdiction are hereby granted to said court of industrial relations, upon its own initiative, to summon all necessary parties before it and to investigate said controversy, and to make such temporary findings and orders as may be necessary to preserve the public peace and welfare and to preserve and protect the status of the parties, property and public interests involved pending said investigation, and to take evidence and to examine all necessary records, and to investigate conditions surrounding the workers, and to consider the wages paid to labor and the return accruing to capital, and the rights and welfare of the public, and all other matters affecting the conduct of said industries, employments, public utilities or common carriers, and to settle and

Jurisdiction.

adjust all such controversies by such findings and orders as provided in this act. It is further made the duty of said court of industrial relations, upon complaint of either party to such controversy, or upon complaint of any ten citizen taxpayers of the community in which such industries, employments, public utilities or common carriers are located, or upon the complaint of the attorney general of the State of Kansas, if it shall be made to appear to said court that the parties are unable to agree and that such controversy may endanger the continuity or efficiency of service of any of said industries, employments, public utilities or common carriers, or affect the production or transportation of the necessaries of life affected or produced by said industries or employments, or produce industrial strife, disorder or waste, or endanger the orderly operation of such industries, employments, public utilities or common carriers, and thereby endanger the public peace or threaten the public health, to proceed and investigate and determine said controversy in the same manner as though upon its own initiative. After the conclusion of any such hearing and investigation, and as expeditiously as possible, said court of industrial relations shall make and serve upon all interested parties its findings, stating specifically the terms and conditions upon which said industry, employment, utility or common carrier should be thereafter conducted in so far as the matters determined by said court are concerned.

Orders.

SEC. 8. The court of industrial relations shall order such changes, if any, as are necessary to be made in and about the conduct of said industry, employment, utility or common carrier, in the matters of working and living conditions, hours of labor, rules and practices, and a reasonable minimum wage, or standard of wages, to conform to the findings of the court in such matters, as provided in this act, and such orders shall be served at the same time and in the same manner as provided for the service of the court's findings in this act: *Provided*, That all such terms, conditions and wages shall be just and reasonable and such as to enable such industries, employments, utilities or common carriers to continue with reasonable efficiency to produce or transport their products or continue their operations and thus to promote the general welfare. Service of such order shall be made in the same manner as service of notice of any hearing before said court as provided by this act. Such terms, conditions, rules, practices, wages, or standard of wages, so fixed and determined by said court and stated in said order, shall continue for such reasonable time as may be fixed by said court, or until changed by agreement of the parties with the approval of the court. If either party to such controversy shall in good faith comply with any order of said court of industrial relations for a period of sixty days or more, and shall find said order unjust, unreasonable or impracticable, said party may apply to said court of industrial relations for a modification thereof and said court of industrial relations shall hear and determine said application and make findings and orders in like manner and with like effect as originally. In such case the evidence taken and submitted in the original hearing may be considered.

Industrial conditions.

SEC. 9. It is hereby declared necessary for the promotion of the general welfare that workers engaged in any of said industries, employments, utilities or common carriers shall receive at all times a fair wage and healthful and moral surroundings while engaged in such labor; and that capital invested therein shall receive at all times a fair rate of return to the owners thereof. The right of every person to make his own choice of employment and to make and carry out fair, just and reasonable contracts and agreements of employment, is hereby recognized. If, during the continuance of any such employment, the terms or conditions of any such contract or agreement hereafter entered into, are by said court, in any action or proceednig properly before it under the provisions of this act, found to be unfair, unjust or unreasonable, said court of industrial relations may by proper order so modify

the terms and conditions thereof so that they will be and remain fair, just and reasonable and all such orders shall be enforced as in this act provided.

Notice of hearings.

SEC. 10. Before any hearing, trial or investigation shall be held by said court, such notice as the court shall deem necessary shall be given to all parties interested by registered United States mail addressed to said parties to the post office of the usual place of residence or business of said interested parties when same is known, or by the publication of notice in some newspaper of general circulation in the county in which said industry or employment, or the principal office of such utility or common carrier is located, and said notice shall fix the time and place of said investigation or hearing. The costs of publication shall be paid by said court out of any funds available therefor. Such notice shall contain the substance of the matter to be investigated, and shall notify all persons interested in said matter to be present at the time and place named to give such testimony or to take such action as they may deem proper.

Employees.

SEC. 11. Said court of industrial relations may employ a competent clerk, marshal, shorthand reporter, and such expert accountants, engineers, stenographers, attorneys, and other employees as may be necessary to conduct the business of said court; shall provide itself with a proper seal and shall have the power and authority to issue summons and subpœnas and compel the attendance of witnesses and parties and to compel the production of the books, correspondence, files, records, and accounts of any industry, employment, utility or common carrier, or of any person, corporation, association or union of employees affected, and to make any and all investigations necessary to ascertain the truth in regard to said controversy. In case any person shall fail or refuse to obey any summons or subpœna issued by said court after due service, then and in that event said court is hereby authorized and empowered to take proper proceedings in any court of competent jurisdiction to compel obedience to such summons or subpœna. Employees of said court whose salaries are not fixed by law shall be paid such compensation as may be fixed by said court, with the approval of the governor.

Witnesses, etc.

Enforcement of orders.

SEC. 12. In case of the failure or refusal of either party to said controversy to obey and be governed by the order of said court of industrial relations, then and in that event said court is hereby authorized to bring proper proceedings in the Supreme Court of the State of Kansas to compel compliance with said order; and in case either party to said controversy should feel aggrieved at any order made and entered by said court of industrial relations, such party is hereby authorized and empowered within ten days after service of such order upon it to bring proper proceedings in the Supreme Court of the State of Kansas to compel said court of industrial relations to make and enter a just, reasonable and lawful order in the premises. In case of such proceedings in the supreme court by either party, the evidence produced before said court of industrial relations may be considered by said supreme court, but said supreme court, if it deem further evidence necessary to enable it to render a just and proper judgment, may admit such additional evidence in open court or order it taken and transcribed by a master or commissioner. In case any controversy shall be taken by either party to the Supreme Court of the State of Kansas under the provisions of this act, said proceedings shall take precedence over other civil cases before said court, and a hearing and determination of the same shall be by said court expedited as fully as may be possible consistent with a careful and thorough trial and consideration of said matter.

Action to suspend.

SEC. 13. No action or proceeding in law or equity shall be brought by any person, firm or corporation to vacate, set aside, or suspend any order made and served as provided in this act, unless such action or proceeding shall be commenced within thirty days from the time of the service of such order.

Unions, etc.

SEC. 14. Any union or association of workers engaged in the operation of such industries, employments, public utilities or common carriers, which shall incorporate under the laws of this State shall be by said court of industrial relations considered and recognized in all its proceedings as a legal entity and may appear before said court of industrial relations through and by its proper officers, attorneys or other representatives. The right of such corporations, and of such unincorporated unions or associations of workers, to bargain collectively for their members is hereby recognized: *Provided*, That the individual members of such unincorporated unions or associations, who shall desire to avail themselves of such right of collective bargaining, shall appoint in writing some officer or officers of such union or association, or some other person or persons as their agents or trustees with authority to enter into such collective bargains and to represent each and every of said individuals in all matters relating thereto. Such written appointment of agents or trustees shall be made a permanent record of such union or association. All such collective bargains, contracts, or agreements shall be subject to the provisions of section nine of this act.

Protection of witnesses.

SEC. 15. It shall be unlawful for any person, firm or corporation to discharge any employeee or to discriminate in any way against any employee because of the fact that any such employee may testify as a witness before the court of industrial relations, or shall sign any complaint or shall be in any way instrumental in bringing to the attention of the court of industrial relations any matter of controversy between employers and employees as provided herein. It shall also be unlawful for any two or more persons, by conspiring or confederating together, to injure in any manner any other person or persons, or any corporation, in his, their, or its business, labor, enterprise, or peace and security, by boycott, by discrimination, by picketing, by advertising, by propaganda, or other means, because of any action taken by any such person or persons, or any corporation under any order of said court, or because of any action or proceeding instituted in said court, or because any such person or persons, or corporation, shall have invoked the jurisdiction of said court in any matter provided for herein.

Boycotts.

Restricting output.

SEC. 16. It shall be unlawful for any person, firm, or corporation engaged in the operation of any such industry, employment, utility, or common carrier willfully to limit or cease operations for the purpose of limiting production or transportation or to affect prices, for the purpose of avoiding any of the provisions of this act; but any person, firm or corporation so engaged may apply to said court of industrial relations for authority to limit or cease operations, stating the reasons therefor, and said court of industrial relations shall hear said application promptly, and if said application shall be found to be in good faith and meritorious, authority to limit or cease operations shall be granted by order of said court. In all such industries, employments, utilities or common carriers in which operation may be ordinarily affected by changes in season, market conditions, or other reasons or causes inherent in the nature of the business, said court of industrial relations may, upon application and after notice to all interested parties, and investigation, as herein provided, make orders fixing rules, regulations and practices to govern the operation of such industries, employments, utilities or common carriers for the purpose of securing the best service to the public consistent with the rights of employers and employees engaged in the operation of such industries, employments, utilities or common carriers.

Violations.

SEC. 17. It shall be unlawful for any person, firm or corporation, or for any association of persons, to do or perform any act forbidden, or to fail or refuse to perform any act or duty enjoined by the provisions of this act, or to conspire or confederate with others to do or perform any act forbidden, or to fail or refuse to perform any act or duty enjoined by the provisions of this act, or to induce or intimidate any person,

firm or corporation engaged in any of said industries, employments, utilities or common carriers to do any act forbidden, or to fail or refuse to perform any act or duty enjoined by the provisions of this act, for the purpose or with the intent to hinder, delay, limit, or suspend the operation of any of the industries, employments, utilities or common carriers herein specified or indicated, or to delay, limit, or suspend the production or transportation of the products of such industries, or employments, or the service of such utilities or common carriers: *Provided*, That nothing in this act shall be construed as restricting the right of any individual employee engaged in the operation of any such industry, employment, public utility, or common carrier to quit his employment at any time, but it shall be unlawful for any such individual employee or other person to conspire with other persons to quit their employment or to induce other persons to quit their employment for the purpose of hindering, delaying, interfering with, or suspending the operation of any of the industries, employments, public utilities, or common carriers governed by the provisions of this act, or for any person to engage in what is known as "picketing" or to intimidate by threats, abuse, or in any other manner, any person or persons with intent to induce such person or persons to quit such employment, or for the purpose of deterring or preventing any other person or persons from accepting employment or from remaining in the employ of any of the industries, employments, public utilities, or common carriers governed by the provisions of this act.

Penalties.

SEC. 18. Any person willfully violating the provisions of this act, or any valid order of said court of industrial relations, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction of this State shall be punished by a fine of not to exceed $1,000, or by imprisonment in the county jail for a period of not to exceed one year, or by both such fine and imprisonment.

Offenses of officers, etc.

SEC. 19. Any officer of any corporation engaged in any of the industries, employments, utilities or common carriers herein named and specified, or any officer of any labor union or association of persons engaged as workers in any such industry, employment, utility or common carrier, or any employer of labor coming within the provisions of this act, who shall willfully use the power, authority or influence incident to his official position, or to his position as an employer of others, and by such means shall intentionally influence, impel, or compel any other person to violate any of the provisions of this act, or any valid order of said court of industrial relations, shall be deemed guilty of a felony and upon conviction thereof in any court of competent jurisdiction shall be punished by a fine not to exceed $5,000, or by imprisonment in the State penitentiary at hard labor for a term not to exceed two years, or by both such fine and imprisonment.

Court may assume control.

SEC. 20. In case of the suspension, limitation or cessation of the operation of any of the industries, employments, public utilities or common carriers affected by this act, contrary to the provisions hereof, or to the orders of said court made hereunder, if it shall appear to said court that such suspension, limitation, or cessation shall seriously affect the public welfare by endangering the public peace, or threatening the public health, then said court is hereby authorized, empowered and directed to take proper proceedings in any court of competent jurisdiction of this State to take over, control, direct and operate said industry, employment, public utility or common carrier during such emergency: *Provided*, That a fair return and compensation shall be paid to the owners of such industry, employment, public utility or common carrier, and also a fair wage to the workers engaged therein, during the time of such operation under the provisions of this section.

Submissions.

SEC. 21. When any controversy shall arise between employer and employee as to wages, hours of employment, or working or living conditions, in any industry not hereinbefore specified, the parties to such controversy may, by mutual agreement, and with the consent of the court, refer the same to the court of industrial relations for its findings and orders. Such agreement of reference shall be in writing, signed by the parties thereto; whereupon said court shall proceed to investigate, hear, and determine said controversy as in other cases, and in such case the findings and orders of the court of industrial relations as to said controversy shall have the same force and effect as though made in any essential industry as herein provided.

Taking evidence.

SEC. 22. Whenever deemed necessary by the court of industrial relations, the court may appoint such person, or persons, having a technical knowledge of bookkeeping, engineering, or other technical subjects involved in any inquiry in which the court is engaged, as a commissioner for the purpose of taking evidence with relation to such subject. Such commissioner when appointed shall take an oath to well and faithfully perform the duties imposed upon him, and shall thereafter have the same power to administer oaths, compel the production of evidence, and the attendance of witnesses as the said court would have if sitting in the same matter. Said commissioner shall receive such compensation as may be provided by law or by the order of said court, to be approved by the governor.

Presumption as to wages.

SEC. 23. Any order made by said court of industrial relations as to a minimum wage or a standard of wages shall be deemed prima facie reasonable and just, and if said minimum wage or standard of wages shall be in excess of the wages theretofore paid in the industry, employment, utility or common carrier, then and in that event the workers affected thereby shall be entitled to receive said minimum wage or standard of wages from the date of the service of summons or publication of notice instituting said investigation, and shall have the right individually, or in case of incorporated unions or associations, or unincorporated unions or associations entitled thereto, collectively, to recover in any court of competent jurisdiction the difference between the wages actually paid and said minimum wage or standard of wages so found and determined by said court in such order. It shall be the duty of all employers affected by the provisions of this act, during the pendency of any investigation brought under this act, or any litigation resulting therefrom, to keep an accurate account of all wages paid to all workers interested in said investigation or proceeding: *Provided*, That in case said order shall fix a wage or standard of wages which is lower than the wages theretofore paid in the industry, employment, utility or common carrier affected, then and in that event the employers shall have the same right to recover in the same manner as provided in this section with reference to the workers.

Investigations.

SEC. 24. With the consent of the governor, the judges of said court of industrial relations are hereby authorized and empowered to make, or cause to be made, within this State or elsewhere, such investigations and inquiries as to industrial conditions and relations as may be profitable or necessary for the purpose of familiarizing themselves with industrial problems such as may arise under the provisions of this act. All the expenses incurred in the performance of their official duties by the individual members of said court and by the employees and officers of said court, shall be paid by the State out of funds appropriated therefor by the legislature, but all warrants covering such expenses shall be approved by the governor of said State.

Remedies cumulative.

SEC. 25. The rights and remedies given and provided by this act shall be construed to be cumulative of all other laws in force in said State relating to the same matters, and this act shall not be interpreted as a repeal of any other act now existing in said State with reference to the same matters referred to in this act, except

where the same may be inconsistent with the provisions of this act.

Construction.

SEC. 26. The provisions of this act and all grants of power, authority and jurisdiction herein made to said court of industrial relations shall be liberally construed and all incidental powers necessary to carry into effect the provisions of this act are hereby expressly granted to and conferred upon said court of industrial relations.

Reports.

SEC. 27. Annually and on or before January first of each year, said court of industrial relations shall formulate and make a report of all its acts and proceedings, including a financial statement of expenses, and shall submit the same to the governor of this State for his information.

Expenses.

All expenses incident to the conduct of the business of said court of industrial relations shall be paid by the said court on warrants signed by its presiding judge and clerk, and countersigned by the governor and shall be paid out of funds appropriated therefor by the legislature. The said court of industrial relations shall, on or before the convening of the legislature, make a detailed estimate of the probable expenses of conducting its business and proceedings for the ensuing two years, and attach thereto a copy of the reports furnished the governor, all of which shall be submitted to the governor of this State and by him submitted to the legislature.

Provisions severable.

SEC. 28. If any section or provision of this act shall be found invalid by any court, it shall be conclusively presumed that this act would have been passed by the legislature without such invalid section or provision, and the act as a whole shall not be declared invalid by reason of the fact that one or more sections or provisions may be found to be invalid by any court.

Approved January 23, 1920.

Chapter 261, Acts of 1921, besides amending section 2 of the above act, as already noted, provided as follows:

Joint hearings.

SECTION 2. In any matter pending before the court of industrial relations, it shall be brought to the attention of such court that there is a matter pending before the public utilities commission in relation to the rate charged by the employer, the court of industrial relations may order such matters to be heard and determined at the same time by such commission and court of industrial relations, sitting as one body, the presiding judge of said court of industrial relations presiding, and in case of a tie vote, the presiding judge of said court of industrial relations shall cast an additional vote.

Other acts of 1921 confer upon the court of industrial relations the administration of labor laws and the functions of the industrial welfare commission relative to the minimum wage law and employment conditions of women and minors generally; but these functions and duties will not be considered in the present connection, the object of this report being to set forth the status, workings, and results of the court on its industrial side only.

CASES BEFORE THE COURT.

SYNOPSIS.

The second annual report of the court of industrial relations gives a synopsis of the cases filed on the industrial side of the court during the first two years of its existence, 1920 and 1921.

Docket No. 1. Investigation into the coal industry in Cherokee and Crawford Counties, the principal mining counties of the State, initiated by the court. A report of this investigation was printed, and orders made limiting the check-off system, doing away with ex-

cessive discounts for money drawn before pay day, and regulating charges for explosives.

Docket No. 2. Employees of the Topeka Edison Co., a light and power company, petition for increase in wages; granted.

Docket No. 3. Employees of the Joplin & Pittsburg Railway Co., petition for increase in wages; increase granted in part.

Docket No. 4. Case filed by the National Brotherhood of Stationary Firemen and Oilers against the Union Pacific and other large railway systems, with regard to wages; terminated by approving a settlement made by the parties.

Docket No. 5. Complaint of shopmen against the Santa Fe and other railroads, involving the question of wages; case dismissed on parties' agreement to accept the order of the Federal Railroad Labor Board.

Docket No. 6. Linemen, employees of Joplin & Pittsburg Railway Co., complaint with regard to wages; order issued granting increase.

Docket No. 7. Train dispatchers of same company, complaint with regard to wages; wages found reasonable and no increase granted.

Docket No. 8. Foremen of trackmen of the same company, wage complaint; order issued granting increase.

Docket No. 9. Substation operators of same company, complaint as to wages; order issued denying increase.

Docket No. 10. Trackmen's union, employees of the same company; complaint as to wages; increase granted.

Docket No. 11. Employees of Topeka Railway Co. (through Local 797, Amalgamated Association of Street and Electric Railway Employees of America); complaint as to wages; order issued partially granting increase.

Docket No. 12. Employees of Wichita Railroad & Light Co. (through Local 794, Amalgamated Association of Street and Electric Railway Employees of America); wage increase; parallel to Topeka case.

Docket No. 13. Employees of Kansas Flour Mills Co.; complaint as to wages and working conditions; working conditions (hours) improved and wages increased in part (overtime).

Docket No. 14. Employees of the Western Star Milling Co.; complaint as to wages; satisfactory settlement made and complaint dismissed.

Docket No. 15. Employees (shot firers) of Southwest Interstate Coal Operators' Association; complaint as to wages; dismissed on account of settlement.

Docket No. 16. Employees of Atchison Railway, Light & Power Co.; complaint as to wages; increase granted in part.

Docket No. 17. Employees of Hutchinson Street Railway Co. (through Amalgamated Association of Street and Electric Railway Employees of America); complaint as to wages; order issued establishing a scale for a term of three months.

Docket No. 18. Employees of Chicago, Rock Island & Pacific Railway Co. (through Brotherhood of Railway Carmen of America); complaint as to working conditions; order issued improving same.

Docket No. 19. Employees of Northeast Kansas Telephone Co. (through Local Union No. 12846); complaint as to wages; order establishing wage rates.

Docket No. 20. Employees of Crawford Telephone & Telegraph Co.; complaint as to wages and working conditions; minimum wage scale and improved working conditions established.

Docket No. 21. Employees of Joplin & Pittsburg Railway Co. (through Amalgamated Association of Street and Electric Railway Employees of America); complaint as to contract; order issued specifying wages.

Docket No. 22. Section foremen and workers, employees of Salina Northern Railway Co., complaint as to wages; pending, road in hands of receiver.

Docket No. 23. Trackmen, employees of Joplin & Pittsburg Railway Co., complaint as to hours and wages; settled under another docket.

Docket No. 24. Investigation of flour-milling industry; order issued requiring mills to apply for leave to decrease or cease production; docket closed at end of emergency.

Docket No. 25. Employees of J. R. Crowe Coal & Mining Co., complaint of lack of work; heard and dismissed for lack of jurisdiction.

Docket No. 26. International Brotherhood of Electrical Workers, Local No. 417 *v.* City of Coffeyville, complaint as to wages; hearing held and matter continued indefinitely.

Docket No. 27. International Brotherhood of Electrical Workers, Local No. 417 *v.* Sinclair Oil Refining Co., Coffeyville, complaint as to wages; hearing held and matter continued.

Docket No. 28. Fort Scott Sorghum Syrup Co., request for modification of terms of conditions of contract; granted.

This completes the list of cases filed in 1920. In 1921 there were 112 docket numbers relating to the single industry of milling, which were disposed of under what was designated as "the milling order." Other cases are as follows:

Docket No. 29. Employees of the Chas. Wolff Packing Co. (through Amalgamated Meat Cutters' Association), complaint as to wages and working conditions; order issued establishing a minimum wage, hours, and working conditions; carried to supreme court of State by the company and there sustained.

Docket No. 30. Investigation by the court into the cause of a strike at the George K. Mackie Fuel Co.'s mine; order issued directing back wages, with interest, to be paid the workman and fixing date when miners were to resume work.

Docket No. 31. Application by a coal company for permission temporarily to cease the operation of one of its mines; granted.

Docket No. 32. Trackmen, employees of Arkansas Valley Interurban Railroad Co., complaint as to wages; agreement as to wages and hours of service arrived at by parties under the direction of the court approved by it.

Docket No. 141. Agent of Coach Cleaners', etc., Union, complaint of wrongful discharge of employee by Pullman Co.; right of company to discharge employee upheld.

Docket No. 142. Trackmen, employees of Kansas City, L. & W. R. Co., complaint as to wages; satisfactory agreement reached and case dismissed.

Docket No. 147. Employees of Topeka Railway Co. (through Amalgamated Association of Street & Electric Railway Employees of America), complaint as to wages; order issued reducing wages.

Docket No. 148. Leavenworth & Topeka Railroad Co., application for certificate authorizing districts to aid in maintenance and reconstruction of railroads, under chapter 216, Acts of 1921; certificate issued.

Docket No. 149. Investigation concerning hours and working conditions of women employed in mercantile establishments in the State; temporary order regarding conditions issued.

Docket No. 150. Employees of Swift & Co., at Parsons, complaint as to wages and working conditions; recommendations issued and controversy adjusted on basis of same.

Docket No. 151. Employees of Joplin & Pittsburg Ry. Co. (through Amalgamated Association of Street & Electric Railway Employees of America), complaint as to wages; order issued reducing same. On cross petition of trackmen, reduction in their wages was denied; similarly of barn men; similarly of part of electrical workers. On cross petition of substation men for increase, the existing wage was continued.

Docket No. 152. Question of discontinuance of service at the Horton Exchange of the Northeast Kansas Telephone Co.; controversy disposed of through court as intermediary and case dismissed.

Docket No. 153. State *v.* Wheatley, wages and working conditions in the packing industry in Kansas; closed.

This makes 41 cases, besides the 112 in the milling industry, coming before the court in its first two years. Cases arising during the first year and continuing during the second involve Docket No. 1, under which a more complete survey of the coal industry was made; Docket No. 12, under which the Wichita Power & Light Co. applied for a modification of the former order relating to wages and a cross petition relating to terms of the contract of employment (the application for increase in wages was denied and an order issued fixing terms and conditions of working agreement); Docket No. 21, in which trainmen applied for interpretation and modification of previous order (order was issued); and Docket No. 24, under which an order was issued for suspension and revocation of the operation of the original milling order.

Without attempting to reproduce the entire list of rulings and orders, the earliest and some of the most important ones are given as illustrating the actual workings of the court, both in methods and results. The decisions as reported are summarized, but the findings and essential bases of fact are believed to be fully indicated.

TOPEKA EDISON CO.—*WAGES.*

The first decision rendered bore date of March 29, 1920, and related to the wages of linemen employed by the Topeka Edison Co. This company furnishes light and power for various citizens and industries of Topeka and Oakland and for the street-car systems of the two cities, and was therefore within the scope of the law as a public utility. The case was before the court on the complaint of the attorney general of the State and of four members of the local union of electrical workers to which the employees concerned be-

longed. The controversy related to hours and wages, and the complainants prayed for a due investigation and ascertainment of the facts, and for such orders and findings as might be just and reasonable.

The company's reply admitted the incorporation of the company, the nature of its business, and also the existence of an unsettled controversy, and set forth its tender of a partial concession to its workers and their rejection of the same. While denying certain allegations of its employees, it " respectfully submits and tenders the issue here presented, and welcomes the good offices of this court in a judicial determination of that which is equitable and just in the premises."

Of this the opinion says:

> It would seem, therefore, that while originally this matter was filed as an action upon a controversy, under the compulsory features of the industrial laws of the State of Kansas, it is now before the court more in the nature of a voluntary submission by mutual agreement of a dispute between the above parties.

There was found to be little conflict in the evidence submitted by the two parties. The men were skilled, first-class workers, of unquestioned fidelity, and were engaged in an occupation involving serious hazards. For several years prior to 1916, the customary wage had been $2.75 per day. In 1916 an advance was made to $90 per month of 26 days, for a 9-hour day. In May, 1919, a basic 8-hour day was adopted, with a rate of 60 cents per hour, time and one-half for overtime, and double rates for Sunday work. There was a practice of counting time on the job only, though the men had to report at the storehouse, collect material and tools, and travel varying distances on a truck to reach their work. This practice had come into question, and during the progress of the trial it was mutually agreed to count the time both going and coming, as well as in the storehouse, and that employer and workers would share this equally.

It was testified that living costs had so advanced that $4.80 at the present time did not have the purchasing power of either the $2.75 per day or the $90 per month when these were the wages paid. A comparison with rates paid for like work in localities of similar population and for other work of a comparable nature as to skill, etc., in Topeka was also made. The seven basic principles of the recent Federal railroad law were recited, i. e., wages for similar work elsewhere, cost of living, hazards, skill required, responsibility, character and regularity of employment, and inequalities due to prior adjustments. To these the courts added an eighth: " The skill, industry, and fidelity of the individual employee."

It was pointed out that the law did not use the term, a " living " wage, but a " fair " wage, while also having regard for a " fair rate of return to the owners." Workers of the class under consideration were said to be " in all fairness entitled to a wage which will enable them to procure for themselves and their families all the necessaries and a reasonable share of the comforts of life," including intellectual advancement and recreation, the education of their children, and opportunity to provide for sickness and old age. It was also stated that the law allows only the fixing of a minimum wage, leaving the maximum to " depend upon the skill, fidelity, and industry of the

employee, the fair and equitable disposition of the employer, the prosperity of the business, and other economic circumstances."

The men had asked for an advance of 10 cents per hour over the 60-cent rate they had been receiving; and since an agreement had been reached as to time in the storehouse and on the road, this was really the only point to be decided. The court issued its order ratifying the agreement made and fixing the rate of pay at 67½ cents per hour for an 8-hour day, time and a half for overtime, and double time for Sunday work, this rate to be the minimum for six months from April 1 unless changed by agreement of the parties, with the approval of the court.

JOPLIN & PITTSBURG RAILWAY CO.—*WAGES.*

The court announced on April 23, 1920, its findings in a case involving all classes of employees of the Joplin & Pittsburg Railway Co. of Kansas and Missouri. The complainants were 158 members of a local union composed entirely of employees of the railway. The company operates an electric interurban road, carrying freight and passengers between various points in Kansas and extending also to Joplin, Mo. This necessitated the decision of a contention raised by the company that the court had no jurisdiction on account of the interstate character of the business, which would place the company exclusively under the provisions of the Federal transportation act of February 28, 1920.

This contention was decided adversely to the company, and it was permitted to answer as to the complaints of its employees. It first alleged a contract dated August 1, 1914, to run for six years, which it held to be in full force and controlling the subject of wages. It also denied that there was any controversy endangering or likely to endanger the operation of its business, and further alleged its financial inability to pay a higher wage. A large amount of evidence was taken, and it appeared that within recent years a strike of 80 days had occurred paralyzing the business and entailing a loss to the company of more than $68,000. A similar strike of nearly one-half the same duration occurred later. Besides the loss to the company, there was the wage loss to the men and great economic waste in that portion of Kansas and Missouri served by the company. A wage controversy had been submitted to the joint chairmen of the War Labor Board, and a decision was rendered by them on July 31, 1918. This fixed the rate per hour for shopmen, barn men, motormen, and conductors. The least skilled labor of a mechanical nature was paid 42 cents per hour, while motormen and conductors began at 38 cents, and after one year's service were to receive 42 cents. A higher wage was paid to machinists, painters, and armature winders, being 51½ cents per hour. This award was to continue for the duration of the war, with right to ask for adjustments not sooner than six months after February 1, 1919. Since the War Labor Board had gone out of existence, the complainants referred their case to the State industrial court, while the company relied on the contract of August, 1914.

The court held that the contract of 1914 was not effective, and took into consideration the various elements involved in the case. Among these was the considerable variety in skill and responsibility necessary for the performance of the various duties of the employees under

consideration. The increase in cost of living was such that some of the workmen were unable to support their families without getting into debt or drawing on previous savings. Some did additional labor after having performed a full day's work at their regular employment. Reference was made in the opinion to the decision in the Topeka Edison Co. case, noted above, as to the rights of workingmen to procure for themselves and their families "all the necessaries and a reasonable share of the comforts of life." The factors to be considered, as wages in the locality for like work, cost of living, skill, degree of responsibility, character of employment, and qualifications of the individual employee, were enumerated, as in the earlier case.

A serious difficulty was found to exist in the lack of financial ability of the employer. It was pointed out, however, that the court had recently authorized an increase in the charges of the company which would probably considerably increase its earnings. The duty of the court to permit a fair return was touched upon, but it was declared "that wages to labor should be considered before dividends to the investor, and that a business which is unable to pay a fair rate of wage to its employees will eventually have to liquidate." The industry was said to be essential, but its conduct necessitated the payment of such wages as would retain competent services. The situation was held to involve a threat of industrial strike, disorder, and waste. It was felt, therefore, that the court should establish a wage scale, which was, however, restricted "to such employees of the respondent as are actually bona fide residents of the State of Kansas and whose work is located wholly or principally within said State." The scale was to come into effect on the 1st day of May, 1920, and to continue in force for a period of six months, or until changed by agreement of the parties, with the approval of the court. The following is the new wage scale:

Motormen and conductors:	
First 3 months	45 cents per hour.
Next 9 months	48 cents per hour.
Next 12 months	51 cents per hour.
After 2 years	55 cents per hour.
Blacksmiths	55 cents per hour.
Blacksmith helpers	45 cents per hour.
Machinists	60 cents per hour.
Machinist helpers	45 cents per hour.
Carpenters, first class	55 cents per hour.
Carpenters, second class	48 cents per hour.
Painters	55 cents per hour.
Painters' helpers	45 cents per hour.
Pitmen	55 cents per hour.
Pitmen helpers	45 cents per hour.
Armature winders	60 cents per hour.
Armature winder helpers	45 cents per hour.
Car cleaners	45 cents per hour.
Headlight, tail-light, and telephone men	$135 per month.

All of said wages to be on the same basis heretofore existing as to hours of labor and overtime.

Somewhat later the linemen employed by this company also asked for an advance, which was allowed on the principles announced above, the rates being fixed at 45 cents, 50 cents, and 62½ cents per hour for groundmen, second-class linemen, and first-class linemen, respectively, as against former rates of 42 cents, 46¾ cents, and 49¼ cents per hour. On the same date (July 21, 1920) the train dis-

patchers were found not entitled to an increase, their present rate of $160 per month being regarded as fair. "The work is done by telephone, and it is such that it requires but a short space of time to learn the same. The work is not heavy and it is not comparable with train dispatching on the steam roads, either in the matter of skill required nor of the responsibility imposed." Foremen of trackmen, however, were found to be underpaid, in view of the experience required and the responsibility involved. The rate of $100 per month was therefore advanced to $115. The trackmen also had their wages increased on complaint from 42 cents per hour to 45 cents; but substation operators, whose "work requires no great skill and is not hard to learn," and who left their work in some cases for their wives or children to perform, were thought to be fairly compensated at a wage of $102.50. Each of these groups was the subject of a separate order, being Docket Nos. 6 to 10, inclusive, but all orders bore the same date.

JOPLIN & PITTSBURG RAILWAY CO.—*WAGES—HOURS—TRAIN CREW.*

Subsequent to the general determination of April 23 the employees requested an additional increase of wages and the adjustment of a collective agreement relative to train crew, hours of labor, and days of work per week.

The court gave its decision on December 9, 1920, and declined to increase wages on the ground that there was a general tendency toward a decrease in living costs; and while it had not yet materially affected the ultimate consumer, there had at least been no advance.

As to the matter of crew, the men wished the contract to require three men on trains that handled three or more cars at the same time. The court's view of this point was that, considering the nature of the work done upon the freight trains usually handled by this company, the third man would add an unjust burden to costs of operation without public benefit—a result which would ultimately be reflected in lower wages to the men or poorer service to the public.

The next point related to the employment of extra men, the complainants desiring that a minimum of four hours should be paid for each day that the extra man is called and works. This the court regarded as reasonable and recommended the insertion of such provision in the contract. The employees also desired a minimum on regular runs of 8 hours a day, to be completed in 9 consecutive hours, with time and one-half for work over 8 hours. Train service continued throughout 18 hours per day, two shifts being employed, but with delays of starting and getting into the barn it sometimes happened that in excess of 9 hours was worked. The court therefore recommended a provision making a minimum of 8 hours' work per day on regular runs to be completed in 9 hours and 30 minutes, with time and one-half for work over 9 hours.

The next matter discussed was rates for Sunday work. Passenger trains were regarded as a necessary part of the operation of the road, and the court did not regard it proper "to penalize the company for Sunday work which is absolutely necessary." However, it held that no mechanical work should be required on Sunday unless absolutely necessary for full operation on Monday morning.

Another point related to the establishment of an 8-hour day. A method of putting the 18-hour service day on an 8-hour basis was worked out by the chief accountant of the court, but it was computed that this would add $25,000 to the annual operating cost—an amount that the company could not pay without subtracting from its depreciation fund or failing to pay interest due. The court maintained its view that "wages must come before dividends, and a business which can not pay a fair wage and at the same time earn a reasonable return must eventually liquidate"; however, taking into consideration the nature of the employment in which the men were engaged, it felt that the mental and physical strain was not severe, and that a 9-hour day does not unduly deprive the worker of a reasonable time for rest, recreation, self-improvement, social diversion, and the family circle. It therefore declined to institute an 8-hour-day system. However, the time worked by the freight-train crews was found to be excessive, being between 12 and 13 hours, during which a regular working period of 11 hours was counted on. This day was said to be too long, being very trying upon the physical strength of the men and encroaching unduly upon their social rights. "This court can not sanction so long a workday." A 10-hour maximum was therefore recommended, a 9-hour minimum being the basis, with time and one-half after 10 hours, a lunch period in the middle of the day being included.

The court concluded by stating that if its suggestions should be incorporated into a contract and properly signed by a representative of the workers the court would approve it.

On July 26, 1921, the trainmen and barn men employed by the Joplin & Pittsburg Railway Co. filed a complaint through their local union, No. 497, seeking the adjustment of a controversy arising out of a threat to reduce wages. The order under which they had been working expired July 30, and efforts for an agreement for a new contract had failed. Various questions as to working conditions were also submitted. The company appeared and stipulated in writing that it would abide by any order the court might make, to be effective as of August 1, even though made later than that date. Subsequently the track workers, linemen, and telephone men asked leave to intervene and protest against proposed reductions in their wages. This was given, and the company submitted its answer, setting forth that its proposed rates were reasonable and fair, and that the income of the road was such that it was not possible to meet the demands of the workmen without operating at a loss. The court was requested to take all facts into consideration and render such findings and orders as might be found suitable in the circumstances. The opinion was rendered on August 19, 1921.

Several of the points were settled by agreement of the parties, but not all, the matter of wages remaining as the principal matter in dispute. It was found that there had been some decrease in the cost of living in Pittsburg, where many of the employees lived, and that the recent disturbances in industry had seriously affected the income of the road. "However, the court finds that the sweeping reduction in wages proposed by the respondent is not justified." But comparison of rates and conditions of employment of the trainmen showed some reduction of wages to be reasonable, and this was

allowed. Electrical workers, on the other hand, received some advance. In the other cases the existing wage was retained without the reduction sought by the company.

INTERNATIONAL BROTHERHOOD OF STATIONARY FIREMEN AND OILERS—*WAGES.*

The International Brotherhood of Stationary Firemen and Oilers, as existing in the State of Kansas, came before the State court of industrial relations in March, 1920, with a complaint as to the amount of wages received. The complaint was submitted by the vice president of the brotherhood in behalf of himself, an employee of one of the roads, and of 25 local unions of the brotherhood located at various points in Kansas. The respondents were nine railroad companies operating in that State as common carriers.

The workmen involved were not directly connected with the movement of the trains, but were engaged in various capacities at work which directly affected their operation. Among the workmen involved were stationary firemen, engine watchmen, turntable operators, engine wipers, fire builders, oilers, cinder and ash-pit men, and, in general, laborers working in and about engines, turntables, roundhouses, and store and supply houses. The employers are engaged in both intrastate and interstate commerce.

The complaints alleged insufficient pay, and the court found that the wages were in fact inadequate to supply a family " with the necessaries of life and a reasonable share of the comforts of life," though an unmarried man could get along fairly well on the present wage.

The carriers were unwilling to submit the matter to the State court of industrial relations, the subject being presented by the representative of the brotherhood with the request that the court take jurisdiction of the controversy and make such investigation as would enable it to determine a reasonable wage. The railroads filed answers which were very similar. Among their statements were a general denial, a claim that the respondents were engaged in interstate commerce, that under the transportation act of 1920 they are paying wages fixed by the Director General of the United States Railroad Administration, that the industrial court has no jurisdiction on account of the provisions of the transportation act of 1920 for the settlement of disputes by the Railroad Labor Board, etc. The legal questions involved made it necessary for the court to decide first of all as to its jurisdiction, and whether its findings would conflict with the provisions of the transportation act of 1920. A quotation was made from a decision of the United States Supreme Court (Simpson *v.* Shepard, 230 U. S. 298) setting forth the competence of a State to govern its internal commerce and adopt measures of a reasonable character in the interests of its people, " although interstate commerce may incidentally or indirectly be involved." It was decided that any action that the court might take would be presumed to be fair and reasonable, and if so, no injury could come to interstate commerce and no unnecessary burden be imposed upon it. Neither could it be presumed that the Federal Railroad Labor Board would render an award which would be unfair to the public, nor that the court of industrial relations would refuse to approve a reasonable order made

by the Labor Board if such was accepted by the disputants. The Kansas law provides only that the orders fixed by its court shall continue "for such reasonable time as may be fixed by said court, or until changed by agreement of the parties with the approval of the court." This was held to make it entirely possible for the State and Federal laws to exist side by side without conflict, leaving each free to act in its field, and providing a ready means of adjustment if anything in the nature of conflict should arise.

It was concluded, therefore, to issue an order to be effective for six months from July 1, 1920, unless changed by agreement of the parties with the approval of the court, the scale to apply only to actual residents of the State of Kansas, members of the International Brotherhood of Stationary Firemen and Oilers, and such other railroad employees performing the same or similar services as were not being paid wages under existing agreements. Only a few of the men were said to be what are usually called "skilled laborers." "Some of them are what is known as 'common laborers,' but a very large number of them are engaged in a work which calls for some skill and much care and fidelity."

The eight basic considerations that have been cited in other findings by the court were again mentioned, and it was recognized that the rates fixed were not so high as for similar work elsewhere, but they were fixed upon as reasonable in view of the steadiness of the employment. The highest rate, 60 cents per hour, was ordered paid to chief stationary engineers, coal-hoisting engineers, and clam-shell engineers. Stationary firemen and stokers receive 55 cents per hour; stationary oilers, boiler washers, boiler fillers, water tenders, power operators, transfer operators, and turntable operators, 53 cents per hour; pumpers, storehouse and warehouse foremen, and countermen, 50 cents per hour; engine watchmen, janitors, engine washers, engine wipers, fire knockers, etc., 47 cents per hour; while helpers and workmen of lower grades receive 45 cents per hour. While much of the work must be done on all the seven days of the week, "the members of the court feel that the seven-day week ought to be discouraged." To this end a revolving system was recommended, but the court did not deem it wise to embody such a system in an order, and based the wage scale on an eight-hour day with time and one-half for overtime, Sundays, and legal holidays. This order was issued June 16, 1920, to be effective on the first of the succeeding month.

FLOUR MILLING INDUSTRY—*RETENTION OF ESSENTIAL EMPLOYEES.*

On December 20, 1920, the court reached a conclusion with regard to regulating the production of the flour mills of Topeka. The companies had been called to appear to answer inquiries as to a reduction of output, following the receipt of information which had come before the court in an informal way. Managing officers of all the companies of the city appeared without counsel and submitted themselves to the jurisdiction of the court for the purposes of investigation, and were "apparently very frank with the court and supplied all the information called for without protest."

The production of flour is one of the industries which is declared by the industrial court act to be "affected with a public interest," so that

it was subject to the control of the court and liable to be taken over for operation if such steps should seem necessary. The act contemplates reasonable returns, continuous operation, and a fair wage and healthful and moral surroundings for workers. Seasons and market conditions are to be taken into consideration. It appears that the normal course of operation involved 24 hours' work, but that the market conditions of the world were such that the price of flour was falling, as well as the price of wheat; that there was an abundant supply of both flour and grain on hand, and that supplies were being shipped out promptly as rapidly as orders could be obtained, but that orders were small on account of an apparent expectation of further reduction in prices. Not more than 5 or 10 per cent of the product of the Kansas mills is consumed within the State, the remainder going into the world market in general competition. The conditions of this competition were then recited, and the partial reduction (from a 24-hour day to about 60 per cent capacity) was found to be a practical necessity due to circumstances beyond the control of the mills. However, as the act provides for a fair wage at all times, the court regarded it as necessary, in reducing the hours of operation, that "the millers should be very careful and solicitous concerning the matter of labor."

"The evidence before us shows that in the Topeka mills skilled men in the milling business are being paid a monthly wage, and are therefore drawing pay whether the mill is running or not. So far as it is possible to do so, this rule should be recognized in all mills of the State, for it is necessary in the promotion of the general welfare that skilled and faithful workers should always be available for these essential industries which so vitally affect the living conditions of the people."

At the conclusion of the trial a committee was appointed to formulate such rules as might seem necessary to enable the court to keep in close touch with the milling industry and aid it in making necessary adjustments from time to time. These rules were established on the 24th of February, 1921, and in brief require all milling companies in the State to make such reports to the court of industrial relations as it may prescribe; and that companies finding it necessary to run at less than 75 per cent production must apply to the court, setting forth their reasons and such other information as the court may require to enable it properly to pass upon the application. Local market conditions must be understood and cared for, and "in so far as it is reasonably possible, head millers, chief engineers, and all other skilled workmen" in mills in the State should either be paid on a monthly basis or given other employment so as to be readily available when resumption of full production is possible. Notice should be given to all employees of contemplated cessation or limitation of work, in order that they may secure other employment.

FORT SCOTT SORGHUM-SYRUP CO.—*"ONE MAN, ONE JOB."*

The Fort Scott Sorghum-Syrup Co. manufactures sirup from sorghum cane and furnishes for the most part only seasonal employment. The grinding of the cane and the first preparation require somewhat more than 100 men from 50 to 90 days in the fall of the year, running the plant 24 hours per day. During this time from

five to seven steam boilers and engines are in use. After that the process of mixing and refining the sirup and preparing it for table use and for shipment calls for but a few men and only one steam boiler.

On July 15, 1920, the company made an agreement with the International Brotherhood of Firemen and Oilers, which was in the nature of a closed-shop contract. There was no controversy except as to the number of men employed after the busy fall season was over. During previous years two engineers and two firemen had been required to run the necessary boiler and engine, but in the autumn of 1920 the company found itself doing only about 4 or 5 per cent of its average business. The company, therefore, sought to reduce expenses by discharging the two firemen, the two engineers working alternate shifts and firing their own boilers. This the engineers were willing to do in view of the small amount of work required, saying that to fire the engine would not require in excess of two hours per day. The Engineers' Union refused to permit this, however, as it would violate the "one man, one job" policy of the union.

Unless some concession could be made it would result in requiring the company to pay $12 per day for men to perform two hours' work. Though the amount was small, it would increase the deficit of a company operating under very adverse conditions. A general representative of the International Brotherhood of Firemen and Oilers, who was present at the trial, thought that the concession ought to be arranged, and expressed his belief that local officers had made a mistake in insisting on the "one man, one job" idea. The court wished to waive decision until the unions could make their own arrangements, but both parties stated that they had agreed to abide by the order of the court and insisted upon an immediate and authoritative decision. The Kansas industrial law recognizes the closed shop where instituted by mutual agreement, but does not countenance strikes, boycotts, intimidation, or "economic pressure." The present agreement was satisfactory to the court, being freely arrived at; but inasmuch as it was unfair to require the employment of two men to do the work of one, the opinion was expressed that the contract should be modified so as to permit one man to work at two or more jobs not requiring excessive periods of time, in which case his union membership might be transferred without cost to any party so long as the necessity for such work should continue. An order to that effect was issued accordingly.

CHAS. WOLFF PACKING CO.—*WAGES—EQUAL PAY FOR WOMEN.*

This case is conspicuous as being one that was carried to the supreme court of the State by the employer on a challenge as to the constitutionality of the act as creating a wage-fixing body. The decision of the court of industrial relations was rendered May 2, 1921, though the complaint was filed January 19 and answered January 28. Changes effected by legislative action were responsible for this delay, as there was considerable change in the personnel of the court and the working force by reason of such action.

The complaint sets forth that prior to January 1, 1921, the employees, members of a local union of meat packers and butchers,

were employed under the terms of a collective agreement which was to expire on January 1, 1921, unless renewed by the parties. The employer posted notices that this contract would not be renewed for another year, and no other contract had been entered into. At the same time notice was given of a reduction in wages to members of the union and other employees in the establishment, as well as an abrogation of a guaranty of at least 40 hours' work per week and overtime pay for work done in excess of 8 hours in any one day. A bonus provided for by the collective agreement was also taken away. The union therefore petitioned the court to take jurisdiction and fix a fair and reasonable wage and conditions of employment.

The answer of the packing company admitted the existence of the agreement which had expired at the date named, claimed a careful compliance with it during its term, denied any further liability thereunder, and stated that the company had not been given a fair opportunity to discuss the provisions of any new contract, "but that the workers presented a typewritten contract and demanded signature without discussion." The company announced its willingness to pay anything due by virtue of the former contract if ordered to do so by any court of competent jurisdiction, but alleged a loss during 1920 in excess of $100,000, so that the former wage scale could not be continued. It offered its books for examination, but denied the jurisdiction of the industrial court to enter any money judgment for past-due wages under the terms of the old contract if any should be found.

By amendment of the complaint, there were brought before the court the conditions of woman workers, who were said to be paid a much lower wage than men for the same class of work, and the company in open court consented that any order made by the court should contain a provision that women and men at the same class of work should receive the same pay.

The establishment was known as an "open shop," and neither party expressed any desire to change this condition. The court thereupon proceeded to take testimony as to the present cost of living as compared with one year ago, the evidence being conflicting. The cut proposed by the employer amounted to about 10¼ per cent, though it was not uniform in all lines of work. One of the principal contentions related to the eight-hour basic day. In some departments work was done under conditions both disagreeable and insanitary, as work over scalding vats or in rooms filled with steam, or occupations requiring special clothing to protect against blood, water, and steam, or at work requiring strenuous physical effort. The plant is not a large one, employing between 300 and 400 workers, and the workers are frequently shifted from one job to another, the changes sometimes calling for different rates of pay. The necessity of changing clothing involved an outlay of the employee's time, so that to do eight hours' work necessitated being in the plant from 8½ to 9 hours per day.

"In view of all these matters, it is the opinion of the court that this is an employment in which eight hours, as a general rule, should constitute a day's work."

However, irregularity in the supply of live stock made it difficult, if not impossible, for the company to furnish steady employment and

avoid pressure at a time of abundant supply. Charges and denials were made as to the tendency of workers to slow down during the seventh and eighth hours of the day for the purpose of getting overtime pay for a ninth hour. "The evidence is so conflicting that the court must, of course, call to its aid its general knowledge of human nature. Overtime should not be considered in the light of extra pay; the wage should be fair on the eight-hour basic day. Overtime should be considered as a penalty upon the company to prevent the long hours and exhaustion of the workers. It is evident, therefore, that the company should not be penalized when, by reason of circumstances over which it has no control, it may be necessary to run the plant a little longer than the eight-hour day in order to save loss which would otherwise occur."

The guaranty of a weekly minimum of employment was also a difficulty and a subject of controversy. The employees claimed that they were dependent upon the plant for steady employment, while the company charged that some of its workers, especially its transient workers, who remain with it for a very short time, refuse at times to render service when it is much desired, but if work is slow in the plant they insist upon claiming the guaranty of 40 hours' pay. However, the company recognized the necessity of decent support for regular workers and announced its willingness to abide by any fair and reasonable rule promulgated in the order.

The court reviewed briefly the principles upon which it acted, commenting on the unusual and unstable business conditions of the day, and presenting its conclusions under 20 heads, the eighteenth of which is announced as "A Fair and Reasonable Schedule of Minimum Wages," to be effective May 2, 1921. This schedule covers nearly five printed pages of the report, naming the rate to be paid for each process in the industry. The principle of the open shop is retained, as is the basic 8-hour working day, "but a 9-hour day may be observed not to exceed 2 days in any one week without penalty." However, if the working hours of a week should exceed 48, all in excess of 48 should be paid for at the rate of time and one-half, while work for more than 8 hours on more than 2 days of the week must be likewise compensated, even though the work hours of the week may not amount to 48. No weekly guaranty was called for, but monthly earnings should be made sufficient to constitute a fair wage. Notice of unemployment should be given in advance, as well as changes of hours for beginning work. Woman workers should receive the same wages as men engaged on the same class and kind of work, and their total working time, inclusive of overtime, should not exceed 54 hours in any one week nor more than 9 hours in any one day.

The rates of wages were announced as "in the opinion of the court the equivalent in purchasing power of the wages paid under the contract of 1920," though they showed some reduction, "in view of the reduction in the cost of the necessities and comforts of life." The fixing of rates is not to be construed as restricting or preventing the payment of a higher rate. Other provisions of the order relate to toilets and dressing rooms, lunch rooms, days off for continuous workers, etc.

TOPEKA RAILWAY CO.—*WAGES—FARES.*

In this case the employees of the company were members of the Amalgamated Association of Street & Electric Railway Employees of America, and entered a complaint on account of insufficient wages. The court took the matter under advisement, and after a hearing of both parties accepted the standards adopted in the Topeka Edison Co. case, with a finding that "the present wage scale is unreasonably low and is not a fair scale of wages under the present abnormal conditions as to the cost of living." A schedule was therefore promulgated, fixing hourly rates for each class of employees and observing the present basis of a 9-hour day and overtime pay. The rates established were to "continue in force and effect for a period of six months, or until changed by agreement of the parties, with the approval of the court."

At the trial of the wage controversy the company offered evidence to show that its present revenues were insufficient to meet a wage increase. A further hearing was had on this specific point, and testimony received on behalf of the public. It was found that the wage increase would add a cost of at least $52,000 per annum to the operating expenses of the road, though the company's experts claimed that the amount would be considerably greater. "This matter, like all future events, can not be forecast exactly, but the evidence undoubtedly shows that an increased revenue will be necessary if the respondent is to pay the increased wage." A schedule of fares was accordingly established, to be effective from August 16, 1920, the date when the wage increase was to begin, for a term of 90 days as a trial period, at the end of which time a report was to be made showing the result of such schedule.

This order was issued on August 7, 1920, and the wage and fare rates established were continued for about one year. At that time the company made the contention that living costs had decreased approximately 20 per cent and that the present revenues were insufficient to pay the increased wages and provide operating expenses and a fair return upon the investment. The employees, through their organization, entered complaint that the company was threatening arbitrarily to reduce the wages allowed by the court in its order of August 7, on the theory that the order had expired by its own limitation of time. The court issued a temporary order directing the company to continue the former wage scale until the matter could be heard and adjusted.

On August 22, 1921, the court issued its second decision and order, taking into consideration the conditions existing at that date. The former order had increased wages approximately 30 per cent, granting, as noted, an increase in fares. All parties were agreed that, at the time, no further increase in fares was practical. On the other hand, though "Government statistics, apparently reliable," show a reduction in the cost of living of approximately 20 per cent, this was in wholesale prices, which had not yet reached the consumer to the full extent.

However, the evidence does show that in Topeka, Kans., living costs had decreased since August, 1920, in a percentage ranging from 10 to 15 per cent. * * * The employees of the respondent must not be compelled to work for an inadequate wage in order that their fellow citizens may enjoy cheap trans-

portation. In view, however, of the reduction in living costs, it is believed that some reduction in the wages allowed to the complainant may be made at this time without a serious injustice to them.

A rate was therefore fixed, which, it was believed, "under the changed conditions as to living costs, has as great a purchasing value and will provide as many of the necessaries and comforts of life as the former wage did at the time it was instituted." This rate was to continue until the end of the year, subject to further adjustment at any time after a 60 days' trial upon the application of either party as provided by the law.

Said wage should not be changed by either party arbitrarily at the expiration of the time above stated, but may be changed by agreement, with the approval of the court, or, in case of failure to agree, before a change is made the matter should be submitted to this tribunal for adjustment in order that industrial strife will be prevented.

OTHER CASES.

The foregoing fuller summaries indicate the methods and principles adopted by the court in its various actions. The synopsis of cases at the beginning of this section shows briefly the entire list for the two years covered by this review. Docket No. 12 involved practically the conditions of the Topeka Railway Co. case, the same contention being raised as to the insufficiency of the revenue of the company to meet an increased wage schedule. However, an earlier statute placed in the hands of the city government the fixing of rates for utilities operating wholly within the limits of one city. The court was therefore of the opinion that it had no jurisdiction to alter the fare schedule of the company, but the evidence was said to show that there should be an adjustment of the revenues "at or near the time the wage order goes into effect."

In Docket No. 13 a number of unorganized workmen, employed by the Kansas Flour Mills Co. at its mill at Great Bend, complained of the length of the working-day, insufficient safety provisions, and an inadequate wage. The principal contention was as to the hours of working, the men going on duty at 7 in the morning and leaving at 7 at night, with one hour off for the midday meal. The company claimed that short rests were available during the day, so that for a considerable part of the men the actual time of labor would be between seven and eight hours, though some worked considerably longer than that.

The court found that good feeling had existed between the men and the management and that the men had rendered faithful service, many of them for years. Wages had been paid for some days when the mill was idle and for legal holidays. Labor conditions were fair, in a healthful occupation, devoid of the hazards present in many other establishments. The one danger in regard to an elevator shaft was admitted and an immediate remedy was promised, the company saying that the defect had very recently been called to its attention. It was found that the wage was a fair one, having been advanced from time to time during the several years past as the cost of living increased. Overtime pay had been given at the regular rates where work in excess of 11 hours was done. Transportation difficulties prevented regular operation, the company being unable to procure cars as needed.

The court in its findings commended the company for its fair treatment in the matter of wages and commended the men for their faithful service and apparent willingness to work the long hours necessary to meet emergencies. However, the working-day was declared to be too long as a permanent matter, but under the abnormal conditions existing at the time an emergency had developed, so that an absolute fixing of an 8 or 9 hour day was not warranted; it was, however, directed that the present daily wage should be paid on the basis of a 9-hour day with a pro rata hourly wage for all hours of service required over and above such period, and that as soon as conditions warranted a 9-hour day should be established.

In Docket No. 16 the employees of the Atchison Railway Light & Power Co. united in bringing a complaint as to wages and working conditions. It was found that the 8-hour day was generally observed, and that the unfavorable sanitary conditions were to be improved by alterations which the company was arranging to make in its plant. No order was therefore issued on that point; but for two of the five groups of workers it was found that, "considering the skill required and the responsibility assumed, the nature of work, and the hours employed," fair wages within the meaning of the statute were not being paid, so that an increase in respect of these groups was ordered.

In Docket No. 20, the employees of the Crawford Telephone & Telegraph Co. complained of their wages and working conditions. The court in its report stated that "unquestionably the telephone operators had been the lowest-paid wage earners of like kind and skill in the State of Kansas," and, as an earlier investigation disclosed, the wages were so low "that only the oldest and most skilled of the operators got a wage sufficient upon which to live decently." Increases had been made from time to time, but when this case came to the court it was found that the rates called for a further advance, and a minimum weekly rate was established, starting at $8 per week for beginners, increasing to $15 after one year of service. Linemen, etc., were to receive $14 per week for the first three months, with advances to $24 per week after one year of service. Overtime pay, work on Sundays and holidays, and accommodations for night operators were also included in the order.

As already indicated, Docket No. 1 was an investigation into the coal industry in certain counties, undertaken by the court on its own initiative. This commenced early in April, 1920, and continued throughout the year, additional inquiries being made also in 1921. The working conditions of some eight or ten thousand miners were involved, including also transportation conditions and the retail trade. The testimony of operators, miners, union officials, and all parties interested was sought. At the conclusion of the hearings held at Pittsburg, Kans., the mine center, Presiding Judge Huggins made an oral statement from the bench summing up rather informally the conclusions of the court up to that time. An order had been made prior to the date of this pronouncement, temporary in its effect, "directing that explosives and other pit material or pit supplies should be sold to the miners at the old price until a reasonable time was given in which committees could get together and agree on a price under the award of the Federal Coal Commission." This order

expired April 15, the expectation being that a prior meeting of the committee should fix an agreed price. This was not done, and the operators thereupon advanced the price, because of which a number of the miners quit work. The court found itself unable to fix the price at which the material in question should be furnished, "because the price is not fixed in Kansas but outside of Kansas, and the most of the supplies are manufactured outside of the State; therefore no order that this court can make would be enforceable."

However, the court found that the price of materials directly affects the wage, so that it would be necessary to take this into consideration in fixing a wage. "I understand that the committees representing the two parties meet to-day in Kansas City, and it is the hope of the court that some adjustment of the matter will be made that will be satisfactory to both sides, and for that reason no further action will be taken by the court at this time on the matter."

Judge Huggins then took up another matter that had been brought to the attention of the court by the evidence produced, and that was the practice of employers of making a discount of 10 per cent on wages paid in advance of the regular pay day, which occurred twice per month. Admitting that this interim payment entailed additional expense for bookkeeping, etc., the charge made seemed to the court "to be absolutely unreasonable." An order was issued fixing the minimum charge at 25 cents, with a maximum of 2 per cent where the amount drawn "is larger than a mere nominal amount, like $10 or $15."

Another point taken up was the use of the check-off system. Both parties seemed to desire to continue the check-off system, but there was evidence that the system was being used "to collect funds that in turn are being used to stimulate opposition to the Government of the United States of America." At a convention of the mine workers' union, held March 12, 1920, an amendment to their constitution was adopted providing for a fine in the sum of $50 for each offense in case of "any member, pit committee, or local officer being a party to referring cases to the industrial court over the heads of the district official." Another new section reported as adopted provided a fine of $5,000 in case of any district officer of the mine workers referring any grievance to the industrial court. Money collected by the check-off system was reported to have been given as a gift or turned over to a Socialist paper published in Oklahoma, the sum named being $10,000, many of the miners being members of other parties. It was also in evidence that attorneys' fees had been paid out of the dues, etc., collected, in cases in which the mine workers were not themselves directly interested, and that cash bonds had been furnished for men charged with violating the laws of the United States, and in some instances where they were charged with conspiracy to overthrow the Government of the United States.

Now, gentlemen, it ought to be apparent to all of you that no Government can permit such things as that, and the time seems to have come when it is a question whether any organization carrying on that line of business should be permitted. As I stated a few days ago from this bench, the law under which we are operating specifically recognizes labor unions and gives labor unions a standing in this State which they do not have in any other State in the Union, so far as I am aware of. It recognizes collective bargaining; it permits the organization of labor unions into corporations, thus making them a legal entity

and giving them all the power and authority and all the protection of the law, the same as corporations engaged in other lines of business. It goes farther than that, and permits labor unions to bargain collectively on the principle of agency. Labor unions, unincorporated, without any reference to incorporation, it permits them to bargain collectively on the principle of agency by the members merely signing a written appointment, whereby they may appoint their president or secretary or any other person to represent them in this collective bargaining and sign for them. I do not know of any other State in the Union that has done that, and there was no such law as that in Kansas until this recent law was enacted. I say that merely to show that there is no disposition on the part of this court, or of the lawmaking body of the State of Kansas to do anything to hamper or restrict the proper activities of labor unions. On the other hand, gentlemen, it must be apparent to all of you that if the State is to stand and if our form of Government is to endure, we must all obey the law, individually and collectively—the labor unions as well as the corporations—and this court would stultify itself if it failed to take notice of this evidence that is before it in regard to the improper use of funds collected by the check-off system. After very grave consideration the court has decided that it is necessary to make a temporary order in regard to this check-off system, which will be oral only and not formal, and that order is that the check-off system may still be used for the purpose of checking off the regular dues, union dues, and for the purpose of checking off sick and death benefits and any other charges of a purely fraternal nature; even moderate fines imposed for disciplinary purposes may be checked off, but in such case the purpose of the fine must be certified to by the local imposing it, and filed with the company to which it is addressed, signed by the president or secretary of the local which imposes the fine, setting forth the reason for the fine briefly.

Now, the operators are temporarily forbidden to check off any other charges than the ones mentioned, and especially are they forbidden to check off any fines or assessments of any kind under the two new sections of the constitution which I read to you.

Judge Huggins took up the situation resulting from the refusal of men connected with the mine workers' organization to appear and testify. The statement was made that this subject was "in course of adjudication in the regular courts of the land," and that further opportunity would be given for the men to appear and be heard. The statement concluded with an expression of the general purpose of the State in providing the tribunal for the determination of grievances, and the hope that with the knowledge of its purpose the court might find its best friends "and the best friends of this new law among the ranks of labor."

During the year 1922, 10 industrial cases were filed with the court, of which 7 were disposed of as of January 15, 1923. No particulars are available at the time of this report.

LEGAL PROCEEDINGS AFFECTING THE INDUSTRIAL LAW.

As intimated above, legal proceedings arose in connection with the attendance of witnesses before the court and other activities of the court. These are enumerated in the second annual report, eight titles being given. The first case involving the authority of the court was on relation of Hopkins, attorney general, against Alexander Howat and other members of the miners' board and officers of the local unions, for the purpose of obtaining an injunction against the calling and putting into effect of a strike of the miners in violation of the industrial act. The trial court issued a permanent injunction September 14, 1920, enjoining the parties named from calling a strike in violation of the law.

The next case, like the above, was entitled State ex rel. *v.* Alexander Howat et al., and was an action wherein the defendant, Howat, and others were adjudged guilty of contempt in failing to respond to subpœnas issued by the industrial court to appear as witnesses. The defendants were convicted of contempt and sentenced to imprisonment until willing to appear and testify.

The answer to the charge of contempt was that the act was invalid, various provisions being attacked. The court found that the points raised "could have no possible bearing upon the disposition of the present case." Furthermore, the law provided specifically that the unconstitutionality of any section or provision of the act should not affect the validity of other portions, so that even if the claims were supported, the points in question would not necessarily be determined. "Much of the argument in behalf of the defendants is based upon objections to the provisions of the statute undertaking to restrain the conduct of employees in the mining industry and others classified with it. As already indicated, the validity of those provisions is not and could not be involved here."

The intervention by the district court was said to arise from the fact that the court of industrial relations, in spite of its name, is not a judicial body but is rather administrative and therefore not capable of enforcing its own process. The validity of such an arrangement, whereby a competent court procures the attendance of witnesses before an administrative body, has been established by the highest court of the land (Interstate Commerce Commission *v.* Brimson, 154 U. S. 447, 14 Sup. Ct. 1125).

Another suggestion was that the defendants were protected by a provision of the State constitution which excuses them from giving testimony that might incriminate them; but the court would not assume that the questions to be asked would necessarily call for incriminating replies. Another contention was that the act was void because of its commingling of administrative and judicial functions conferred upon a single body. As to this the court said: "The function of a tribunal of the general character of the court of industrial relations has become so fully recognized that they do not regard it as necessary to undertake a review of the subject at this time (6 Ruling Case Law, 179)." The court continued that in so far as the activities of the court of industrial relations directly affected the defendants in the present case, they were fully within the scope of a valid law, so that the judgment of imprisonment was affirmed (State ex rel. Court of Industrial Relations *v.* Howat, 107 Kans. 423, 191 Pac. 585).

The third case noted was also a contempt proceeding, but related to the disobedience of Howat and others in violating an injunction which forbade the calling of a strike (State *v.* Howat et al., 109 Kans. 376, 198 Pac. 686). A young miner by the name of Mishmash was regarded by the union as entitled to additional pay on the discovery of his improper rating based on experience. Instead of going to court, the union undertook to coerce payment by means of a strike, and when this was enjoined the persistence of Howat and his fellow officials led to a conviction of contempt and a sentence of one year in jail. The case was appealed to the supreme court, the constitutionality of the statute being again challenged. In its opinion

the supreme court went at length into the history of the law, the conditions preceding its enactment, and the purposes of the statute.

Heretofore the industrial relationship has been tacitly regarded as existing between two members—industrial manager, and industrial worker. They have joined wholeheartedly in excluding others. The legislature proceeded on the theory there is a third member of those industrial relationships which have to do with production, preparation and distribution of the necessaries of life—the public. The legislature also proceeded on the theory the public is not a silent partner. Whenever the dissensions of the other two become flagrant, the third member may see to it the business does not stop. The privilege of industrial managers to organize is not disputed. The privilege of industrial workers to organize is expressly recognized. Collective bargaining between the two organizations is not only encouraged, but is in effect placed on the plane of duty. The rights of society as a whole, however, are dominant over industry; and the State is under obligation to intervene to compel settlement of differences whenever failure of manager and laborer to agree endangers the public safety or causes general distress.

The nature of the body under consideration was discussed, the opinion holding that "the court of industrial relations is, in fact, a public service commission, the word 'court' having been employed merely as a matter of legislative strategy." Its relation to the judicial courts of the State was said to be such that it was clearly within the power of the latter to issue writs of mandamus for enforcing lawful orders of the industrial court.

The statute provides a permanent board of State officers, sitting all the time, to receive submission of differences and adjust them, without expense to either disputant. Members of the board are not arbitrators. In actual practice, a board of arbitration is too frequently a jury packed on both sides. In any event, its verdict is a compromise, and the public interest is not taken into consideration. The court of industrial relations sits to administer industrial justice, and its facilities for doing so are complete. Its command of data and of aids to sound conclusion includes everything that both business and government are able to supply. It supplants no type of shop committee, no mutual interest department of any business organization, and no principle of voluntary adjustment. Its intention is to prevent strife in case of disagreement, by promulgation of just, reasonable, and lawful regulations, and it must be classified as an instrument of social progress. With a tribunal of this kind to appeal to, disputants have no moral right, and have no economic excuse, for fighting after failing to agree.

The power of the court to issue an injunction, as was done by the district court in behalf of the court of industrial relations, and the constitutionality of the act creating the industrial court were discussed in part as follows:

The power of a court in any case to grant an injunction for any purpose is not statutory. In the absence of statute, power exists in courts to grant injunctions for numerous purposes. The power not being statutory, and not being in derogation of the common law, is not strictly construed. If the power were statutory, it would be liberally construed, to accomplish just and equitable purposes, because of an express statute of this State.

It is said the injunction was invalid as an attempt to enjoin a crime. If so, the injunction order was not void, and the defendants are precluded from attacking it in this proceeding.

The purpose of the injunction was not to enjoin crime, and bore no other relation to administration of the criminal law. The purpose was to prevent the irreparable injury which the petition for injunction alleged would occur, and which the court found would occur, unless the defendants were restrained from executing their designs. It might be the defendants would incur sentences to the penitentiary or to jail, but the imposition of those penalties would not fulfill the obligation of the State of Kansas to protect its people from the calamitous consequences of the defendants' wrongdoing, and for which there was no redress.

Nor is there in this any invasion of the constitutional right of trial by jury. * * * The power of a court to make an order carries with it the

equal power to punish for a disobedience of that order, and the inquiry as to the question of disobedience has been, from time immemorial, the special function of the court, In re Debs, 158 U. S. p. 594, 15 Sup. Ct. 910.

It is contended the act creating the court of industrial relations contravenes section 16 of article 2 of the constitution of the State, in that it contains more than one subject and the subjects are not clearly expressed in the title.

In a certain sense the act embraces two subjects: Regulation of public utilities and regulation of those industries which have to do with supplying the people with necessaries of life. In the same sense the second subject is doubly triple. It embraces food, clothing, and fuel, and it embraces production, manufacture, and distribution. According to the same method, the act might be conceived as divided into as many subjects as a carefully prepared index of its contents would disclose. That, however, is not the method by which to determine the scope of a statute. The question in any case is, Are the particulars so diverse that they may not be connoted in a single generic concept? In this instance the general concept is enterprise affected with a public interest, and the grouping is not only natural but consistent and harmonious.

Employers and employees disagree about how the product of their joint contributions to industry shall be divided. In the last analysis, hours, working conditions, recognition of union, etc., revolve about this fundamental subject of grievance. The subject is of great importance to the employer. It is of even greater importance to the employee, because on wages depend food, clothing, and shelter; recreation and the details of daily living; the value of the worker to the community in which he lives; and even the length of time he will live. Disagreements become acute, the contestants become hostile to each other, sometimes each one resorts to force, and the public, the great employer of both labor and capital, suffers grievously.

The court concludes that the business of producing coal bears an intimate relation to the public peace, good order, health, and welfare; that such business is affected with a public interest; and that such business may be regulated to the end that reasonable continuity and efficiency of production may be maintained.

It is said the act of 1920 is void because it trenches on personal liberty. The personal liberty contended for is liberty to leave the employer's service. All the leading cases in which the principles involved have been discussed are cited. It is not necessary to review them. The statute expressly guards the privilege of any employee to quit his employment at any time. He may quit before controversy arises, when controversy arises, while controversy is raging, and after controversy has been adjusted. As many others as desire may do likewise, and they may do so as the result of mutual-interest consultations. No employee may, however, transgress the limits of his personal privilege, as defined earlier in this opinion, for the purpose of limiting or suspending production, contrary to the provisions of the act.

The discussion cited many legal decisions and economic facts, the conclusions of the court being summarized in a syllabus prepared by it, which is as follows:

1. The State was authorized to apply for, and the court was authorized to grant, the injunction, to avert threatened public calamities, irrespective of the State's ownership of property affected, and without the aid of a statute.

2. The injunction order was not forbidden by section 7149 of the General Statutes of 1915, relating to granting injunctions in specified cases of industrial disputes.

3. The injunction order was not invalid as an attempt to enjoin the commission of crime.

4. The defendants were not entitled, in the contempt proceeding, to a trial by jury.

5. The contempt proceeding was otherwise free from irregularity.

6. The act creating the court of industrial relations is not void under the constitution of this State because of duality of subject, or defect of title, or because

it commingles functions of separate departments of government, or because it attempts to enlarge the original jurisdiction of this court.

7. The business of producing coal in this State bears an intimate relation to the public peace, health, and welfare, is affected with a public interest, and may be regulated, to the end that reasonable continuity and efficiency of production may be maintained.

8. The act creating the court of industrial relations is a reasonable and valid exercise of the police power of the State over the business of producing coal, and does not impair liberty of contract or permit involuntary servitude, contrary to the Constitution of the United States.

The two cases last noted were taken to the Supreme Court of the United States on writs of error, the purpose being to secure a decision as to the constitutionality of the Kansas statute. The Supreme Court was "of the opinion that in neither case is the Kansas industrial relations act presented in such way as to permit us to pass upon those features which are attacked by the plaintiffs in error as violative of the Constitution of the United States." The main purpose of the act was set out as being the creation of "an administrative tribunal to arbitrate controversies between employers and employees in certain industrial, mining, and transportation businesses which the act declares to be affected with such a public interest that their continuity is essential to the public peace, to the public health, and the proper living conditions and general welfare of the people." The body created is said to be a "board, miscalled a court"; while the act is said to provide, in effect, "for compulsory arbitration between labor and capital in certain industries and employment. * * * Obviously we should not pass upon the constitutional validity of an act presenting such critical and important issues unless the case before us requires it." (Howat *v.* Kansas, 258 U. S. 181, 42 Sup. Ct. 277.)

Despite the fact that the object of the writ could not be obtained, the court discussed at some length the points involved in each case. In the first case, involving contempt for failure to attend as witnesses, it was held that not only did the case cited by the Kansas court (Brimson case) sustain its position, but another decision of the Supreme Court (Blair *v.* U. S., 250 U. S. 273, 39 Sup. Ct. 468) was also in line. In this case it was contended that the claimed unconstitutionality of the law denouncing the act as an offense was a defense against penalties for refusal to testify when ordered by the court to do so. This contention was rejected, furnishing an exact precedent for the instant case. However, these were questions of general law, and the State court had based its conclusions on these principles, so that no Federal question could be considered.

In the second case, in which there was a conspiracy to disregard the court of industrial relations, two principal pleas of the defendants were noted, one that the cessation of work or intent to cease work was simply the exercise of lawful rights, and that any incidental effects on the public were not the primary purpose, but merely followed on the exercise of legal and constitutional rights; the other that the invalidity of the industrial court act because in violation of the Federal Constitution and the rights of defendants thereunder deprived the courts of any power to issue an injunction. Here again, the basis was found to be one of general law, the injunction having duly issued "out of a court of general jurisdiction with equity powers, upon pleadings properly invoking its action, and served upon persons made parties therein and within the jurisdiction." Such

being the case, the injunction must be obeyed, even though there be an erroneous action of the court going so far as to an assumed validity of an apparently valid but actually void law. "It is for the court of first instance to determine the question of the validity of the law, and until its decision is reversed for error by orderly review, either by itself or by a higher court, its orders based on its decision are to be respected, and disobedience of them is contempt of its lawful authority, to be punished," citing various Supreme Court decisions.

However, the injunction was not an enforcement of the industrial relations act. "It was a proceeding entirely independent of that act, and the district court in entertaining it did not depend on the constitutionality of that act for its jurisdiction or the justification of its order. The State supreme court, it is true, did go into an extended discussion of the constitutional principles upon which the industrial court act could in its opinion validly rest; but, as the court itself had before intimated, the decision was not necessary to the conclusion which it had reached in sustaining the sentence for contempt."

The State court having, therefore, disposed of both cases on principles of general and not of Federal law, it was said that "we have no choice but to dismiss the writ of error" as in the other case.

The fourth case mentioned in the report bears the same title, State *v.* Howat, and was a second contempt proceeding against Howat and one other for the calling of a strike at certain mines in violation of the injunction before mentioned. There was a conviction and sentence to pay a fine of $200 and the requirement of a bond of $5,000 that such injunction would not again be violated. This sentence was also appealed to the Supreme Court of Kansas, where it was affirmed (202 Pac. 72).

In the fifth case a criminal prosecution was brought against the same defendants as above, Alexander Howat and August Dorchy, who were charged, under the criminal provisions of the law, with calling a strike in the mines of a third company. A jury found them guilty, and they were sentenced to six months in jail and were required, before an appeal should be allowed, to give bond in the sum of $2,000 each that they would not again violate the law. The defendants went to jail under this sentence on September 30, 1921, and after four months' service gave the bonds required and appealed their case to the Supreme Court of Kansas, where it was pending at the time of the report.

In the sixth case the district court of Wyandotte County held unconstitutional the seventeenth section of this statute in its provision forbidding picketing, the court saying that this provision was not indicated in the title of the act, and that the offense of picketing "has nothing to do with the establishment of a court and does not fall within any of its powers or duties." However, when this case came to the supreme court of the State on appeal the decision of the court below was reversed. It was pointed out that it had already been determined that the word "court" was not used in a technical sense and does not imply that the tribunal created shall be of a strictly judicial character. "The subject of the statute is the regulation of the relations of employer, employee, and the public in certain industries by means of a board or commission, which is given a large power of investigation and control," one of the principal objects of the act being to promote the continuous operation of industries; acts tending

to prevent this would undoubtedly be forbidden, and "we regard this prohibition as within the scope of the title of the act." (State *v.* Scott, 197 Pac. 1089.)

In the seventh case, Howat and Dorchy began proceedings before a United States district judge to secure their release by a writ of habeas corpus. An attempt was made to raise the question of constitutionality in this proceeding, and after an argument the matter was taken under advisement by the judge, but before he delivered any opinion the applicants dismissed their application.

The eighth case noted differs from the others in that it was a proceeding brought by an employer, the others having had relation to employees and their union representatives. Mention was made above (p. 21) of the determination of wages in the case of the Chas. Wolff Packing Co., and the schedule fixed by the court was attacked by the company in a proceeding by which it was sought to set aside the order. The court also brought proceedings for a writ of mandamus to compel compliance. (Court of Industrial Relations *v.* Chas. Wolff Packing Co., 109 Kans. 629, 201 Pac. 418.)

The first contention related to procedure, the point being that the court could not sue in its own name or prosecute actions in the supreme court. The law creating the court was quoted and various comparable statutes cited, the conclusion being reached that while the court was not itself directly interested in the result of the action, the State, the actual party in interest, had authorized the court to bring the action. The proceeding was therefore declared to be proper.

The next contention was that as the court was to compel the payment of wages to certain employees, the proper procedure would be for those employees to sue on their respective accounts. The court rejected this, saying that the action was brought to compel the company to obey an order of the court of industrial relations fixing a scale of wages and establishing hours of labor to be observed by the employer in its business. An action in mandamus to compel such observance was therefore the proper one and properly brought by the court of industrial relations.

A third point was to the effect that the proceedings of the court were of a legislative, not a judicial, nature. This was based on a provision permitting an interested person to commence proceedings in the courts of the State to compel the court of industrial relations to make just, reasonable, and lawful orders which, it was claimed, would in effect be legislation. It was pointed out that the company was not seeking the establishment of an order, which this provision of the law bears upon, but was resisting an established order, so that this contention could avail it nothing. A further insistence that the orders of the industrial court are not effective until approved by the supreme court was rejected.

The next point urged was that the fixing of wages is an extraordinary power, not to be exercised except in cases of emergency. The law provides for a recognition of controversies such as might endanger the continuity or efficiency of service in an industry declared by the law to be affected by a public interest. Such a state of affairs was held to have been properly alleged in the case in hand, so that an emergency was regarded as having arisen justifying the action taken.

The final contention was that the act interferes with the freedom of contract, depriving the defendant of its liberty and property in violation of the fourteenth amendment of the Constitution of the United States. It was variously urged that the employees can not be governed by the orders of the industrial court, that their wages are not affected with a public interest so as to be subject to State regulation, that the right to contract is violated, and that the classification of the businesses covered is arbitrary and unjust.

Each of these propositions was considered in order and all were disposed of in favor of the validity of the law. The statute does in fact measurably restrict the course of action of both employers and employees, but neither party is compelled to surrender its rights to an extent injurious to its own financial success; while the interest of the public is so clearly demonstrated that the right of the State to intervene must be sustained. "The State is not powerless to regulate the wages to be paid for labor in those enterprises without the continuance of which the people must suffer." The discretion of the legislature in classification was also regarded as properly exercised in this case, the classification being reasonable and not arbitrary nor hostile. All justices, therefore, concurred in upholding the law and approving it as applicable to the case in hand.

The foregoing decision was rendered October 8, 1921, fully sustaining the applicability of the law and the power of the court of industrial relations to act as it had. A commissioner was appointed to take evidence in the case and make findings of fact and conclusions of law. Further proceedings were had, based on the report of this commissioner, and a further decision announced in June, 1922 (207 Pac. 806).

The commissioner found that the plant was a comparatively small one, employing about 300 workmen, and dependent upon an irregular local market for the animals to be slaughtered; also that the establishment was not in and of itself an essential factor in the actual supply of food to the State. However, it was of that class of establishments over which the court had jurisdiction. An examination of the specific orders of the court in connection with the determination made for the adjustment of the controversy between employers and employees developed the fact that of the 19 paragraphs, serially numbered, embodying as many points under consideration, 9 were unenforceable because covering subject matter not properly before the court. The actual points involved in the controversy were wages and hours, and although the entire contract of the workers was before the court, it was decided that a number of the elements involved had not come before it in such manner as to give it authority to make rulings thereon. It was therefore held that paragraphs 1, 5, 6, 7, 8, 10, 12, 13, and 16 were outside the purview of the court and unenforceable. These embraced a declaration of the principle of open shop, advance notice of purpose not to operate on any succeeding day, advance notice of changing hours of beginning work, the operation of the seniority rule, the subject of rules and regulations generally, the employment of a woman to have charge of toilets and dressing rooms for woman workers, a limitation on the hours of labor of women, and the establishment of a lunch room. The decision did not go so far as to pronounce all or any of these subjects outside the

power of the court's action, but merely found that the points had not been submitted to inquiry, and that no jurisdiction had been acquired in the proceedings under consideration.

It appeared that the plant was operating at the time at a loss, and the question was raised as to the power of the court to make an order increasing the wages of employees in the face of such a fact. The determination of wages in an industry was distinguished from the fixing of rates of public utilities. It was conceded that in the latter case no rate can be decreased when the business of the utility is being conducted at a loss, though prudently and efficiently managed.

> But rates and wages are not the same. Rates are compensation paid by those who desire the services of public-service corporations for the services rendered by such corporations. Wages, for the purposes now under discussion, are that part of the cost of the finished product given to those who performed service in its production.
>
> The operators of a packing plant can not by law be compelled to sell the finished product of their plants at a price that will not allow them a fair return upon the investment, but that does not say that those operating the packing plant can not be compelled by law to pay a living wage to their employees, notwithstanding the fact that the plant is being operated at a loss. An industry of any kind that can not be operated except at the sacrifice of its employees ought to quit business. An industry ought not be permitted to recoup its losses out of the wages of its employees where those employees are in such a condition that they can not prevent it.

The contention that a man unwilling to work for the wages offered is at liberty to seek employment elsewhere was then noted, and while conceding the legal validity of the contention it was pointed out that economic conditions sometimes render such freedom of action valueless.

> Many a working man can not quit when he desires so to do. He must continue to work although his wages are not sufficient to properly feed and clothe himself and his family and educate his children. Public welfare demands that all industries that provide food, clothing, fuel, and transportation shall continue to operate, because without their operation suffering must result; but public welfare likewise demands that the workingman engaged in the production of the things that minister to the comfort of all must be paid such compensation for his services as will enable him to live in the manner described in the court of industrial relations act.

Possible reasons why the plant was operating at a loss were then considered, but no attempt was made to solve the question involved, that being the function of the management of the business rather than of the court. The loss should not be put on the employees "if its employees are thereby compelled to work for less than living wages." Unsuitable location or improper management are matters of correction by the company, but recoupment of losses caused by either of these matters ought not to be brought about by laying a burden on the workingman to labor for less than a living wage.

A peremptory writ of mandamus was directed to issue to compel the company to put into effect the portions of the order not nullified by this finding.

Two judges dissented on the ground that there was no emergency necessitating the application of the law to the case in hand, the controversy in this instance not being such as actually to interfere with the public welfare, in the absence of which "public interest does not attach to the conduct of its business, and the powers conferred by the statute are not called into action."

REPORTS.

The statute creating the court of industrial relations provides for the making of annual reports. Two of these have been published, the first covering the period of 10 months from the establishment of the court, February 1, 1920, to November 30 of the same year. Disregarding the public-utility functions, which have since been severed from the court, it is reported that 28 cases were filed on the industrial side of the court during the first 10 months. Of these, 25 were filed by labor and 1 by capital, while 2 were investigations initiated by the court. Of the 25 cases filed by labor, 20 received formal attention and decision. In 13 a wage increase was granted, in 3 wages were found to be fair so that no increase was allowed, in 2 only working conditions were involved, while in 1 the employers took action satisfactory to the employees, the court simply approving the settlement. The remaining case was merely a referee action on a collective agreement.

One of the two original investigations related to the coal-mining and marketing industry of the State and the other to the production of flour. The former investigation was quite extensive and involved considerable expense, but the data furnished were expected to be of continuing value, rendering it possible fairly to estimate the proper price of coal for some time to prevent profiteering.

Inasmuch as the object of the law is only to establish a minimum wage, it naturally follows that only low-paid labor, as a rule, comes before the court. The reports states that " labor has appeared to be fairly well satisfied with its treatment by the court of industrial relations." In some cases employers voluntarily increased the wages of some of their employees above the rate fixed by the court.

The court regards the number of cases filed and decided as " very poor indication of the activities of the industrial court," as there is a large educational value and incidental effect that do not take such concrete form, but are of real influence in the field in which the court operates.

The second report covered the year ending December 31, 1921, during which period there was no exercise of the functions of a public utilities commission. The addition of administrative duties relating to other laws was noted in the first section of this article, but the details in regard to these activities call for no consideration here. The report states that " the division relating to industrial disputes is not the larger part of the work of the tribunal, but is the department which is new in its conception and operation and, therefore, is the feature of the work which is attracting the attention not only of the State but of the Nation as well." A sketch of the legal proceedings affecting the work of the court shows the opposition on the part of the mine union officials, already indicated, this being the source of six of the eight cases noted in the report. The decisions, so far as arrived at, have fully sustained the law creating the court and the activities of the court thus created.

An account of the packing strike of December, 1921, shows the mode of operation in a case in which no appeal to another court was taken. A " plant assembly," representing both employers and employees, had arranged a new wage scale to follow the expiration

in September, 1921, of the scale fixed by Judge Alschuler under the bureau of conciliation of the United States Department of Labor. This scale called for a considerable reduction from the expiring rates, and a strike vote resulted in a strike call on December 1, to be effective December 5. On December 3 the court held a sitting at Kansas City, to which representatives of the employers and employees were summoned, though but one of the latter appeared until other proceedings were had to bring them before the court. When finally brought into court, they declared that they had no controversy which they desired to submit, as did also the employers. The court then announced that no matter in dispute being before it, it became its duty to see that the plants were operated with continuity and efficiency to the end that the food supply of the State be maintained, as well as a market for the protection of the live-stock producers, which the court proposed to do.

With the cooperation of local police officers, the provisions of the law were enforced, the packing houses were able to continue operation, and within a few days again reached normal production, and the live-stock market was kept open and not interfered with; all the meat products that came upon the market were sold, and at prices not in any way affected by the so-called strike. The court informed the employees that this court was a means provided by law for the settlement of the differences between them and their employers, which means was fully open to them, but that their disputes or demands could not and must not be enforced by means of violence, picketing, nor in any other way than by the orderly process of law. This broke the strike, and these results were accomplished without any litigation and with very few arrests for violation of law.

This completes the account of the activities of the court in so far as the data at hand make such a record possible. Following is a bibliography of books and articles on the subject from various standpoints, prepared by the librarian of the Department of Labor library, and giving a quite complete list of the material produced to date:

APPENDIX.—LIST OF REFERENCES ON THE KANSAS COURT OF INDUSTRIAL RELATIONS.

Compiled by LAURA A. THOMPSON.

ADJUSTMENT OF INDUSTRIAL DISPUTES IN KANSAS AND COLORADO.
Monthly Labor Review, March, 1920, p. 214–217.

ALLEN, HENRY J.
"Chief aim of government is justice": how the Kansas industrial court aims to bring justice to all sides of a labor controversy.
Open Shop Review, January, 1922, v. 19: 3–18.

—— Debate between Samuel Gompers and Henry J. Allen at Carnegie Hall, New York, May 28, 1920. New York, E. P. Dutton & Co., 1920. 105 p.
Subject of the debate was the compulsory arbitration of industrial disputes with specific reference to the Kansas Court of Industrial Relations.

—— How Kansas broke a strike and would solve the labor problem.
Current Opinion, April, 1920, v. 68: 472–478.

—— Increased production as a remedy for inflation: the Kansas industrial relations court plan.
(*In* Academy of political science, New York. Proceedings, June, 1920, v. 9: p. 70–78.)
Reviews the history of the act and its operation during first three months.

—— Is the industrial court making good?
System, January, 1921, v. 39: 25–26.

—— The Kansas Court of Industrial Relations.
Administration, September, 1922, v. 4: 257–260.

—— Let the people freeze; how Kansas took up the challenge of the coal strike.
Independent, Mar. 13, 1920, v. 101: 385–386.

—— Liberty and law in Kansas. How the industrial court protects the public, insures justice to labor, and increases production.
American Review of Reviews, June, 1920, v. 61: 597–602.

—— The party of the third part; the story of the Kansas industrial relations court. New York, Harper & Bros., 1921. 283 p.
Reviewed by James M. Lee in Administration, June, 1921, v. 1: 847–50, and by E. M. Hollander in the Survey, June 25, 1921, p. 446.

—— The settlement of labor disputes.
Electric Railway Journal, Oct. 16, 1920, p. 751–754.
Abstract of address delivered before American Electric Railway Association, October 13, 1920.

—— Speech at annual banquet of the League for Industrial Rights, Waldorf Hotel, New York, Mar. 5, 1920.
Law and Labor, April, 1920, v. 2: 84–89.
An account of the circumstances leading to the adoption of the act, the purpose which it was expected to fulfill, and its prospects for success.

—— Submerged 92 per cent: how the public can be protected when capital and labor start a fight.
Credit Monthly, August, 1920, p. 25–27.
Address at annual convention of National Association of Credit Men.

—— A substitute for strikes.
Saturday Evening Post, March 6, 1920, p. 6–7, 72, 75.

—— What about the public?
Nation's Business, June, 1920, v. 8: 18.
See also Kansas. *Governor* (Allen).

AMERICAN FEDERATION OF LABOR.
Report of the proceedings of the fortieth annual convention held at Montreal, Canada, June 7 to 19, 1920. Washington, Law Reporter Printing Co., 1920. 496 p.

Report of the executive council on Kansas Court of Industrial Relations: p. 88–90. Resolutions and discussion: p. 377–383. Resolutions instructed the executive council to cooperate with organized labor bodies in Kansas in an endeavor to secure repeal of the act. Section of the report relating to the Kansas court reprinted in American Federationist, July, 1920, p. 627–629. Report of the executive council also published separately.

—— Report of the proceedings of the forty-first annual convention held at Denver, Colo., June 13 to 25, 1921. Washington, 1921.

Report of the executive council (p. 125–127) recommended continuation of efforts to secure repeal of the Kansas industrial court law as "inimical to the interests not only of labor but the farmers and the people generally." Resolutions condemning the court and commending the organized workers of Kansas for opposing the law: p. 379.

—— Report of the executive council to the forty-second annual convention, Cincinnati, Ohio, June 12, 1922. Washington, 1922. 151 p.

The section of "Legislative attacks on trade-unions" (p. 35–41) discusses the Kansas industrial law, the Duell-Miller bill, the Colorado industrial commission law, and President Harding's proposal to regulate trade-unions.

—— A. F. of L. to fight the no-strike court. Gompers urges the use of the "elect friends" policy to repeal Kansas law.
New York Call, September 8, 1920, p. 1–2.

Gives text of letter to Kansas State Federation of Labor urging that the court of industrial relations act be made the leading issue in the State elections and suggesting the calling of a conference. Printed in part also in Christian Science Monitor and other papers of same date.

ANOTHER DECISION FROM THE KANSAS COURT OF INDUSTRIAL RELATIONS.
Law and Labor, June, 1920, p. 152.

Case involving employees of Joplin & Pittsburg Ry. Co.

THE ANTISTRIKE BILL.
New York Call, December 31, 1921, p. 8.

On the proposed New York industrial court act.

ARBITRATION, COMPULSORY OR VOLUNTARY.
New Republic, May 25, 1920, v. 22: 396–398.

Editorial contrasting the Kansas compulsory scheme with the plan of the President's second industrial conference.

ARE WE READY FOR INDUSTRIAL SLAVERY?
Independent, March 13, 1920, v. 101: 385–386.

AT LAST, THE INDUSTRIAL COURT.
Illinois Law Review, March, 1920, v. 14: 585–594.

ATKINS, WILLARD E.
The Kansas Court of Industrial Relations.
Journal of Political Economy, April, 1920, v. 28: 339–352.

A critical analysis of the provisions of the law. A summary of the first case before the court (Topeka Edison Co.) is appended.

BOWERS, JOHN H.
The Kansas Court of Industrial Relations: The philosophy and history of the court. Chicago, A. C. McClurg & Co., 1922. 133 p. (The National social science series.)

"Professor Bowers is frankly a protagonist of the court and in his book argues strongly for its provisions."—Editor's preface.

CANNON, JAMES P.
The story of Alex. Howat.
Liberator, April, 1921, p. 25–27.

"CAN'T-STRIKE LAW" PROVES A "BLOOMER."
American Federation of Labor Weekly News Letter, February 19, 1921.

News item regarding the differences which have arisen between Gov. Allen and Judge Huggins regarding the functions of the court.

"CAN'T-STRIKE" LAWS ARE INTENDED TO BREAK UNION LABOR'S SPIRIT.
Kansas Trade Unionist, February 24, 1922, p. 1.

CHENERY, WILLIAM L.
Texas anti-strike law.
Survey, December 4, 1920, v. 45: 362–363.

——A reply to criticism of W. L. Merritt.
Survey, February 21, 1921, v. 45: 701–702.
Points of similarity and contrast with the Kansas act are noted briefly.

COLORADO INDUSTRIAL COMMISSION.
Monthly Labor Review, March, 1920, p. 216–217.
The act of 1915 creating the commission (ch. 180) conferred on it certain powers as to the adjustment of industrial disputes. It was made unlawful for employers to declare or cause a lockout or for employees to go on strike prior to or during an investigation or arbitration of a dispute. A summary of the industrial cases before the commission in 1921 is given in the 5th annual report of the commission, p. 120–138.

CONDIT, K. H.
The Kansas industrial court.
American Machinist, October 21, 1920, v. 53: 749–752.

CONSTITUTIONAL PROVISION FOR CREATION OF INDUSTRIAL COURT IN NEBRASKA.
Monthly Labor Review, November, 1920, p. 193–194.
By vote at special election, September, 1920, the constitution of Nebraska was amended so as to authorize the establishment of an agency similar in scope and power to the court of industrial relations of Kansas.

COURT OF INDUSTRIAL RELATIONS MAY ENFORCE AN ORDER FOR LIVING WAGES WHETHER THE BUSINESS IS RUNNING AT A LOSS OR NOT.
Law and Labor, October, 1922, v. 4: 283–284.
Court of industrial relations *v.* Chas. Wolff Packing Co. (Supreme Court of Kansas, 207 Pac. 806).

COURTS OF INDUSTRIAL INJUSTICE.
Nation, April 3, 1920, v. 110: 416.
Editorial criticizing the industrial courts bills, patterned after the Kansas act, before New York and other State legislatures.

THE COURTS UPHOLD GOVERNOR ALLEN.
Outlook, May 12, 1920, v. 125: 58.
Editorial on decision upholding constitutionality of the Kansas court of industrial relations act.

DAMAGED PANACEAS.
Nation, December 28, 1921, v. 113: 748.

DEAN, J. S.
The fundamental unsoundness of the Kansas industrial court law.
American Bar Association Journal, July, 1921, v. 7: 333–336.

DECISION OF COURT OF INDUSTRIAL RELATIONS OF KANSAS IN MEAT PACKING COMPANY CASE.
Monthly Labor Review, July, 1921, p. 206–208.
Case of May et al. *v.* Chas. Wolff Packing Co.

DECISION OF KANSAS COURT OF INDUSTRIAL RELATIONS AS TO CERTAIN EMPLOYEES OF RAILROADS.
Monthly Labor Review, August, 1920, p. 142–143.
Summary of case of Wendele *v.* Union Pacific Railroad Co. brought on behalf of the International Brotherhood of Stationary Firemen and Oilers regarding wages.

DECISION OF KANSAS COURT OF INDUSTRIAL RELATIONS AS TO WAGES ON INTERURBAN RAILWAYS.
Monthly Labor Review, June, 1920, p. 106–107.
Review of the findings of the court (April 23, 1920) in case involving employees of Joplin & Pittsburg Railway Co. of Kansas and Missouri.

DECISIONS AFFECTING KANSAS COURT OF INDUSTRIAL RELATIONS.
Monthly Labor Review, November, 1920, p. 191–193.
Summary of the case of Howat and other officials of the miners' union who refused to testify before the court of industrial relations and were committed to jail. (State ex rel Court of Industrial Relations *v.* Howat, 191 Pac. 585.)

DUFFUS, WILLIAM M.
The Kansas Court of Industrial Relations.
American Economic Review, June, 1920, v. 10: 407–412.
An analysis of the terms of the law with history of its enactment.

EASLEY, RALPH M.
Is the labor problem unsolvable? Gompers-Allen debate demonstrates there is no overnight nickel-in-the-slot machine solution of capital and labor problems—Attempts to force men by law to work have uniformly proven a failure.
National Civic Federation Review, July 10, 1920, p. 1–2, 5, 20.

EWING, ANDREW J.
The danger of the Kansas Court of Industrial Relations to business as well as union labor, by a member of "The party of the third part" . . . [Wichita, Kans., the McCormick-Armstrong Press] 1921. 39 p.

FEIS, HERBERT.
The Kansas court and the national strike.
Survey, December 15, 1922, v. 49: 372–374.
In the view of this writer "it is still too early to declare the Kansas court either a great success or a great failure." The outstanding lesson of its record is that "no similar national law hastily enacted would have very good chances of successful operation."

—— Kansas miners and the Kansas court.
Survey, February 25, 1922, v. 47: 822–826, 867.
A critical analysis of the work of the court during the first two years and of the conditions which it must meet before it can hope for permanent and united support.

THE FIGHT OF THE MINERS FOR INDUSTRIAL LIBERTY IN KANSAS: A plea for fair treatment for the men of the mines.
Kansas Trade Unionist, February 10, 1922, p. 4.

FITCH, JOHN A.
The case against the law.
Survey, May 29, 1920, v. 44: 303.

—— Industrial peace by law—the Kansas way.
Survey, April 3, 1920, v. 44: 7–8, 48.
A critical discussion of the Kansas industrial courts act. In the view of this writer, "its assumptions are fundamentally unsound and its purposes run counter to some of the most deeply significant purposes of modern civilization." For rejoinder of presiding judge of the court, *see* Survey, May 29, 1920, p. 301–303.

—— Shall strikes become crimes? The "industrial court" movement and what it means.
Labor Age, March, 1922, v. 11: 1–3.

FOURTEEN POINTS OF THE NEW KANSAS INDUSTRIAL COURT LAW.
Current Affairs (Boston), March 15, 1920, p. 15.

FREEMAN, JOHN A.
Forgetting American principles—fallacies in antistrike agitation.
American Federationist, November, 1922, v. 29: 838–839.

GOMPERS, SAMUEL.
Benevolent (?) compulsion in Colorado.
American Federationist, June, 1916, v. 23: 437–452.
Discussion of the Colorado compulsory arbitration law.

—— Debate between Samuel Gompers . . . and Henry J. Allen at Carnegie Hall, New York, May 28, 1920. New York, E. P. Dutton & Company, 1920. 105 p.
Subject of debate was the compulsory arbitration of industrial disputes with specific reference to the Kansas Court of Industrial Relations.

—— Discontent can not be outlawed.
American Federationist, November, 1920, v. 27: p. 1011–1014.
Editorial on the Kansas Court of Industrial Relations and similar proposed legislation.

—— The issues that face America.
American Federationist, May, 1920, v. 27: 422–434.
Extracts from addresses made before joint sessions of the legislatures in New Jersey and New York, Mar. 22 and 29, 1920, giving point of view of labor on the Kansas act: p. 431–434.

—— Labor's protest against a rampant tragedy.
American Federationist, June, 1920, p. 521–532.
Demand for repeal of Esch-Cummins railroad law and Kansas Court of Industrial Relations law: p. 531.

GOMPERS, SAMUEL—Concluded.
Testimony before joint labor and industries committee of New York State Legislature on the Duell-Miller industrial relations (antistrike) bill, Assembly Chamber, Albany, Mar. 1, 1922.
American Federationist, April, 1922, v. 29: p. 253–262.

—— What's the matter with Kansas? Proposed law to prevent strikes.
American Federationist, February, 1920, v. 27: 155–157.

GOMPERS SEES LABOR DEFYING COURT LAW. Warns that an industrial relations act here will not be obeyed.
New York Times, January 6, 1922, p. 17.
Statement opposing the New York industrial courts bill proposed by the Board of Trade and Transportation.

GOVERNOR ALLEN DEFENDS INDUSTRIAL COURT BEFORE BANKERS.
New York Evening Post, October 5, 1922, p. 1, 9.

HALING FLOUR INDUSTRY TO COURT FOR SHUTTING DOWN MILLS.
Nation's Business, January, 1921, v. 9: 42, 44, 46.
Article includes comments from Modern Miller, Northwestern Miller, National Miller, and American Miller.

HAPPENINGS IN LEGISLATURE. Allen admits its failure. Court engineer admits division of court and utilities would add over $60,000 additional expense.
Kansas Trades Unionist, February 4, 1921, p. 1.

HAYES, ELLEN.
Kansas and Howat.
Nation, April 20, 1921, v. 112: 505.
Comment on article by Clyde M. Reed in Nation of Apr. 6, 1921.

HOCH, H.
Kansas experiment.
Chicago Legal News, March 4, 1920, v. 52: 252.

HOOVER, HERBERT C.
Hoover decries Kansas labor law. Defends industrial conference plan of conciliation.
New York Times, March 25, 1920, p. 17.
Summary of address before Boston Chamber of Commerce, March 24, 1920. *See also* National Labor Digest, May, 1920, p. 13.

HOUTS, CHARLES A.
The Kansas industrial court act upheld.
Law and Labor, July, 1920, v. 2: 173–176.
Reviews the circumstances out of which the test of the constitutionality of the Kansas industrial court act arose, and quotes at length from the opinion of Judge Curran (State of Kansas *v.* Howat et al. in the District Court of Crawford County, Kans.).

HOWAT, ALEX.
Kansas stands for freedom.
Labor Age, December, 1921, p. 12–13.

—— Speech before the American Federation of Labor convention at Montreal, June 16, 1920, on the Kansas Court of Industrial Relations and the opposition of the Kansas miners to it.
(*In* American federation of labor. Proceedings, 1920. p. 380–382.)

HOWAT APPEAL FROM CONTEMPT COMES UP TO-DAY.
New York Call, March 7, 1921, p. 5.
Reviews the history of the four charges against Howat.

HUGGINS, WILLIAM L.
A few of the fundamentals of the Kansas industrial court act.
American Bar Association Journal, June, 1921, v. 7: 265–270.

—— Is there a labor problem? Speech before Rotary Club at Topeka, Kans., Oct. 30, 1919. [Topeka, State printing plant, 1919?] 7 p.
Contains suggestion for an industrial court.

—— Justice and industrial relations. Address before the International convention of Rotary clubs, Atlantic City, N. J., June 22, 1920. 7 l. (mimeographed).

HUGGINS, WILLIAM L.—Concluded.
Labor and democracy. New York, Macmillan, 1922. 213 p.
An account by the presiding judge of the Kansas Court of Industrial Relations of its first eighteen months' work. In the view of this author the Kansas act provides a way by which labor can be protected from a large part of the evils of unemployment, overwork, and under pay, while at the same time the general public can be protected from the evils which follow in the wake of industrial warfare. Reviewed by J. M. Lee in Administration, October, 1922, p. 493–494.

Speech delivered before the Kansas Legislature, January 9, 1920. Topeka, Kans., State printing plant, 1921. 19 p.
Reply by the author of the industrial courts bill to criticisms of its provisions.

Why compulsory arbitration in Kansas? The State's argument. Survey, May 29, 1920, v. 44: 301–303.
Reply to unfavorable criticism of the law by John Fitch in Survey of April 3, 1920.

HUMBLE, H. W.
The Court of Industrial Relations in Kansas. Michigan Law Review, May, 1921, v. 19: 675–689.
An analysis of the jurisdiction, powers, and methods of procedure of the court.

THE INDUSTRIAL COURT.
New York Times, February 18, 1921, p. 10.
Editorial on the Howat decision which is regarded as a "welcome sign that the court is pioneering to good purpose in the difficult field of industrial relations."

INDUSTRIAL COURT LAW OF KANSAS HELD CONSTITUTIONAL.
Monthly Labor Review, July, 1921, p. 208–209.
Howat case.

INDUSTRIAL COURT LAW PROVES A FAILURE IN RAILROAD STRIKE.
Kansas Trade Unionist, September 29, 1922, p. 1.

INDUSTRIAL COURT PROPOSED BY KANSAS GOVERNOR AS A WAY TO END STRIKES.
National Coal Association Weekly Digest January 14, 1920, p. 16–17.

INDUSTRIAL RELATIONS LAW OF KANSAS DECLARED CONSTITUTIONAL.
Commercial and Financial Chronicle, May 22, 1920, v. 110: 2150–2152.

IOWA. *State law library. Legislative reference department.*
Courts of conciliation for industrial disputes. 1921. 32 p. (*Its* Legislative bulletin, no. 2.)
Contents.—Summary of legislation: foreign laws, State laws.—References and excerpts from articles relating to compulsory arbitration.—Activities of the Kansas court.—Constitutionality of the Kansas law.

JOHNSEN, JULIA E. *comp.*
Kansas court of industrial relations. New York city, H. W. Wilson Co., 1922. 71 p. (the reference shelf . . . v. 1, no. 4).
Contains brief for debate, reprints of selected articles, and a bibliography.

KANSAS.
The court of industrial relations. Created by the special session of the Kansas Legislature, January 5 to 27, 1920. Also statements and message of Governor Henry J. Allen, outlining the need and character of the proposed legislation. Topeka, printed by Kansas State printing plant, 1920. 31 p.
Contents.—Preliminary statement.—Message of Governor Henry J. Allen.—The industrial court law, as enacted by special session of the Kansas Legislature.—Legislative history of Senate bill No. 1, "The industrial court bill."

The Kansas Court of Industrial Relations. A modern weapon . . . Topeka, Printed by Kansas State printing plant, 1921. 46 p.
Contents.—The unanswered question.—The growth of the industrial court idea.—The industrial commandments.—Legislative history of industrial court bill (Senate bill No. 1).—Excerpts from address by Governor Allen, Kansas Bankers' Association, May 20, 1920.—Industrial justice. Address before the International Convention of Rotary Clubs, Atlantic City, N. J., June 22, 1920, by W. L. Huggins, presiding judge, court of industrial relations.—Address of Hon. F. Dumont Smith.—Judge Dillard's plea.—Résumé of the court's activities.

KANSAS. *Court of industrial relations.*

First annual report of the court of industrial relations, State of Kansas, February 1, 1920, to November 30, 1920. Including the Report of the Public Utilities Commission, December 1, 1918, to January 31, 1920. W. L. Huggins, presiding judge; Clyde M. Reed, judge; George H. Wark, judge. Topeka, State printing plant, 1921. 902 p.

Includes opinions and orders filed on the industrial side and statistics of public utilities reporting to the public utilities commission. Report of court issued separately (16 p.), summarized in Monthly Labor Review, June, 1921. p. 133–134.

—— —— Second annual report of the court of industrial relations for year ending December 31, 1921. Topeka, Kansas State printing plant, 1922.

Includes besides the report of the industrial division (p. 7–17) the reports of the labor division, women's division, and employment service which were placed under the court of industrial relations by act of laws 1921, ch. 262–263. Brief review in Monthly Labor Review, September, 1922, p. 12–13.

—— ——. . . The State of Kansas, on the relation of Richard J. Hopkins, attorney general: W. J. Price, P. C. Hiller, P. Sullivan, and Charles White, complainants, *v.* The Topeka Edison Co., a corporation, respondent.

Opinion and order. Dated March 29, 1920. 12 p.

At head of title: Docket No. 3254–I–2.
First decision of the court. Related to wages of linemen employed by the Topeka Edison Co. Summary of decision in Monthly Labor Review for May, 1920, and also in Law and Labor of same date.

—— ——. . . Clyde Davidson, secretary; J. A. Graves, president; Frank O'Shea, W. E. Freeman, J. S. Brown, Herbert Eaton, Thomas Clark, members of the Amalgamated Association of Street and Electric Railway Employees of America, complainants, *v.* The Joplin & Pittsburg Railway Co., a corporation, respondent. Opinion and order. Dated April 23, 1920. 12 p.

At head of title: Docket No. 3283.
Case related to wages on interurban railways. Summary in Monthly Labor Review for June, 1920, and also in Law and Labor of same date.

—— ——. . . H. W. Wendele, vice president of the International Brotherhood of Stationary Firemen and Oilers . . . complainant, *v.* the Union Pacific Railroad Co. et al., respondents. Opinion and order. Dated June 15, 1920. 16 p.

At head of title: Docket No. 3293.
Case related to wages paid members of local unions of the International Brotherhood of Stationary Firemen and Oilers. Summary in Monthly Labor Review for August, 1920, and also in Law and Labor of same date.

—— ——. . . In re application of Atchison, Topeka & Santa Fe Railway Co.; Union Pacific Co. et al. . . . for horizontal increases of 35 per cent in freight rates, 20 per cent in milk rates, 20 per cent in passenger fare, and 50 per cent in Pullman fares covering Kansas intrastate business.

Opinion and order. Dated October 9, 1920. 20 p.

At head of title: Docket No. 3451.

—— ——. . . The Amalgamated Association of Street and Electric Railway Employees of America, local union No. 497, complainants, *v.* The Joplin & Pittsburg Railway Co., respondent. Opinion. Dated December 9, 1920. 7 p.

At head of title: Docket No. 3653.
Case involved questions of hours and wages concerning which the company and the officers of the union had been unable to agree in negotiating a new contract. Summary in Law and Labor, February, 1921.

—— ——. . . In the matter of the investigation concerning the continuity of production in the flour-milling industry at Topeka and other points in the State of Kansas. Opinion. Dated December 20, 1920. 10 p.

At head of title: Docket No. 3803.
Investigation instituted by the court on its own motion. Evidence showed that reduced production was due to world market conditions and not to an effort to control prices. Appointed a committee of three to formulate rules and regulations for the purpose of securing a reasonable continuity and efficiency of production.

KANSAS. *Court of industrial relations*—Concluded.

. . . In the matter of the application of the Fort Scott Sorghum-Syrup Co., a corporation, of Fort Scott, Kans., for an order modifying the terms and conditions of contract between said company and certain of its employees. Opinion. Dated February 11, 1921. 7 p.

At head of title: Docket No. 3885.
Summary of decision in Monthly Labor Review, April, 1921, p. 125, and Law and Labor, April, 1921, p. 100–101.
Case involved trade-union policy of "one man, one job."

———. . . In the matter of establishing of rules and regulations pertaining to the milling industry in the State of Kansas. Order. Dated February 24, 1921. 4 p.

At head of title: Docket No. 3803.
Requires all milling companies operating mills in Kansas to make reports to the court of industrial relations, and to make application for permission to reduce production.
For summary, *see* Monthly Labor Review, April, 1921, p. 124.

———. . . W. E. May, president, Orville A. Chase, secretary . . . of local union 176 of the Amalgamated Meat Cutters and Butchers Workmen of North America, a labor union, complainant, *v.* the Chas. Wolff Packing Co., a corporation, respondent. Opinion. Dated May 2, 1921. 16 p.

At head of title: Docket No. 3926.
Summary in Monthly Labor Review, July, 1921, p. 206–208, and Law and Labor, June, 1921, p. 144–146.

———. . . In the matter of the investigation and inquiry into conditions obtaining in the coal-mining industry. Summary of findings and report. Dated August 6, 1921. 20 p.

At head of title: Docket No. 3253.

——— Rules, practice, and procedure. 1920. 8 p.
Judges, W. L. Huggins (presiding), Clyde M. Reed, George H. Wark. Clerk, Carl W. Moore.

——— Selected opinions and orders (including rules, practices, and procedure). Topeka, State printing plant, 1922. 90 p.

"This pamphlet does not contain all the opinions filed and orders made by the court of industrial relations, but it is intended to present typical decisions which will illustrate the work of the court and the administration of the industrial act."—Pref.

——— *Governor* (Allen).
Message of Governor Henry J. Allen to the Kansas Legislature in extraordinary session January 5, 1920. Topeka, Kans., State printing plant, 1920. 14 p.

After reviewing the coal strike in winter of 1919 and the action of the State in operating the mines, the message recommends the passage of a law creating a court of industrial relations designed to prevent strikes in essential industries.

——— Inaugural address delivered at the statehouse, Topeka, Kans., Monday, January 10, 1921. Topeka, State printing plant, 1921. 8 p.

Recommended that the court of industrial relations be relieved of the burden of public-utility regulation.

——— Special message by Governor Henry J. Allen to the legislature of Kansas, Wednesday, January 26, 1921. Topeka, Kans., State printing plant, 1921. 6 p.

Recommended the reestablishment of the public utilities commission and the consolidation under the administration of the court of industrial relations of the work of the industrial welfare commission, factory inspection, and other activities of the commissioner of labor. (For laws enacted in accordance with the recommendation *see* Ch. 260–263, Kansas laws of 1921.)
See also Allen, Henry J.

——— *Governor* (Davis).
Message of Governor Jonathan M. Davis to the legislature of the State of Kansas, January 9, 1923. Topeka, Kans., State printing plant, 1923. 24 p.

Recommended the repeal of the court of industrial relations law as having failed of its expressed purpose and the enactment in its stead of a law creating the office of industrial commissioner (p. 12–15).

KANSAS. *Laws, statutes, etc.*
An act creating the court of industrial relations, defining its powers and duties, and relating thereto, abolishing the public utilities commission, repealing all acts and parts of acts in conflict therewith, and providing penalties for the violation of this act. Topeka, Kans., State printing plant, 1920. 14 p.
Forms chapter 29 of laws of Kansas, 1920. For amending acts *see* Laws, 1921, ch. 260–263.

—— *Supreme court.*
Decision of the Supreme Court of Kansas. The State, ex rel. Richard J. Hopkins, as attorney general, et al., appellee, *v.* Alexander Howat et al., appellants. Appeal from Crawford County, affirmed. Decided June 11, 1921. Topeka, Kans., State printing plant, 1921. 58 p.
At head of title: No. 23505. Summary of decision in Monthly Labor Review, July, 1921, p. 208–209, and Law and Labor, July, 1921, p. 163–168. For statement of U. S. Supreme Court in declining to review the constitutionality of the act on an appeal in contempt proceedings *see* 42 Supreme Court Reporter 277; Law and Labor, April, 1922, p. 96–98.

—— —— Decision of the Supreme Court of Kansas. The court of industrial relations, plaintiff, *v.* the Charles Wolff Packing Co., defendant. Original proceedings in mandamus. Questions of law decided. October 8, 1921. [Topeka, 1921?] 20 p.
At head of title: No. 23,702.
Case involved the authority of the court of industrial relations to direct the payment of a scale of wages fixed by it. Summarized in Monthly Labor Review, January, 1922, p. 194–195, and in Law and Labor, January, 1922, p. 20–22. For later decision in continuation of this proceeding *see* Monthly Labor Review, November, 1922, p. 200–202, and Law and Labor, October, 1922, p. 283–284.

THE KANSAS CHALLENGE TO UNIONISM.
New Republic, June 1, 1921, v. 27: 3–5.

KANSAS COURT OF INDUSTRIAL RELATIONS.
Industry (Washington), February 1, 1920, p. 7–11.
Reprint of text of the act.

—— Monthly Labor Review, March, 1920, p. 214–215.
Summary of provisions of the law.

—— Monthly Labor Review, May, 1920, p. 52–54.
A review of the first decision rendered by the court (March 29, 1920) relating to wages of linemen employed by the Topeka Edison Co.

—— Review of Reviews, May, 1921, v. 63: 539–540.
Summary of article in Nation of April 6, 1921, by Clyde M. Reed.

THE KANSAS COURT OF INDUSTRIAL RELATIONS AND THE FEDERAL TRANSPORTATION ACT.
Law and Labor, August, 1920, v. 2: 203–204.
Summary of the case of Wendele *v.* Union Pacific Railroad Co.

THE KANSAS COURT OF INDUSTRIAL RELATIONS. New law to safeguard in the public interest the production in essential industries.
Labour Gazette (Canada), March, 1920, v. 20: 300–302.

THE KANSAS COURT OF INDUSTRIAL RELATIONS ON HOURS OF LABOR. Amalgamated Association of Street and Electric Railway Employees *v.* Joplin & Pittsburg Railway Co.
Law and Labor, February, 1921, v. 3: 38–40.

THE KANSAS COURT OF INDUSTRIAL RELATIONS ON THE FLOUR-MILLING INDUSTRY.
Law and Labor, January, 1921, v. 3: 9–10.

THE KANSAS COURT OF INDUSTRIAL RELATIONS REGULATES LABOR PROBLEMS IN THE PACKING INDUSTRY.
Law and Labor, June, 1921, p. 144–146.

THE KANSAS COURT OF INDUSTRIAL RELATIONS RENDERS ITS FIRST DECISION.
Law and Labor, May, 1920, p. 128.
Case of Topeka Edison Co.

KANSAS INDUSTRIAL COURT.
Railway Review, February 7, 1920, v. 66: 222–223.

THE KANSAS INDUSTRIAL COURT.
Survey, February 7, 1920, v. 43: 552.
Brief summary of the provisions of the act.

THE KANSAS INDUSTRIAL COURT ACT: A criticism of certain provisions of the law.
Labour Gazette (Canada), May, 1920, v. 20: 550–552.
Summary of article by Prof. W. E. Atkins in Journal of Political Economy for April, 1920.

KANSAS INDUSTRIAL COURT BILLS.
Law and Labor, February, 1920, v. 2: 31–33.
Summary of act.

KANSAS INDUSTRIAL COURT ON "ONE MAN, ONE JOB," a closed-shop agreement, lawful in itself, which operates to create a condition of waste, must be modified to eliminate the waste.
Law and Labor, April, 1921, p. 100–101.
Summary of the opinion relating to Fort Scott Sorghum-Syrup Co.

THE KANSAS INDUSTRIAL SNAG.
Literary Digest, December 31, 1921, v. 71: 14.

KANSAS STATE FEDERATION OF LABOR.
Proceedings of the fourth annual convention held in Salina, Kans., May 10–12, 1920. 116 p.
Resolutions condemning the court of industrial relations act and pledging the support of the State federation to the miners: p. 11–13.

KANSAS STRIKE CURE.
Literary Digest, February 7, 1920, v. 64: 17–18.

KOPELIN, LOUIS.
Manufacturers in 21 States seek industrial court law. Employers have awaited Howat's conviction as signal to force legislation.
New York Call, February 20, 1921, p. 2.

LABOR OPINION: Expressions by the labor press on the "industrial court" idea.
Labor Age, March, 1922, v. 11: 15.

LABOR OPPOSING ANTISTRIKE BILL: Illinois measure to prohibit "unwarranted industrial warfare" would, it is alleged, do away with trade-unions.
Christian Science Monitor, March 23, 1921, p. 5.
Gives text of Illinois bill.

LACKLAND, GEORGE.
Colorado tries to outlaw strikes. How the industrial commission works.
Labor Age, March, 1922, v. 11: 4–6.

LAWYER'S VIEW INDUSTRIAL COURT. Digest of remarks by Judge C. J. Evans in debate with Attorney Huggins at open forum.
Kansas Trades Unionist, February 10, 1922, p. 1.

THE LEAGUE FOR INDUSTRIAL RIGHTS SUPPORTS GOVERNOR ALLEN IN THE FIGHT FOR THE SUPREMACY OF LAW.
Law and Labor, May, 1920, v. 2: 123.
Telegrams exchanged between the executive secretary of the league and Governor Allen.

MERRITT, WALTER GORDON.
Social control of industrial warfare . . . [New York?] 1920. 45 p.
Reprinted in part from the Unpartizan Review.
Includes discussion of the Kansas court of industrial relations law.

—— The Texas open-port law.
Survey, February 21, 1921, v. 45: 700–701.

MONTAGUE, RICHARD.
The Kansas industrial court.
Pacific Review, December, 1921, p. 387–396.

THE NEBRASKA LABOR AMENDMENT.
Survey, January 8, 1921, v. 45: 525.
Text of constitutional amendment (sec. 9 of Art. XIV) permitting the enactment of laws for the investigation and determination of industrial disputes and the creation of an industrial commission to administer such laws.

NEW YORK TIMES.
[Articles on the Kansas Court of Industrial Relations.]
New York Times, February 22, 1922, p. 6; February 23, 1922; p. 15; February 24, 1922, p. 5; February 25, 1922, p. 19; Feb. 26, 1922, p. 14.

O'HANLON, F. M.
Will New York coerce workers?
Labor Age, March, 1922, v. 11: 7.

PETERSON, ELMER T.
You can't make a man work.
Outlook, April 19, 1922, v. 130: 645–647.

PITTMAN, A.
What I learned about the court in Kansas.
System, January, 1921, v. 39: 26–28.

PLUMB, GLENN E.
Plumb dissects Oklahoma industrial court bill; it is similar to labor laws proposed for several States.
Labor (Washington), February 5, 1921, p. 2.

THE POWER OF THE COURT OF INDUSTRIAL RELATIONS TO ENFORCE ITS ORDERS AS TO HOURS AND WAGES UPHELD.
Law and Labor, January, 1922, v. 4: 20–22.
Court of industrial relations *v.* Chas. Wolff Packing Co. (Supreme Court of Kansas, 201 Pac. 418).

PROPOSED STATUTES FOR THE SETTLEMENT OF LABOR DISPUTES.
Law and Labor, March, 1922, v. 4: 62–66.
Summary of the Kenyon bill (Federal) and the New York bills.

RECENT DECISIONS OF THE KANSAS COURT OF INDUSTRIAL RELATIONS.
Monthly Labor Review, April, 1921, p. 122–125.
Summaries of decisions relating to Joplin & Pittsburg Railway Co. and its employees, the flour-milling industry, and Fort Scott Sorghum-Syrup Co.

REED, CLYDE M.
Getting the jump on strikes. Even union members have sought the aid of the Kansas industrial court how the experiment is working out as shown by typical cases that it has dealt with.
Nation's Business, September, 1920, p. 20–21.
Author is one of the judges of the Kansas court of industrial relations.

—— Kansas court of industrial relations.
Nation, April 6, 1921, v. 112: 505–507.
By one of the judges of the court.

REGULATION OF WAGE SCALE BY COURT OF INDUSTRIAL RELATIONS OF KANSAS.
Monthly Labor Review, January, 1922, p. 194–195; November, 1922, p. 200–202.

A REPLY TO GOVERNOR ALLEN AND OTHERS.
Nation, February 22, 1922, p. 211–213.

THE RIGHT TO STRIKE IN KANSAS.
Industrial Information Service, June 30, 1921, p. 3–4.
On the decision of the Kansas Supreme Court upholding the constitutionality of the industrial court act.

RODRICK, A. H.
Again—the Kansas industrial court.
Factory, April, 1922, p. 418–419, 434 ff.

SEITZ, DON C.
Labor court for labor law.
Nation, May 17, 1922, v. 114: 597.

SEVEN MILLERS OF KANSAS.
Literary Digest, December 4, 1920, v. 67: 16.

SHIELDS, ART.
Fighting the industrial court in Kansas.
Labor Age, February, 1922, v. 11: 3–5.

SMITH, F. D.
Police power and the Kansas industrial court.
American Bar Association Journal, August, 1921, v. 7: 415–419.

—— Strikes, strikers, and stricken—The Kansas industrial court.
Century Law Journal, December 17, 1921, p. 443–451.

STANLEY, W. E.
Kansas industrial court act.
American Bar Association Journal, September, 1920, v. 6: 39–42.

STATE FEDERATION OF LABOR OUTLINES SPEAKER CAMPAIGN [for repeal of the Kansas industrial court act].
Kansas Trade Unionist, July 29, 1921, p. 1.
Reprints affidavit made by the members of the jury which convicted Howat. This states that while under the specific instruction of the trial judge they were forced to bring in a verdict of guilty, the members of the jury were all opposed to the industrial court law.

STERLING, R. E.
Charges against mills unproved. Kansas industrial court find no support for allegation that flour concerns decreased operations in order to influence the price of their product.
Northwestern Miller, December 22, 1920, p. 1448.

STODDARD, WILLIAM L.
Industrial courts, collective agreements, or what?
Administration, September, 1922, v. 4: 261–268.

SUPREME COURT OF KANSAS UPHOLDS INDUSTRIAL COURT ACT. The right to strike is not superior to the police power of the State to protect essential industries against interruption from industrial controversies.
Law and Labor, July, 1921, p. 163–168.
State ex rel. Hopkins *v.* Howat et al. (Supreme Court, Kansas).

SUPREME COURT WILL NOT REVIEW THE CONSTITUTIONALITY of the Kansas Court of Industrial Relations on an appeal in contempt proceedings.
Law and Labor, April, 1922, v. 4: 96–98.
Howat *v.* Kansas (United States Supreme Court, March, 13).

TEXAS PROTECTS THE OPERATION OF COMMON CARRIERS.
Law and Labor, November, 1920, p. 264.
Text of Texas open port law.

TIPPER, HENRY.
Labor courts do not solve problem.
Automotive Industries, March 16, 1922, v. 46: 629.

28 LABOR HEARINGS BY COURT COSTLY FOR KANSAS FARMER.
Kansas Trades Unionist, February 18, 1921, p. 1.
Comment on special message of Governor Allen and opposing statements made by Judge Huggins.

UNITED MINE WORKERS OF AMERICA.
Official statement by the international executive board United Mine Workers of America in regard to the Kansas controversy. Indianapolis, 1921. 15 p.
Sets forth the position of the board in the conflict with Howat.

UNIVERSITY DEBATERS' ANNUAL. Constructive and rebuttal speeches delivered in debates of American colleges and universities during the college years 1920–21–1921–22. New York, H. W. Wilson Co., 1921–1922. 2 v.
1920–21: The Kansas Court of Industrial Relations, p. 105–139 (University of Texas *v.* Columbia University debate, with briefs and bibliography).
1921–22: Kansas Court of Industrial Relations, p. 1–51 (University of Michigan).

VANCE, W. R.
Kansas Court of Industrial Relations with its background.
Yale Law Journal, March, 1921, v. 30: 456–77.

VORSE, MARY H.
Ma and Mr. Davis: The story of Alexander Howat's fighting district.
Survey, December 15, 1922, v. 49: 359–360.

WALKER, P. F.
The Kansas Court of Industrial Relations. An attempt that is being watched with keenest interest.
Industrial Management, April, 1920, v. 59: 290–293.
Outlines the main provisions of the law, its plan of operation, and some of the objections to it.

—— A year of the Kansas industrial court.
Management Engineering, September, 1921, v. 1: 170–174.

WALSH, FRANK P.
Henry Allen's industrial court.
Nation, June 5, 1920, v. 110: 755–757.
A criticism of the law with the history of its enactment and of the opposition of the Kansas miners to it.

WHAT KANSAS IS DOING ABOUT LABOR.
Review, March 20, 1920, v. 2: 169–270.

WHITE, WILLIAM ALLEN.
Industrial justice—not peace.
Nation's Business, May, 1922, p. 14–16.
In the view of this writer "an industrial court has only one reason for being—to get rid of the competitive labor market and put labor into industry as a commodity affected by its public use."

WHITCOMB, EDNA O.
How Kansas undertakes to abolish industrial strife.
American Review of Reviews, March, 1920, v. 61: 292–294.

WHY THE KANSAS INDUSTRIAL COURT REORGANIZED.
Factory, April 1, 1921, v. 26: 842+.

WIECK, EDWARD A.
Kansas Court of Industrial Relations.
Nation, April 27, 1921, p. 625.
Letter commenting on article by Clyde M. Reed in Nation of Apr. 6, 1921.

WOLL, MATTHEW.
How the Kansas plan defies fundamental American freedom.
American Federationist, May, 1922, v. 29: 317–323.
Brief submitted at the hearing before the New York State Legislature on the Duell-Miller industrial court bill, Mar. 1, 1922.

—— Industry's eternal triangle.
Nation's Business, June, 1920, v. 8: 16–17.
Case of the unions against the Kansas act.

YARNELL, RAY.
Speaking of antistrike laws—Kansas seeks to prevent repetitions of November's bitter experiences through establishing an industrial relations court.
Nation's Business, March, 1920, v. 8: 16–17.

YOUNG, J. S.
Industrial courts: With special reference to the Kansas experiment.
Minnesota Law Review, June, 1920, p. 483–512; December, 1920, p. 39–61; February, 1921, p. 185–215; April, 1921, p. 353–366.
Reviews the legal phases of industrial court legislation.

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